

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, February 26, 2003.

4

5 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
6 Mrs. Lisa Ware, C.P.C., Vice Chairperson (Tuckahoe)
7 Mr. C. W. Archer, C.P.C. (Fairfield)
8 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
9 Mr. Allen Taylor, P.E., C.P.C. (Three Chopt)
10 Mr. Richard W. Glover, (Three Chopt) Board of Supervisors
11 Representative

12

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

24

25 Others Absent: Mr. John R. Marlles, AICP, Director of Planning, Secretary

26

27 **Mr. Richard W. Glover, the Board of Supervisors Representative, abstains on all cases**
28 **unless otherwise noted.**

29

30 Mr. Jernigan - Good morning. Ladies and gentlemen, on behalf of Henrico County
31 Planning Staff and Planning Commission, we would like to welcome you today. We've got a
32 pretty good agenda. It looks like we've got five deferred and 12 expedited and we will try about
33 four cases. So with that, I will turn the meeting over to our secretary, Mr. Silber.

34

35 Mr. Silber - Yes, sir, Mr. Chairman. I appreciate that. We do have a quorum today.
36 All of the members of the Planning Commission are present. As just indicated, we do have a
37 number of deferrals and withdrawals. Mr. McGarry, if you could walk us through those please.

38

39 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. The first item on the
40 agenda for deferrals and withdrawals is on page 2.

41

41 **TRANSFER OF APPROVAL (Deferred from the January 22, 2003, Meeting)**

42

POD-117-98
Courtland @ Wyndham
(POD-116-96 Revised)

Anthony P. Renaldi, Vice President and Chief Financial Officer for Prospect Homes of Richmond, Inc.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from C. Richard Dobson Builders, Inc. to Prospect Homes of Richmond, Inc. The 4.9-acre site is located on the west line of Wyndham Park Drive at its intersection with Dominion Club Drive on parcel 740-776-1890. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

43

44 Mr. McGarry - The applicant is requesting deferral to your March 26, 2003, meeting.

45

46 Mr. Jernigan - Is there any opposition to the deferral of transfer of approval for POD-117-
47 98, Courtland @ Wyndham? No opposition. Mr. Taylor.

48

49 Mr. Taylor - Mr. Chairman, I'll move POD-117-98, Courtland @ Wyndham, be
50 deferred to March 26, at the applicant's request.

51

52 Mr. Vanarsdall - Second.

53

54 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All
55 in favor say aye...all opposed say nay. The motion is passed.

56

57 At the request of the applicant, the Planning Commission deferred the transfer of approval
58 request for POD-117-98, Courtland @ Wyndham (POD-116-96 Revised), to its March 26, 2003,
59 meeting.

60

61 **TRANSFER OF APPROVAL (Deferred from the January 22, 2003, Meeting)**

62

POD-51-99
Gaskins Retirement Center

Matthew Bowe for Meadow Glen of West End, L.P.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from South Gaskins Retirement LLC (Dr. Nazir Chauldhary) to Meadow Glen of West End L.P. The 9.955-acre site is located along the west line of Gaskins Road (2400 Gaskins Road), approximately 500 feet south of Three Chopt Road on parcel 749-754-2538. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

63

64 Mr. McGarry - On page 3 of your agenda, POD-51-99, Gaskins Retirement Center, the applicant
65 is requesting deferral to your March 26, 2003, meeting.

66

67 Mr. Jernigan - Is there any opposition to the deferral of transfer of approval for POD-51-

68 99, Gaskins Retirement Center? No opposition. Mrs. Ware.

69

70 Mrs. Ware - I move that POD-51-99, Gaskins Retirement Center be deferred to the
71 March 26, 2003, meeting, at the applicant's request.

72

73 Mr. Vanarsdall - Second.

74

75 Mr. Jernigan - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All
76 in favor say aye...all opposed say nay. The motion is passed.

77

78 At the request of the applicant, the Planning Commission deferred the transfer of approval
79 request for POD-51-99, Gaskins Retirement Center, to its March 26, 2003, meeting.

80

81 **LANDSCAPE PLAN (DEFERRED FROM THE JANUARY 22, 2003, MEETING)**

82

LP/POD-54-01
Magnolia Point,
Sections 1-3

Mike Doczi for Magnolia Pointe, LLC: Request for approval of
a landscape plan, as required by Chapter 24, Sections 24-106 and
24-106.2 of the Henrico County Code. The 12.141-acre site is
located at the intersection of Virginia Center Parkway and Francis
Road on parcel 782-767-6816. The zoning is RTHC, Residential
Townhouse District (Conditional). **(Fairfield)**

83

84 Mr. McGarry - On page 6 of your agenda, landscape plan LP/POD-54-01, Magnolia Point,
85 Sections 1-3, the applicant is requesting deferral to your March 26, 2003, meeting.

86

87 Mr. Jernigan - Is there any opposition to the deferral of landscape plan LP/POD-54-01,
88 Magnolia Point, Sections 1-3? No opposition. Mr. Archer.

89

90 Mr. Archer - Mr. Chairman, I move deferral of LP/POD-54-01, Magnolia Point to the
91 March 26, 2003, meeting, at the applicant's request.

92

93 Mr. Vanarsdall - Second.

94

95 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
96 in favor say aye...all opposed say nay. The motion is passed.

97

98 At the request of the applicant, the Planning Commission deferred the landscape plan for
99 LP/POD-54-01, Magnolia Point, Sections 1-3, to its March 26, 2003, meeting.

100

100 **SUBDIVISION (Deferred from the December 18, 2002, Meeting)**

101

Laurel Woods, Section B
(October 2002 Plan)

Youngblood, Tyler & Associates, P.C. for Edith E. Flora and West End Developers, LLC: The 1.52-acre site is located on the south side of Sunrise Road, approximately 500 feet west of Pump Road at 11911 Sunrise Road on parcel 738-756-5709. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. 3 Lots (**Three Chopt**)

102

103 Mr. McGarry - On page 13 of your agenda, subdivision Laurel Woods, Section B, the applicant
104 has requested to withdraw the case.

105

106 Mr. Jernigan - We don't need to move on that, do we?

107

108 Mr. Vanarsdall - Yes, we do on POD and subdivisions, but not on rezoning.

109

110 Mr. Jernigan - Right. Well, there can't be any opposition to that. Mr. Taylor.

111

112 Mr. Taylor - Mr. Chairman, I'll move that the subdivision at Laurel Woods, Section B,
113 be withdrawn at the applicant's request.

114

115 Mr. Vanarsdall - Second.

116

117 Mr. Jernigan - We have a motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in
118 favor say aye...all opposed say nay. The motion is passed.

119

120 At the request of the applicant, the Planning Commission withdrew subdivision Laurel Woods,
121 Sections B (October 2002 Plan) from any further consideration.

122

123 Mr. McGarry - The last request on the deferral and withdrawal agenda is on page 14, POD-68-02,
124 Blackwood Retail Shopping Center. The applicant is requesting deferral to your May 28, 2003,
125 meeting.

126

126 **PLAN OF DEVELOPMENT (Deferred from the November 20, 2002, Meeting)**

127

POD-68-02
Blackwood Retail
Glen Eagles Shopping
Center

Balzer & Associates, Inc. for Richfield Associates, LLC:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 6,600 square foot building addition in an existing shopping center. The 0.90-acre site is located on the northwest corner of Ridgefield Parkway and Eagles View Drive in the Glen Eagles Shopping Center on part of parcel 740-500-0178. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

128

129 Mr. Jernigan - Is there any opposition to the deferral of POD-68-02, Blackwood Retail?
130 No opposition. Mrs. Ware.

131

132 Mrs. Ware - I move that POD-68-02, Blackwood Retail Glen Eagles Shopping Center,
133 be deferred to the May 28, 2003, meeting, at the applicant's request.

134

135 Mr. Vanarsdall - Second.

136

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

139

140 At the request of the applicant, the Planning Commission deferred POD-68-02, Blackwood
141 Retail Glen Eagles Shopping Center, to its May 28, 2003, meeting.

142

143 Mr. Silber - All right, Mr. McGarry. It looks like we have quite a few items on the
144 Expedited Agenda. Before you go on, let me briefly explain what the Expedited Agenda is
145 about. These are items that are on the Planning Commission agenda that have no known
146 opposition. The staff has recommended approval of the plan and the Planning Commissioner
147 from that district has no issues at this point in time. So, they are placed on the Expedited Agenda
148 to speed things along. Mr. McGarry.

149

150 Mr. Jernigan - And I'll add that this is a zoning case. The first case up is a zoning case.

151

152 Mr. Silber - Yes, sir. The first case up is a provisional use permit.

153

154 Mr. McGarry - On page 2 of your agenda in the Three Chopt magisterial district, zoning case P-3-
155 03 is Garland's Way Restaurant.

156

156 **THREE CHOPT:**

157 **DEFERRED FROM THE FEBRUARY 13, 2003 MEETING:**

158 **P-3-03 Dean E. Hawkins, ASLA:** Request for a provisional use permit under Sections 24-58.2.d
159 and 24-122.1 of Chapter 24 of the County Code in order to allow an outside dining area at
160 Garland's Way Restaurant, on part of Parcel 746-772-0397, containing approximately 1,265
161 square feet, located on the north line of Twin Hickory Road approximately 230 feet west of
162 Nuckols Road (Twin Hickory Town Center-Phase 1). The existing zoning is B-2C Business
163 District (Conditional). The Land Use Plan recommends Commercial Concentration.

164

165 Mr. Jernigan - Is there any opposition to rezoning case P-3-03? No opposition. Mr.
166 Taylor.

167

168 Mr. Taylor - No opposition, Mr. Chairman, I do want to say just briefly that at the last
169 meeting I wanted to defer this to have the opportunity to meet with the applicant to make sure
170 that the safety and neighborhood issues were resolved. That has been done and I move approval
171 of P-3-03, Dean E. Hawkins - Garland's Way Restaurant, on the Expedited Agenda.

172

173 Mr. Jernigan - Second. We have a motion by Mr. Taylor and seconded by Mr. Jernigan.
174 All in favor say aye...all opposed say nay. The motion is passed.

175

176 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning
177 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the
178 request because when properly developed and regulated by the recommended special conditions,
179 potential negative impacts on adjacent residential property would be minimized.

180

181 **TRANSFER OF APPROVAL**

182

POD-6-02
Dabbs House Senior
Apartments

Robert Newman for Nine Mile Road, LLC: Request for
approval of a transfer of approval, as required by Chapter 24,
Section 24-106 of the Henrico County from Better Housing
Coalition to Nine Mile Road, LLC. The 28.58-acre site is located
on the north side of E. Nine Mile Road approximately 213 feet
east of Dabbs House Road on parcels 807-723-4816, 6957, 9052
and part of 2803. The zoning is A-1, Agricultural District, R-5,
General Residence District and M-1C, Light Industrial District
(Conditional). County water and sewer. (**Varina**)

183

184 Mr. Jernigan - Is there any opposition to POD-6-02, Dabbs House Senior Apartments?
185 No opposition. With that, I will move for approval of POD-6-02, Dabbs House Senior
186 Apartments.

187

188 Mr. Taylor - Second.

189

190

191 Mr. Jernigan - The motion was made by Mr. Jernigan and seconded by Mr. Taylor. All in

192 favor say aye...all opposed say nay. The motion is passed.

193

194 The Planning Commission approved the transfer of approval request for POD-6-02, Dabbs
195 House Senior Apartments, and the new owner accepts and agrees to be responsible for continued
196 compliance with the conditions of the original approval.

197

198 **TRANSFER OF APPROVAL**

199

POD-15-75

Reynolds Metals Office
Building

Hirschler Fleischer, P.C. for Reynolds Development, LLC:
Request for approval of a transfer of approval, as required by
Chapter 24, Section 24-106 of the Henrico County from
Reynolds Metals Company to Reynolds Development, LLC.
The 24.405-acre site is located 6603 W. Broad Street (U.S.
Route 250) on parcel 767-744-3348. The zoning is M-1, Light
Industrial District. County water and sewer. **(Three Chopt)**

200

201 Mr. Jernigan - Is there any opposition to the transfer of approval request for POD-15-75,
202 Reynolds Metals Office Building? No opposition. Mr. Taylor.

203

204 Mr. Taylor - Mr. Chairman, I'll move approval of POD-15-75, Reynolds Metals Office
205 Building, on the Expedited Agenda.

206

207 Mr. Vanarsdall - Second.

208

209 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All
210 in favor say aye...all opposed say nay. The motion is passed.

211

212 The Planning Commission approved the transfer of approval request for POD-15-75, Reynolds
213 Metals Office Building, and the new owner accepts and agrees to be responsible for continued
214 compliance with the conditions of the original approval.

215

216 **LANDSCAPE & LIGHTING PLAN**

217

LP/POD-35-02
KFC @ Brookhollow

**Landmark Design Group for Tricon Global Restaurants,
Inc.:** Request for approval of a landscape and lighting plan, as
required by Chapter 24, Sections 24-106 and 24-106.2 of the
Henrico Count Code. The 0.82-acre site is located at the
northwest corner of W. Broad Street (U.S. Route 250) and
Brookriver Drive on part of parcel 743-761-2163. The zoning is
M-1C, Light Industrial District (Conditional) and WBSO (West
Broad Street Overlay) District. **(Three Chopt)**

218

219 Mr. Jernigan - Is there any opposition to the landscape and lighting plan for LP/POD-35-
220 02, KFC @ Brookhollow? No opposition. Mr. Taylor.

221 Mr. Taylor - Mr. Chairman, I'll move approval on the Expedited Agenda, LP/POD-35-

222 02, KFC @ Brookhollow, subject to the annotations on the plan and the standard conditions for
223 landscape and lighting plan.

224

225 Mr. Vanarsdall - Second.

226

227 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All
228 in favor say aye...all opposed say nay. The motion is passed.

229

230 The Planning Commission approved the landscape and lighting plan for LP/POD-35-02, KFC @
231 Brookhollow, subject to the standard conditions attached to these minutes for landscape and
232 lighting plans and the annotations on the plan.

233

234 **PLAN OF DEVELOPMENT RECONSIDERATION**

235

POD-38-98 Mount Vernon Baptist Church – Modular Classroom Building	Youngblood, Tyler & Associates for Mt. Vernon Baptist Church: Request for reconsideration of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to amend an annotation requiring removal of five modular classroom buildings by May 2003 and extend the period to May 2008. The 26.00-acre site is located on the north line of Nuckols Road approximately 130 feet west of Opaca Lane on parcel 018-A-027. The zoning is A-1, Agricultural District. County water and sewer. (Three Chopt)
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236

237 Mr. McGarry - There is an addendum item on this case and the addendum item includes an added
238 condition No. 28, which relates to the removal date for that modular classroom building.

239

240 Mr. Jernigan - Is there anyone in the audience in opposition to POD-38-98, Mount
241 Vernon Baptist Church – Modular Classroom Building? No opposition.

242

243 Mr. Taylor - Mr. Chairman, I move approval of POD-38-98, Mt. Vernon Baptist
244 Church, on the Expedited Agenda, subject to the standard conditions for developments of this
245 type, annotations on the plan and addendum item No. 28.

246

247 Mr. Vanarsdall - Second.

248

249 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All
250 in favor say aye... all opposed say nay. The motion is passed.

251

252 The Planning Commission approved the reconsideration for a modular classroom building for
253 POD-38-98, Mt. Vernon Baptist Church, subject to the standard conditions attached to these
254 minutes for developments of this type, the annotations on the plan and the following additional
255 condition:

256

257 28. The Temporary classroom trailers and their related improvements shall be removed from

258 the site by June 2, 2005. A building permit for the construction of permanent
259 replacement facilities shall be applied for by **March 1, 2005**.

260

261 **PLAN OF DEVELOPMENT**

262

POD-16-03
Pizza Hut @ Lowes Plaza –
9486 S. Broad Street
(POD-3-03 and POD-41-99
Revised)

Huft & Proffitt, Inc. for Colonial Foods Real Estate, II, LLC: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 3,600 square foot single building and associated parking to serve as a restaurant with drive-thru pick up window. The 0.92-acre site is located at 9426 W. Broad Street on parcel 755-757-9394. The zoning is B-2, Business District. County water and sewer. (**Brookland**)

263

264 Mr. McGarry - There is an addendum item on this case, which was handed out this morning and
265 the addendum item includes a revised plan with conditions.

266

267 Mr. Jernigan - Is there any opposition to POD-16-03, Pizza Hut @ Lowes Plaza? No
268 opposition. Mr. Vanarsdall.

269

270 Mr. Vanarsdall - I move POD-16-03, Pizza Hut, be approved with the annotations on the
271 plan, the standard conditions for developments of this type. And I want to add No. 9 amended
272 and additional conditions Nos. 23 through 30. And I might add that this would really enhance
273 this corner.

274

275 Mr. Taylor - Second.

276

277 Mr. Silber - Mr. Vanarsdall, this is the revised plan.

278

279 Mr. Vanarsdall - Yes.

280

281 Mr. Jernigan - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor. All
282 in favor say aye...all opposed say nay. The motion is passed.

283

284 The Planning Commission approved POD-16-03, Pizza Hut @ Lowes Plaza – 9486 S. Broad
285 Street (POD-3-03 and POD-41-99 Revised) subject to the standard conditions attached to these
286 minutes for developments of this type, the annotations on the plans and the following additional
287 conditions:

288

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

291 23. The easements for drainage and utilities as shown on approved plans shall be granted to

292 the County in a form acceptable to the County Attorney prior to any occupancy permits

293 being issued. The easement plats and any other required information shall be submitted

294 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy

- 295 permits.
- 296 24. The developer shall provide fire hydrants as required by the Department of Public
297 Utilities and Division of Fire.
- 298 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
299 form acceptable to the County Attorney prior to final approval of the construction plans.
- 300 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
301 approved by the County Engineer prior to final approval of the construction plans by the
302 Department of Public Works.
- 303 27. Insurance Services Office (ISO) calculations must be included with the plans and
304 contracts and must be approved by the Department of Public Utilities prior to the issuance
305 of a building permit.
- 306 28. Approval of the construction plans by the Department of Public Works does not establish
307 the curb and gutter elevations along the Virginia Department of Transportation
308 maintained right-of-way. The elevations will be set by the contractor and approved by the
309 Virginia Department of Transportation.
- 310 29. The location of all existing and proposed utility and mechanical equipment (including
311 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
312 shall be identified on the landscape plans. All equipment shall be screened by such
313 measures as determined appropriate by the Director of Planning or the Planning
314 Commission at the time of plan approval.
- 315 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
316 Planning Office and approved prior to issuance of a certificate of occupancy for this
317 development.

318

319 **LANDSCAPE PLAN**

320

LP/POD-52-01
Shrader Road Medical
Facility

Balzer & Associates, Inc. for Shrader Road, L.C.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 2.37-acre site is located on the north side of Shrader Road, approximately 1,000 feet west of Hungary Spring Road on parcel 765-752-1282. The zoning is O-2C, Office District (Conditional). **(Brookland)**

321

322 Mr. McGarry - There is an addendum item on this case, and the addendum item is
323 recommendation for approval, and there is a letter in your packet, which he agrees to complete
324 certain items requested by staff.

325

326 Mr. Jernigan - Is there any opposition to the landscape plan for LP/POD-52-01, Shrader
327 Road medical Facility? No opposition. Mr. Vanarsdall.

328 Mr. Vanarsdall - The applicant has agreed to clean this up and has given Mr. Strauss a
329 letter, and I believe it has a date on the letter. With that, I recommend approval of LP/POD-52-01
330 with the annotations on the plan and the standard conditions for landscape plans. And on page 3
331 of the addendum, it recommends approval by staff.

332

333 Mr. Archer - Second.

334

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

337

338 The Planning Commission approved the landscape plan for LP/POD-52-01, Shrader Road
339 Medical Facility, subject to the standard conditions for landscape plans and the annotations on
340 the plan.

341

342 **PLAN OF DEVELOPMENT**

343

POD-13-03
Church of The Epiphany –
8000 Hermitage Road

Hulcher & Associates for Church of the Epiphany: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,600 square foot classroom and office addition. The 5.985-acre site is located at 8000 Hermitage Road across from Gibraltar Drive on parcel 775-752-8156. The zoning is R-3, One-Family Residence District. County water and sewer.
(Brookland)

344

345 Mr. Jernigan - Is there anyone in the audience in opposition to POD-13-03, Church of
346 The Epiphany? We have opposition. Ma'am, would you come up front please? Would you state
347 your name and address for the record please?

348

349 Mrs. Childrey - My name is Cynthia Childrey and I live at 7916 Hermitage Road right next
350 door to the church. I want to know what kind of school they are building?

351

352 Mr. Vanarsdall - You have not seen the plans?

353

354 Mrs. Childrey - No.

355

356 Mr. Vanarsdall - I think we should pull it off the Expedited Agenda and give her a chance to
357 look at it.

358

359 Mr. Jernigan - Okay. That will be fine.

360

361 Mr. Vanarsdall - Mr. McGarry will show it to you. You don't have to do that now.

362

363 Mr. Jernigan - We are going to remove POD-13-03 from the agenda and put it in its order
364 on the regular agenda.

365 POD-13-03, Church of The Epiphany was removed from the Expedited Agenda and heard in its
366 regular order on the regular agenda.

367

368 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

369

POD-14-03
Branch Bank & Trust –
Short Pump Town Center

McKinney & Company for Short Pump Town Center, LLC and Branch Bank & Trust: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 8,610 square foot bank building with drive-thru facilities. The 1.934-acre site is located on the north line of W. Broad Street (U. S. Route 250), approximately 300 feet east of its intersection with Lauderdale Drive on parcel 737-762-8670. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. Private water and sewer.
(Three Chopt)

370

371 Mr. Jernigan - Is there any opposition to POD-14-03, Branch Bank & Trust? No
372 opposition. Mr. Taylor.

373

374 Mr. Taylor - I will move approval of POD-14-03, Branch Bank & Trust at Short Pump
375 Town Center, subject to the standard conditions for developments of this type, and conditions
376 11B and Nos. 23 through 28 and the annotations on the plan.

377

378 Mr. Archer - Second, Mr. Chairman.

379

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

382

383 The Planning Commission approved POD-14-03, Branch Bank & Trust – Short Pump Town
384 Center, subject to the standard conditions attached to these minutes for developments of this
385 type, the annotations on the plan, the lighting plan and the following additional conditions:

386

387 11B. Prior to the approval of an electrical permit application and installation of the site lighting
388 equipment, a plan including light spread and intensity diagrams, and fixture specifications
389 and mounting heights details shall be revised as annotated on the staff plan and included
390 with the construction plans for final signature.

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

393 24. Outside storage shall not be permitted.

394 25. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this
395 approval.

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

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

402 28. The location of all existing and proposed utility and mechanical equipment (including
403 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)

404 shall be identified on the landscape plans. All equipment shall be screened by such
405 measures as determined appropriate by the Director of Planning or the Planning
406 Commission at the time of plan approval.

407

408 **PLAN OF DEVELOPMENT**

409

POD-15-03
Chick-Fil-A – 9110 W.
Broad Street
(POD-105-84 Revised)

Bohler Engineering, P.C. for Broad Street F.F., LLC and Chick-Fil-A, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,304 square foot restaurant. The 0.93-acre site is located on the northwest corner of Tuckernuck Drive and W. Broad Street (U.S. Route 250) on part of parcel 757-757-9923. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

410

411 Mr. Jernigan - Is there anyone in the audience in opposition to POD-15-03, Chick-Fil-A?
412 No opposition. Mr. Vanarsdall.

413

414 Mr. Vanarsdall - I move POD-15-03, Chick-Fil-A, be approved on the Expedited Agenda,
415 subject to the standard conditions for developments of this type, and additional conditions No. 9
416 amended and Nos. 23 through 33.

417

418 Mr. Taylor - Second.

419

420 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
421 favor say aye...all opposed say nay. The motion is passed.

422

423 The Planning Commission approved POD-15-03, Chick-Fil-A – 9110 W. Broad Street (POD-
424 105-84 Revised) subject to the standard conditions attached to these minutes for developments of
425 this type, the annotations on the plan and the following additional conditions:

426

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

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

434

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

437 25. The developer shall install an adequate restaurant ventilating and exhaust system to
438 minimize smoke, odors, and grease vapors. The plans and specifications shall be
439 included with the building permit application for review and approval. If, in the opinion
440 of the County, the type system provided is not effective, the Commission retains the

- 441 rights to review and direct the type of system to be used.
- 442 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
443 form acceptable to the County Attorney prior to final approval of the construction plans.
- 444 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
445 approved by the County Engineer prior to final approval of the construction plans by the
446 Department of Public Works.
- 447 28. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
448 plans.
- 449 29. Insurance Services Office (ISO) calculations must be included with the plans and
450 contracts and must be approved by the Department of Public Utilities prior to the issuance
451 of a building permit.
- 452 30. Approval of the construction plans by the Department of Public Works does not establish
453 the curb and gutter elevations along the Henrico County maintained right-of-way. The
454 elevations will be set by Henrico County.
- 455 31. The location of all existing and proposed utility and mechanical equipment (including
456 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
457 shall be identified on the landscape plans. All equipment shall be screened by such
458 measures as determined appropriate by the Director of Planning or the Planning
459 Commission at the time of plan approval.
- 460 32. Outside storage shall not be permitted.
- 461 33. Evidence of a cross access agreement must be submitted to the Planning Office and
462 approved prior to issuance of a certificate of occupancy for this development.

463

464 **SUBDIVISION**

465

Biloxi Estates
(February 2003 Plan)

Engineering Design Associates for Ausland Homes, Inc.: The 0.981-acre site is located at the southwest intersection of Bayard and Biloxi Roads on parcel 814-726-5543. The zoning is R-2, One-Family Residence District. County water and sewer. **2 Lots (Fairfield)**

466

467 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Biloxi
468 Estates? No opposition. Mr. Archer.

469

470 Mr. Archer - Mr. Chairman, I move to approve subject to the annotations on the plan,
471 the standard conditions for subdivisions served by public utilities and additional conditions Nos.
472 12 and 13 on the Expedited Agenda.

473

474 Mr. Taylor - Second.

475

476 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Taylor. All in
477 favor say aye...all opposed say nay. The motion is passed.

478

479 The Planning Commission granted conditional approval to subdivision Biloxi Estates (February
480 2003 Plan) subject to the standard conditions attached to these minutes for subdivisions served

481 by public utilities, the annotations on the plan and the following additional conditions:

482

483 12. Each lot shall contain at least 18,000 square feet.

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

486

487 **SUBDIVISION**

488

Stony Run Estates
(February 2003 Plan)

Potts, Minter & Associates for Stony Run Development Co., LLC: The 14.80-acre site is located on the east line of Creighton Road, approximately 200 feet north of its intersection with Stony Dale Drive on parcel 806-727-6208. The zoning is R-3C, One-Family Residence District (Conditional) and C-1, Conservation District. County water and sewer. **33 Lots (Varina)**

489

490 Mr. McGarry - This is the last item on the Expedited Agenda. There is an addendum item and it
491 includes a revised plan, a revised recommendation for approval and additional conditions Nos.
492 15 and 16.

493

494 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Stony Run
495 Estates? No opposition.

496

497 Mr. Silber - Mr. McGarry, could you tell me what has changed on this plan or Ms.
498 News need to?

499

500 Ms. News - The main changes are that the setbacks for the major thoroughfare road
501 have been provided the additional 25-foot setback and the condition has been added to
502 accommodate future relocation of Creighton Road, the realignment of it. The timing of that
503 realignment is not known at this point. It still needs to be design by Public Works and
504 constructed and until at such time as that happens, we will not be able to grant approval to the
505 lots adjacent to the road because it will affect their lot layout. So, that condition should resolve
506 that. They will probably come in and record this in two sections and allow them to move
507 forward with the rest of the subdivision.

508

509 Mr. Silber - And the conditions you are talking about is condition No. 16?

510

511 Ms. News - That's correct.

512 Mr. Silber - Thank you.

513

514 Mr. Jernigan - All right. With that, I will move for approval of subdivision Stony Run
515 Estates (February 2003 Plan) subject to the standard conditions for subdivisions served by public
516 utilities, and the following additional conditions Nos. 12, 13, and 14 and 15 and 16 on the
517 addendum.

518

519 Mr. Vanarsdall - Second.

520

521 Mr. Jernigan - We have a motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All
522 in favor say aye...all opposed say nay. The motion is passed.

523

524 The Planning Commission granted conditional approval to subdivision Stony Run Estates
525 (February 2003 Plan) subject to the standard conditions attached to these minutes for
526 subdivisions served by public utilities, the annotations on the plan and the following additional
527 conditions:

528

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

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

535 14. The proffers approved as part of zoning case C-66C-02 shall be incorporated in this
536 approval.

537 15. Prior to final approval, a draft of the covenants and deed restrictions shall be submitted to
538 the Planning Office for review. Such covenants and restrictions shall be in form and
539 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
540 the plat.

541 16. Final approval shall not be granted to the lots adjacent to Creighton Road until the issues
542 associated with the realignment and reconstruction of Creighton Road are resolved to the
543 satisfaction of the Director of Public Works.

544

545 Mr. Silber - Okay. We don't have too much of an agenda left at this point. There are a
546 few matters to be discussed. Under the subdivision extensions of conditional approval, there is
547 one item for Planning Commission approval and one for informational purpose only. Mr.
548 Wilhite, can you tell us about Carter Oaks please?

549

550 Mr. Wilhite - We have one subdivision being extended administratively by the Director
551 of Planning and that is Sadler Glen (February 2002 Plan). This is being extended for one year.
552 There is one subdivision that will require the Planning Commission's approval. This is Carter
553 Oaks, Section C (July 1993 Plan). This has had a number of extensions before, and there seems
554 to be a major issue with the extending sanitary sewer to the site. Staff is recommending a one-
555 year extension.

556

557 **FOR PLANNING COMMISSION APPROVAL**

558

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Carter Oaks, Sec. C (July 1993 Plan)	Tuckahoe	8	8	10	1 Year 02/25/04

559

560 **FOR INFORMATIONAL PURPOSE ONLY**

561

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Sadler Glen (February 2002 Plan)	Three Chopt	36	36	1	1 Year 02/25/04

562

563 Mr. Jernigan - Is there any opposition for the extension of Carter Oaks, Section C,
564 subdivision? No opposition. Mrs. Ware.

565

566 Mrs. Ware - I move to extend for one year subdivision Carter Oaks, Section C.

567

568 Mr. Vanarsdall - Second.

569

570 Mr. Jernigan - We have a motion by Mrs. Ware and seconded by Mr. Vanarsdall. All in
571 favor say aye...all opposed say nay. The motion is passed.

572

573 The Planning Commission granted a one-year extension for Carter Oaks, Section C (July 1993
574 Plan) for one year, February 25, 2004.

575

576 Mr. Silber - The next item of business, if I have been keeping track of the pages
577 correctly, is on page 11, POD-7-03, Park Commons @ Twin Hickory.

578

578 **PLAN OF DEVELOPMENT (Deferred from the February 13, 2003, Meeting)**

579

POD-7-03

Park Commons @ Twin
Hickory

Youngblood, Tyler & Associates, P. C. for HHHunt Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 60 detached condominiums. The 12.99-acre site is located on the west side of Hickory Bend Drive and the south side of Twin Hickory Road on part of parcels 745-770-0962; 746-770-1492 and 0619; 745-769-6789. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

580

581 Mr. Jernigan - Is there anyone in the audience in opposition to POD-7-03, Park Commons
582 @ Twin Hickory? All right, we have opposition. Good morning, Mr. Kennedy.

583

584 Mr. Kennedy - Good morning, Mr. Chairman, members of the Commission. This case was
585 originally on the Planning Commission's January 22, 2003, agenda. The case was deferred, at
586 the meeting and again at the Commission's February 13, 2003 meeting, at the applicant's request,
587 in order for the applicant to address County staff's concerns regarding the adequacy of internal
588 drives. Since that time the plan has been revised to extend some drives and widen others. The
589 previously expressed concerns have been resolved and staff now recommends approval of the
590 plan.

591

592 It should be noted that staff have received numerous e-mails and phone calls from residents in
593 the Twin Hickory Community expressing opposition to the proposed plan. None of the
594 opposition is with respect to the design of the plan now before the Commission. All of the
595 community opposition is based upon their concern that the proposed development will be added
596 to the Twin Hickory HOA and that the existing HOA pool, is already in their opinion
597 overcapacity. Staff has forwarded copies of the e-mails and responses, to Mr. Taylor, the
598 Planning Commissioner for the Three Chopt District. I must note however, neither the zoning
599 code or the proffers for this property restrict membership in the Twin Hickory HOA or require
600 construction of additional private recreational facilities. Therefore, there are no provisions for
601 the Planning Commission to impose requirements at this time. Since all statutory requirements
602 are now satisfied the staff recommends approval of the POD at this time.

603

604 Mr. Jernigan - So, as far as Park Commons itself, the major discussion is over the pool or
605 becoming a member of the association.

606

607 Mr. Kennedy - Yes, it is.

608

609 Mr. Jernigan - Unfortunately, like you said, we don't have any control of that.

610

611 Mr. Kennedy - No, we don't and that has been my response. It is an issue that has been
612 forwarded to HHHunt, directly to Mr. George Moore, who is here. It is an issue that they said
613 that they are considering options on how to address that. But, there is no basis for staff to require

614 it or the Planning Commission require or impose a solution at this time and that's why we are
615 recommending approval.

616

617 Mr. Jernigan - Okay. Thank you, Mr. Kennedy.

618

619 Mr. Taylor - Mr. Chairman, if I may, it seems clear that Park Commons as a project
620 meets with everybody's approval, pretty much of everybody's approval. It has been deferred a
621 few times related to inner circulation for emergency vehicles. But, in discussions with the
622 neighborhood people and discussions with the developer, the issue keeps coming up as to
623 amenities, what amenities are provided, and how the swimming pool will be developed and used.
624 Well, while we have some time this morning, I actually would suggest that we entertain the
625 comments of the people who would like to speak, which includes the developer and some of the
626 people in the community simply so that we can hear their concerns. I received a volume of e-
627 mails and I have gone through them and the basic issue that comes up here is not development
628 issues specifically related to Park Commons. It is an issue related to amenities and the provision
629 of the amenities and the availability of the amenities and the fear that with more people there will
630 be more crowding. Against the argument that the developer makes, until there are more people I
631 really don't want to invest in additional infrastructure. There is truth, frankly, on both sides.
632 And because of the volume of the argument I think it's worthwhile to hear it because it is an
633 issue that we will hear again and we will have to adjudicate.

634

635 Mrs. Ware - I have some questions for Mr. Kennedy before we go forward about the
636 actual internal circulation of the development. When you look at units 28 through 42 is that
637 basically being serviced by something that connects to those two? One is a cul-de-sac and then
638 that roundabout from in the end.

639

640 Mr. Kennedy - Yes. There's going to be a private concrete drive that extends there. A 2-foot-
641 wide concrete drive would extend between units 22 and 48, as opposed to what would normally
642 be a private road.

643

644 Mrs. Ware - So, that is the same width as the driveway that would be going through?

645

646 Mr. Kennedy - Well, it is 22 feet wide. It would accommodate adequate back up space according
647 to the zoning code and would be wide enough to accommodate a fire lane, but it would have to
648 be marked as a fire lane because a 20-foot fire lane is required. So, the people could not park
649 there.

650

651 Mrs. Ware - So, no one could park on either side of this?

652

653 Mr. Kennedy - No, they can't. They can only park in their driveways and back up into it.

654

655 Mrs. Ware - If these people had visitors where would those visitors park, in their
656 driveways?

657 Mr. Kennedy - They would have to park in the driveways. They do have two-car garages and
658 hopefully they won't have other things in them like boats and things so they would have to park

659 in their driveways. There is scattered parking throughout the site. The main entrance drive is 30
660 feet wide. That does permit parking on one side. The roundabout is over 30 feet wide and does
661 permit parking. So, there are a couple of places and there is scattered parking throughout the site
662 on the revised plan. Some of it may not be as convenient to those units as it is to other units.
663 Those units don't have very convenient parking in front of them but there is parking elsewhere in
664 the community for visitors.

665

666 Mrs. Ware - So, these units are rather large? They are home size, how many square
667 feet?

668

669 Mr. Kennedy - These are basically patio homes. They are proffered to be 1750 square feet each
670 minimum with two-car garages. So, basically they are very large ranches.

671

672 Mrs. Ware - My concern health, safety and welfare wise is if you can't park on the
673 either side of the street and you are going to mark it as a fire lane how are you going to enforce
674 something like that because usually isn't it done on a complaint basis?

675

676 Mr. Kennedy - Yes. This is a restricted 55 and older community. I would expect that there may
677 be a call sooner rather than later because of the age of the people and the need for more care and
678 that would be reported to the Fire Marshall's Office if someone is doing it and the Fire Marshall
679 and the Police would take enforcement action. It has occurred in other communities. I think
680 Park West had a similar problem and the Fire Marshall's Office has to enforce it.

681

682 Mrs. Ware - I know that there's a neighborhood in our district, Weston, where several
683 streets are narrow and they do have signs up or they did have signs up for fire lane but those
684 signs are taken up on occasion. I would just be really concerned about having a driveway
685 servicing this many homes because they are patio homes. Is this pretty much the minimum?

686

687 Mr. Kennedy - These drives meet the minimum statutory requirements, yes. I think the Fire
688 Marshall has originally recommended larger drives but the end result is that these meet the
689 statutory minimum requirements and we are satisfied that they meet the minimum requirements
690 at this time.

691

692 Mrs. Ware - But, Fire was concerned?

693

694 Mr. Kennedy - Fire was concerned, yes. And the Fire Marshall is here and he's indicated that he
695 will enforce the fire lanes.

696

697 Mr. Jernigan - Are there any other questions for Mr. Kennedy by the Commission?

698

698 Mr. Archer - Yes. I would just like to clear up something in my own mind. So 22 feet
699 is the minimum size of the driveway?

700

701 Mr. Kennedy - Yes. It's actually a code requirement and a zoning code that requires the drive to
702 be a minimum of 22 feet wide and that's in order to allow back up space for cars as well as for
703 cars and trucks to pass. So, that's actually a requirement in the zoning code itself for those
704 drives. And that's what they meet.

705

706 Mr. Archer So, parking on one side wouldn't be allowed.

707

708 Mr. Kennedy - Parking on one side would not be allowed and the fire lane is 20 feet wide so they
709 couldn't park on one side.

710

711 Mr. Vanarsdall - What did you say the minimum is?

712

713 Mr. Kennedy - It's twenty-two feet.

714

715 Mrs. Ware - I would like to know too that the other internal circulation within this
716 development they can only park on one side of the street.

717

718 Mr. Kennedy - Yes, a maximum of one side of the street. In order to park on two sides of the
719 street we would need to have a 36-foot-wide street.

720

721 Mr. Jernigan - All right, are there any other questions of Mr. Kennedy? Thank you, sir.
722 All right, Mr. Taylor, would you like to hear from the applicant now?

723

724 Mr. Taylor - Yes, Mr. Chairman, I would but we have somebody from the Fire
725 Department here. Do we want to hear his comments first because I think this issue of emergency
726 access is kind of a key one and I think if he's here we should hear from him.

727

728 Mr. Silber - I suggest, Mr. Taylor, we go ahead and hear from the applicant. Let the
729 applicant present his case and then if there are questions Mr. Dunn can come up and answer
730 those.

731

732 Mr. Taylor - That's fine with me. Let's do it that way.

733

734 Mr. Tyler - Good morning. My name is Webb Tyler and I am an engineer with
735 Youngblood, Tyler & Associates. With me this morning is the client, Mr. George W. Moore, III.
736 He is the director of development of HHHunt responsible for this project. He is available to
737 speak. Also with me this morning is a lady from with our firm, Ms. Bonnie Beavers, a license
738 engineer and the project engineer of record.

739

740 Mr. Jernigan - Mr. Tyler, may I interrupt you for a moment?

741

742 Mr. Tyler - Yes, sir.

743 Mr. Jernigan - Being that there is opposition, we have a 10-minute rule. Would you like
744 to reserve rebuttal time?

745

746 Mr. Tyler - Please, if you would just reserve five minutes for Mr. Moore who would
747 like to speak. First off, I would just like to take a moment and thank the Planning Commission
748 and the staff for going to the Expedited Agenda. I noted that 16 items, after 25 years of working
749 here, that 16 items were resolved on the Expedited Agenda or deferred. The majority was
750 resolved on the Expedited Agenda after 21 and that's a grand total of 78% of the agenda items
751 were handled in 22 minutes. And as a long time veteran of being here past lunch, I sincerely
752 appreciate that, along with my productivity of being able to be improved radically. So, thank you
753 very much to the Planning Staff as well as the Planning Commission for moving to an Expedited
754 Agenda.

755

756 Let me address Mrs. Ware's concerns. Mrs. Ware we have had at least 10 to 12 meetings with
757 various members of staff to address the concerns that staff had before this plan was brought to
758 you. That's what created the two deferrals. The client as well as my own firm has worked
759 diligently resolving these issues with both the Fire Marshall and Traffic. I would like to point
760 out that staff increased the design criteria on this proposal above that which we have been using
761 over the past five years. In other words, the roads are wider, the circulation is better and that is a
762 result of some concerns that have been brought forth in communities that are not designed by our
763 firm or not designed by Hunt. Staff informed me that there have been no complaints in the Hunt
764 communities that we have developed over the last six years that are of this type of product.
765 Specifically, they are The Fairways at Wyndham, Kelston Green at Wyndham, The Greens at
766 Wyndham, Club Commons @ Wyndham, Ashton Park at Wyndham and Belmont Park at Twin
767 Hickory. Those units represents approximately 300 units that at least that I have enough
768 confidence to ask my or inform my mother-in-law that I thought they were a good place for her.
769 And, obviously, I'm sure that... I love my mother-in-law so I'm not concern that she's in
770 jeopardy for her safety as of a result of this fire question. What is obvious, this product is for
771 empty nesters. Out of 50 units there is only one, even without a non-age restriction, there's only
772 one facility, or one home that has a child in it that goes to school. The garage is not full of
773 various, different toys and things like that. They are actually used for cars. So, the people
774 actually park not on the street but in their garages and their guests park on the driveways. I have
775 gone to visit my mother-in-law on multiple occasions, in both Kelson Green as well as Ashton
776 Park. And they see that their guest park in the driveways. At times when there is a huge party
777 people do park on the street and just as I live on a public street that is only 18 feet of asphalt.
778 This is a Henrico County public street that is only 18 feet of asphalt with shoulders on either side
779 of that, all right, in a 50-foot right-of-way. I live on that street and have guests, my teenagers
780 have had many parties there and have had those guests park on the grass, just as will occur in this
781 particular instance. So, I submit to you that it is not a function of safety. It is not a function of
782 the inability of the community to park. What will happen is the people will pull off and it will
783 allow the fire truck access. I also submit to you that this particular design criteria is even more
784 stringent. In other words, this plan is even more stringent as far as this design criteria, then what
785 we have had successfully go on for the last five years with no complaints. Therefore, as a result
786 of both staff recommendation for approval, I think it is evident that we have worked out the
787 technical issues. I am not here to address the aspect of the Homeowner's Association but I do

788 believe that we have resolved the technical issues of circulation, of fire circulation, and I
789 sincerely believe it is safe. Just as I believe it is evidenced by my own mother-in-law living in
790 both the Kelson Green as well as the Ashton Park communities over the last six years. If you
791 have any questions I'll be glad to answer them.

792

793 Mr. Glover - Mr. Chairman, since Mr. Tyler reminisce over the way the Planning
794 Commission handled cases in 22 minutes, we handled 16. I'm certainly glad to see that we have
795 added the criteria of his mother-in-law to the fact that this is approvable. Just a point of interest
796 there. I didn't know we were engaging the acceptability by mother in laws.

797

798 Mr. Tyler - Not for you, sir, but definitely for me.

799

800 Mr. Glover - I think that is a necessary step for you too. Your wife may have had
801 something to do with that.

802

803 Mr. Jernigan - Are there any more questions of Mr. Tyler from the Commission?

804

805 Mr. Vanarsdall - Mrs. Ware, did he answer your question?

806

807 Mrs. Ware - I've been on the Commission only a year so I'm not as familiar with the
808 other developments that you have done but do you generally have roads the same width of the
809 driveway in the other developments?

810

811 Mr. Tyler - The other developments actually have driveways that are narrower. Five
812 years ago, for example, the Fire Marshall's criteria was 16 feet. Three years ago he increased
813 that criteria to 18 feet. This particular time, that criteria has increased to 22 feet on a private
814 drive. We have increased those roadways from, one roadway from 24 feet wide to 30 feet wide
815 for the Fire Marshall as a result of the concerns. We have increased the circulation for him as
816 well. Our criteria has continuously increased the width of those private driveways and roads.

817

818 Mr. Jernigan - Webb, I think what she wants to know is the other places that you have set
819 up like this where you have this driveway feeding this many houses or do you just normally have
820 a street in front of every house?

821

822 Mr. Tyler - We don't normally have a street in front of every house. What we did
823 there we would normally have two or three homes on a private drive and we have done that
824 often. And that private drive is only 18 feet. That driveway was increased and connected; it was
825 increased in width from 18 feet to 22 feet wide and connected per the request of the Fire
826 Marshall.

827

828 Mrs. Ware - And I also feel like, long-term wise, you can't predict the needs of the
829 people who are going to be living here. They are going to need places for friends to visit and
830 people to park and....

831 Mr. Tyler - I don't deny that. I believe there will be parking on one side of the streets.

832

833 Mrs. Ware - Not on this driveway.
834

835 Mr. Tyler - I believe there will be parking on this driveway, ma'am. All right. I
836 believe people will pull off to the side and they will hang one wheel on the driveway and put the
837 other wheel in the grass. And I believe that is the reality of what will happen, as it is the reality
838 of what happens on my own street which is a public street which is only 18 foot wide. They put
839 one wheel on the asphalt and one wheel on the grass. That's the reality, that's not necessarily....
840

841 Mrs. Ware - Being the minimum?
842

843 Mr. Tyler - Being the minimum, yes, ma'am.
844

845 Mrs. Ware - Thank you.
846

847 Mr. Jernigan - Are there any other questions for Mr. Tyler? All right. I think we would
848 like to hear from the opposition. Good morning.
849

850 Ms. Zuercher - Good morning, Mr. Chairman, members of the Planning Commission. My name
851 is Lucy Zuercher and I live in Twin Hickory at 5109 Dorin Hill Court. With respect to Mr.
852 Taylor and Mr. Kennedy for the record I would like to state that we did meet with Mr. Taylor and
853 County Planner Mark Bittner on Monday night and Mr. Taylor was aware that residents objected
854 to the design of Park Commons. If this will be built not far from my home in Scotsglen and these
855 rows of homes jammed together in lines do not represent the quality of development one expects
856 to see in Henrico County. There are few if no curving roads, cul-de-sacs, no common area; no
857 grace note of a median or even a bit of green space, just homes jammed packed together to
858 maximum developer and builder profit. And the fact that there are not amenities whatsoever
859 does concern us as residents because clearly the only amenities available to future buyers of these
860 homes are those that might be made available to them through the Twin Hickory Homeowner's
861 Association. We did express this to Mr. Taylor and Mr. Bittner on Monday evening. And
862 regardless of the price of these homes, we just feel that this plan of development does no credit to
863 our community of Henrico County.
864

865 Also for the record, and I appreciate Mr. Taylor offering us the opportunity to discuss this a bit
866 this morning. I understand the Planning Staff has received numerous e-mails from Twin Hickory
867 residents objecting to the certainty or even the probability that Park Commons will be annex into
868 our Homeowners Association. We know the County has no legal jurisdiction over Homeowner
869 Associations. And, in fact, I've learned HOA's are the only government entity in the United
870 States of America which answers to know one. They have unlimited government full authority
871 over their residents and this might be tolerable if the residents governed themselves. In Twin
872 Hickory, our developer has reserved the right to control our Homeowners Association for up to
873 20 years or whenever they are done making a profit and pull out. This gives the developer plenty
874 of time to maximize profits with little interference from residents who are their customers and as
875 a matter of fact Henrico County taxpayers. And we have said for over a year now we do not want
876 any more annexation into our Homeowners Association.
877

878 Since the County knows our HOA is controlled by the developer, there should be more of an
879 effort not less to insure that we are represented by Henrico County government until at such time
880 as we allowed the luxury of governing ourselves. We realize that the County feels we are just
881 out of luck in terms of representation but for the record, I would just like to quote from four of
882 the e-mails that residents have sent to the County this week. And I understand from Mr.
883 Kennedy that you have all received a packet of these. These are just a few quick excerpts. "I
884 would like to go on public record as someone who is totally opposed to any more neighborhoods
885 being annexed into the Twin Hickory community. The developer's record of cooperation with
886 the existing community is abysmal as best as they seem to be interested only in feeding their
887 Twin Hickory cash cow. The pool is already much too crowded during peak usage times and the
888 developer has been approached on several occasions about the problem only to turn a deaf ear
889 our way with a polite smile on their collective faces. Furthermore, additional homes in and
890 around the existing community would only increase the problem there and add to the sure
891 number of cars and traffic which is an already growing concern to those of us with young
892 children in the community." Here is another one. "The fact of the matter is the developer is not
893 staying and if you look around there are some very bright people in this community who have the
894 right to be heard. The investments we have made in our homes are carefully considered and done
895 for the most part as a long-term thing. Whereas, the developer is only in it for the short haul.
896 That makes everything and everybody at the mercy of the developer and their plans. Something
897 in that idea just strikes me as wrong I guess." Here is a third one. "I think the Planning
898 Commission and staff has an obligation to show a little more concern with our rights as taxpayers
899 and people who vote. And give equal weight to our concerns and appear a little less tied to the
900 developer by allowing them to continue to do whatever they want when they want if for no other
901 reason then to grow the County tax base out here." And, finally the last one. "Attempts have
902 been made initiated by various Twin Hickory homeowners to engage in dialogue with the
903 developer including sessions in which Mr. Kaechele and other County leaders so graciously
904 participated. These sessions took place during the summer months of 2002. Importantly, in the
905 last joint session there was an agreement between the participating County leaders, participating
906 homeowners and developer that the developer would engage the homeowners in a master
907 planning process with the expressed purpose of evaluating the load on infrastructure services
908 organized under the Homeowners Association and options for future expansion. Options that
909 would address the growing number of living units in the Twin Hickory development.
910 Unfortunately, it appears that a unilateral decision has been made to suspend that master planning
911 process including residents. I expect that Mr. Kaechele would be willing to share his recollection
912 of those discussions and the agreement."

913

914 I would just like to conclude by observing that we understand that the applicant and the
915 developer have rights. The developer has been aware of its customer's opposition to further
916 annexation for a year, but has made it clear that its rights to exceeds ours. We do expect, as
917 taxpaying citizens of Henrico County, we should have a voice and some rights in these
918 development decisions that will affect our daily lives for years to come and we do expect that the
919 representative government of our County supercedes that of the developer controlled non-
920 representative HOA mini government. Thank you very much.

921

922 Mr. Jernigan - Are there any questions for Ms. Zuercher by the Commission?

923

924 Mr. Archer - Ms. Zuercher, can you tell us some of the things that are included under
925 the auspices of the current Homeowners Association?

926

927 Ms. Zuercher -I'm sorry, I don't understand the question?

928

929 Mr. Archer - Some of the things that are included as being a member of the Homeowner
930 Association.

931

932 Ms. Zuercher -The amenities? It's the pool, the lake house and common areas and trails. But, I
933 just one to point out that a resident called all the different pool communities, that she was able to
934 contact in the area, and all these others Church Run, Short Pump, Milestone, Ash Creek, Fox
935 Hall, they all have one pool like ours that comfortably serve 350 to 500 families whereas we are
936 expected to have approximately 1600 families in the end with what is currently annexed in Twin
937 Hickory. Now, I understand the developer has generously provided an additional deck to our
938 single olympic-size pool, but that does not strike us as adequate and we have no other voice in
939 these decisions except by appealing to the County. Thank you.

940

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

942

943 Mr. Jernigan - Thank you, Ms. Zuercher. Ms., do you want to speak too?

944

945 Mrs. Hunt - Yes.

946

947 Mr. Silber - You have about five minutes.

948

949 Mr. Jernigan - Good morning.

950

951 Mrs. Hunt - Good morning. My name is Stephanie Hunt. I live at 11405 Scotsglen
952 Court in Twin Hickory. And I myself personally am very involved in my community. I spend a
953 great deal of my time volunteering. For example, I'm president of the Twin Hickory Swim Team.
954 I just feel in trying to manage that amenity for our community that I'm very concerned about
955 having a quality program for the children. And if we are going to slam 1600 units into our HOA
956 I think that's going to be impossible. Secondly, I'm putting my house up for sale and I'm
957 moving to a section in the back of Twin Hickory. When we were meeting with HHHunt and
958 these planning meetings back over the summer, Mr. Dan Schmidt personally told me that homes
959 in Twin Hickory sale \$10,000 to \$15,000 higher than homes outside of Twin Hickory. Well, I
960 had my house for sale and that's not true. I'm selling my house at a lower price than homes
961 outside of Twin Hickory and I feel slamming further units into our HOA is just going to further
962 devalue the amenity package we have in Twin Hickory. And as Ms. Zuercher so eloquently
963 expressed, what is our recourse. I've been living in Twin Hickory now for three years and I have
964 had no impact on how our Homeowners Association is run, and it is extremely frustration to have
965 no impact, especially, when I volunteer all my time. I don't get paid to do anything in the
966 community but yet I have no impact whatsoever on how many units are annexed in and it's
967 extremely frustrating and I would just like to ask you folks what can we do? What recourse do I

968 have as a resident? And I pose the question. What can we do to have an impact on how this
969 homeowners association is run?

970

971 Mr. Jernigan - Well, Mrs. Hunt, right now the County can't get involved. The law
972 doesn't allow it.

973

974 Mrs. Hunt - Right. But, why is that?

975

976 Mr. Jernigan - I don't know.

977

978 Mr. Glover - I think the General Assembly has to give us power. In fact, I know the
979 General Assembly has to give localities the power. In the State of Virginia, because we are what
980 they call a Dillion Rule State, they have to give us enabling legislation. The enabling legislation
981 at this point in time does not allow local governments to enter into the government of
982 homeowner associations. Now, I'm not sure if that is good, bad, or indifferent. I've never really
983 given it a great deal of thought. I understand what you are saying. I belong to an association
984 myself.

985

986 Mrs. Hunt - Maybe it's the State of Virginia. Because my husband is in the military, we
987 have lived in different states. We have interacted with different homeowner associations and
988 I've never experienced something as rigid and controlling as this. I mean they have been in
989 charge of our homeowners association now for over five years.

990

991 Mr. Glover - I think they can control it up to the time, until the homeowners actually
992 own, say 75% of the total lots.

993

994 Mrs. Hunt - I think it's 51%.

995

996 Mr. Glover - Is it 51%? It could be different there, I don't know, but I do know that we
997 can't get involved with it because I have been dealing with this for about 19 years. Homeowner
998 Associations have just, in the last few years, become a real interesting approach to government.
999 In other words, it's another layer of, I hate to say it, but bureaucracy. It seems that people don't
1000 have a great deal of input into that bureaucracy until such time as they take it over. Anyway, I
1001 hope that helps explain it but maybe we can get a ruling from our legal department to pass down
1002 to the Homeowner's Association as to what authority the County has. Mr. Secretary, is it possible
1003 that we can get some ruling to let them know what authority the County has. I hear this from you
1004 and I completely sympathize with you because you have a feeling that you want to be a part of
1005 the development in your community, which you should have.

1006 Mrs. Hunt - Sure, exactly.

1007

1008 Mr. Glover - And I don't know that... most of us when we go to buy a home, we get
1009 excited about the kitchen and the den where we are going to put our television set, I guess. But,
1010 in this particular case, 1600 homes, I don't know whether that's too many or not enough or what.

1011

1012 Mrs. Hunt - With my experience with swim leagues, that's an extremely high number

1013 of units for one pool. It is almost kind of ridiculous.
1014
1015 Mr. Glover - Are you competing with Glen Allen Swim Club?
1016
1017 Mrs. Hunt - No. We are the Greater Richmond Aquatic League.
1018
1019 Mr. Glover - You better stay away from them, they are pretty good swimmers
1020 (jokingly).
1021
1022 Mrs. Hunt - All right.
1023
1024 Mr. Glover - And the homes over there do cost about \$10,000 more than Twin Hickory.
1025 I'm just kidding (jokingly, again).
1026
1027 Mrs. Hunt - All right. Thank you.
1028
1029 Mr. Glover - By the way, I do have one question for you, since you are totally involved
1030 out there. How many Hickory trees do you have in Twin Hickory?
1031
1032 Mrs. Hunt - Zero.
1033
1034 Mr. Glover - I ask that question quite often and I never quite understood....
1035
1036 Mrs. Hunt - There are lots of trees but I don't think we have any specific Hickory trees.
1037
1038 Mr. Glover - I've been really trying to figure out where that name came from. Maybe
1039 with your involvement you can plant two.
1040
1041 Mrs. Hunt - Maybe. And I can bill the HOA for that.
1042
1043 Mr. Glover - There you go (laughing)!
1044 Mr. Jernigan - Are there any other questions for Mrs. Hunt from the Commission? No
1045 more questions. Okay, thank you, ma'am. Mr. Taylor, let's hear from Mr. Dunn, what do you
1046 think?
1047

1047 Mr. Taylor - I think, Mr. Chairman, that would be a good idea. Let us start there and let
1048 us look at the emergency use of these roads.

1049

1050 Mr. Dunn - Good morning, Commission. I'm Captain Kenny Dunn and I'm the
1051 Deputy Fire Marshall. What kind of questions can I answer for you?

1052

1053 Mr. Jernigan - Are there any questions of Mr. Dunn from the Commission?

1054

1055 Mr. Taylor - Well, I guess, Assistant Chief, the first thing we should do is have you
1056 address the key paramount issue of community safety. Are those roads adequate for you under
1057 all conditions you might find? And that would include somebody having a sweet sixteen party. I
1058 realize there's no one of that age in there, but there maybe another kind of a party clogging up the
1059 roads and you having to bring emergency equipment to the scene. Would you be able to do it?

1060

1061 Mr. Dunn - Well, sir, to start off, our intent is that everything in here is to be a fire lane
1062 except for the 30-foot road width that's upon that entranceway, from that boulevard entrance,
1063 everything else would be labeled as fire lane and anyone parking in that would be subject to
1064 ticketed or towed. And we do plan to enforce that. Mrs. Ware is correct though. Our staffing
1065 doesn't allow us the ability to do a whole lot of enforcement except by complaint or if we
1066 happened to run an emergency incident into that subdivision and see it and we will be notified
1067 and we will go out and correct the that. We can't build in any eventuality into that subdivision
1068 and that's for us is certain. We have approved it as a minimum requirement, and I stress
1069 minimum.

1070

1071 Mr. Silber - Mr. Dunn, the main entrance drive that comes out, I think if I can read this
1072 plan, it says 32 feet so that would allow parking on one side. The other driveways in there would
1073 be marked as "No Parking" on either side. They would be basically marked off as fire lanes.

1074

1075 Mr. Dunn - Yes, sir. You are very correct. We can't tell which side of the street they
1076 can park on. That's not our job. If you allow on-street parking on a 30-foot road width that's
1077 beyond our control. The private drive aisles will be fire lane because you need that 20 feet of
1078 access. Also the 24-foot widths or the 26-foot widths will also be labeled as fire lanes. Now, if
1079 that gives people the ability to park on one side of that 24-foot road width, we can take that one
1080 side or the other, that's what I'm saying, to take our 20 feet out of that 24. And, what Mr. Tyler
1081 is saying if they want to park up inside somebody's yard... I wouldn't want anybody parking in
1082 my yard but that has happened in the past, yes.

1083

1084 Mr. Silber - But you 20 feet clear to get through?

1085

1086 Mr. Dunn - Yes, sir. That's the intent of our fire lanes.

1087

1088 Mrs. Ware - What would you like to see, especially where that drive connector is?

1089

1090 Mr. Dunn - Which one are you talking about, Mrs. Ware?

1091

1092 Mrs. Ware - Thirty feet, the one that connects the 22.
1093

1094 Mr. Silber - Mrs. Ware, I think what he is saying is, if it's shown as 22 feet that's
1095 adequate they need 20 feet to get through. If there is someone parking there it's going to be a
1096 problem and they won't be able to get through. If there is a two-car garage, which should hold
1097 vehicles. There's pavement space outside the 22 feet where additional cars can park. It's not to
1098 say that someone wouldn't be parking on there, there would be a problem if they parked there.
1099 But, he does need 20 feet to get through there and it's marked as 22. So, I think, maybe to ask
1100 Mr. Dunn what would be ideal. The minimum is 20 feet and that's being provided.
1101

1102 Mrs. Ware - All right.
1103

1104 Mr. Jernigan - Are there any other questions for Mr. Dunn by the Commission?
1105

1106 Mr. Taylor - No, I don't have any, Mr. Chairman.
1107

1108 Mr. Jernigan - Thank you, sir, we appreciate it.
1109

1110 Mr. Taylor - Thank you, Chief.
1111

1112 Mr. Jernigan - Mr. Tyler, Would you like to come back up and speak?
1113

1114 Mr. Silber - Mr. Tyler, has five minutes.
1115

1116 Mr. Tyler - I'll like to defer my time to Mr. George Moore who may want to address
1117 some of those concerns of the citizens.
1118

1119 Mr. Moore - Good morning. My name is George Moore and I'm with HHHunt
1120 Corporation. I would like to say I appreciate Lucy and Stephanie's concerns they expressed this
1121 morning. HHHunt is considering this annexation issue and also the addition of another pool at
1122 the existing Twin Hickory facility now, which have a six-lane pool, a separate diving well and a
1123 baby pool. We have engaged in architect out of Virginia Beach, Sisco Rand, and they are
1124 looking at various alternatives for us now about adding an additional pool. But, we have not yet,
1125 at this point, made a formal presentation to the Twin Hickory homeowners but expect to do that
1126 within the next month or so. We have also communicated what we are doing to the Community
1127 Affairs Committee in Twin Hickory.
1128 Really, I think, as it has already been mentioned in the hearing that this issue is really, in our
1129 minds, not something that is an issue at this POD hearing as it relates to Henrico County. There
1130 wasn't any proffer conditions in the zoning case that would either require annexation or prohibit
1131 annexation into Twin Hickory. We understand and we have met with the Twin Hickory
1132 Homeowners to address this issue of the additional pool and annexation and we've yet to come to
1133 a final conclusion but we will very soon.

1134 Mr. Jernigan - Are there any questions of Mr. Moore from the Commission?
1135

1136 Mr. Taylor - Mr. Moore, when do you think you will be able to get to conclusion? I'm

1137 not sure that conclusion will be final but I do hear the neighbors the residents saying they would
1138 like to continue work with you. We did have the pleasure this week to work on Garland's. I did
1139 work with Mrs. Zuercher and I think that we were able to resolve that. My question is how soon
1140 will we get to resolve this?

1141

1142 Mr. Moore - I think within the next four to six weeks we will bring this to a conclusion
1143 and have something to present to the HOA.

1144

1145 Mr. Taylor - All right. I have no further questions.

1146

1147 Mr. Jernigan - Mr. Moore, I have a question. If you were to make these roads a little
1148 different, how many units would you lose if you were to put a road in front of these condos?

1149

1150 Mr. Moore - I'll let Mr. Tyler speak to that, he can better address that.

1151

1152 Mr. Tyler - These are private road and I'm going to give you my opinion. I believe we
1153 would probably lose two units possibly three. In making this a road arrangement, I want to
1154 emphasis to you that all of the five previous designs we have done have narrower roads than
1155 what is proposed here. Also, I want to make sure you understand that the road is not 24 feet wide
1156 it is actually 26 feet because of the roll-face curb and gutter nature. All right. And then the main
1157 road is not 30 but 32 feet, of the roll face. So, you can easily roll up on that. It's not a standard
1158 curb and gutter precluding your ability to roll up on it. It is a roll-face curb and gutter. The roads
1159 are all roll-face curb and gutter with asphalt. There is parking scattered around there, throughout
1160 the community. Even if the first parking space, for example, in the donut there or the horseshoe
1161 people park around the island. The only reason we have not put parking in that island is to try to
1162 create some kind of a green-space amenity.

1163

1164 The connectivity of the driveways behind units, I think it is units 42 through... it's at the bottom
1165 here, 28. That connectivity was not originally proposed by our firm. It was to have basically two
1166 or three homes on private driveways, which is how we have done it in the past. And, at the
1167 request of the Fire Marshall and staff, we have made that connection and not just make the
1168 connection but we have increased it from 16 wide as it was five years ago to 18 feet wide as it
1169 was three years ago and now we are up to 22 feet wide. So, we have increased the width of the
1170 private driveways and these are concrete private driveways, no curb and gutter, easily be able to
1171 pull off of the side. Plus, the two-car garages and the two spaces in front of those garages. In my
1172 opinion that's four parking spaces right there at the house.

1173

1174 These are older folks. They use their garage. They are more concerned about safety and they
1175 have automatic garage openers and it's connected to the house, not a detached garage but
1176 attached garage. So, they don't park boats in these garages, they use them for the husband's and
1177 the wife car. They are typically empty nester.

1178

1179 Mr. Glover - What size garage is it, Mr. Tyler?

1180

1181 Mr. Tyler - They are 22 x 22 foot garage. It doesn't have a workbench.

1182
1183 Mr. Glover - Do any of them have any golf carts?
1184
1185 Mr. Tyler - Not to my knowledge but to say that there are not golf carts out there in
1186 Wyndham, Mr. Glover, is not a fair statement. There may well be some golf carts.
1187
1188 Mr. Glover - I'm not asking you if there are any in Wyndham, I'm asking if any of these
1189 people have any?
1190
1191 Mr. Tyler - Not to my knowledge as far as the adjacent project. Obviously, I don't
1192 know what these people have because they are not built yet.
1193
1194 Mr. Glover - You increased the width the road, how much have you increased the
1195 safety?
1196
1197 Mr. Tyler - I think that we have increased the safety.
1198
1199 Mr. Glover - How do you believe that when you have got the Fire Marshall telling you
1200 that it's the bear minimum? He needs 20 feet and your road is 22 feet. That's an awful small car.
1201
1202 Mr. Tyler - I believe we have increased the safety. And the reason that we have
1203 because the experience that I have with these type of projects does not indicate that we have had
1204 problems in our projects at all. And by increasing the width of the roadways, I believe we have
1205 made them more safe.
1206
1207 Mr. Jernigan - The main reason I was asking, I'm on my third year of the Commission,
1208 but I just haven't seen too many subdivisions come through where you have a driveway servicing
1209 that many houses and there is no green space. I mean, we are packed in here. And in house
1210 number, I guess it's #47. That driveway is running right next to his home.
1211
1212 Mr. Tyler - These are buildable pad areas. The home is, there are probably six or
1213 seven models, that fit within this buildable pad area or buildable envelope area. The proposed
1214 home does not necessarily take up every square inch of that buildable envelope. It has off sets...
1215 I can't sit here and tell you where each house is going to go but what I can tell you is that all six
1216 models will fit within those envelopes and there are different types of models. But, they don't
1217 occupy every square inch of that.
1218 Mr. Jernigan - I realize that, but....
1219
1220 Mr. Glover - Can I ask a question?
1221
1222 Mr. Jernigan - Yes.
1223 Mr. Glover - These are cottages, what I sometime call them cottages.
1224
1225 Mr. Tyler - Single-family detached homes.
1226

1227 Mr. Glover - Cottages. They are zero lot line.
1228

1229 Mr. Tyler - There is no lot, they are condominiums, and they are single-family
1230 detached condominiums.
1231

1232 Mr. Glover - What's the difference between each unit?
1233

1234 Mr. Tyler - Eleven feet.
1235

1236 Mr. Glover - Eleven feet between each unit?
1237

1238 Mr. Tyler - Yes, sir, minimum.
1239

1240 Mr. Glover - Okay. So, there is no lot, period.
1241

1242 Mr. Tyler - No, sir.
1243

1244 Mr. Glover - Can they put a fence up?
1245

1246 Mr. Tyler - No, sir. They do not own the land.
1247

1248 Mr. Glover - Can they have pets?
1249

1250 Mr. Tyler - They can have pets, yes, sir.
1251

1252 Mr. Glover - Suppose they want to let the dog out.
1253

1254 Mr. Tyler - Then they can let the dog out, but I'm sure there is a leash law.
1255

1256 Mr. Glover - Okay. I was just checking because I have a little experience with this. I
1257 accept R-5A zoning. It is good zoning, it is good for people who want to retire to it, and I
1258 understand that's what you are doing here, but I do think you have....

1259 Mr. Tyler - This is not R-5A, Mr. Glover, this is RTH.
1260

1261 Mr. Glover - RTHC, same difference, it's the same as an R-5A except that you have
1262 zero lot lines. You really improved yourself a little bit. I do think you need to address the safety
1263 here a little bit more. People are not going to park in those driveways. They would feel like they
1264 are encroaching and intruding. Maybe your mother-in-law let them do it, I'm not sure, we would
1265 have to get her to come and testify here if we are going to use her as a criteria, okay. I think Mrs.
1266 Ware has a very good point that your amount of safety here needs to maximize because you are
1267 talking about, and I think you said, a retirement group of people. Isn't that correct?
1268

1269 Mr. Tyler - That's how they would like to be our residents.
1270

1271 Mr. Glover - So, you are going to have far more emergency vehicles there than you

1272 would in the Twin Hickory subdivision that these two ladies back here live in. Would that be an
1273 acceptable statement?

1274

1275 Mr. Tyler - That's a high probability, Mr. Glover.

1276

1277 Mr. Glover - I think when you run with our Fire Department on all 911 emergency calls;
1278 I believe our fire trucks respond. And if I am not correct, let me know. Then the rescue squad
1279 would possibly respond to transport if it was necessary. I believe that is correct. Then, you have
1280 in a one-house situation a fire engine, and that is not exactly a car that you can pull off two feet
1281 of additional space. They need 20 feet and that is going to block the entire area. I think you need
1282 to address, like Mrs. Ware said, safety of your road. Now, you said you are going to loose
1283 housing. You don't have anything now.

1284

1285 Mr. Tyler - I agree with you with you, Mr. Glover.

1286

1287 Mr. Glover - There is nothing here so far until you are approved and then you have
1288 something. So, you are not losing anything, it's basically what you are going to end up with in a
1289 safe atmosphere and I think you need to address that.

1290

1291 Mr. Tyler - I recognize that we don't have any units until this Commission grants that,
1292 all right. I'm from the Steve Kaechele school where you don't have anything until this
1293 Commission grants it. I recognize that. What I was trying to do is respond to Mr. Jernigan's
1294 question. Where he asked me how many units that I thought we would lose? I believe that we
1295 would lose them. Maybe I should have said there would be three less units that this Commission
1296 would approve. That would probably be a better way of putting it.

1297

1298 Mr. Glover - I just think it ought to be said differently than losing them because you
1299 don't have anything.

1300

1301 Mr. Tyler - Well, he used the word lose and so I just responded to that, Mr. Glover.

1302

1303 Mr. Glover - I don't think that was necessarily coming from Steve Kaechele, it was
1304 coming from me.

1305

1306 Mr. Tyler - I think we do need to address the safety question, Mr. Glover.

1307

1308 Mr. Glover - Pardon me.

1309

1310 Mr. Tyler - I do need to address the safety question. Y'all are operating under the
1311 pretense that the Fire Marshall and the rescue squad must actually go to the front door of the unit.
1312 I submit to you that there are many homes throughout the County that have a single driveway
1313 that's anywhere from 50 to 100 feet long that the rescues squad has to transport the person down
1314 that 100-foot-long driveway because the Fire Marshall have the fire engine in the 12-foot
1315 driveway. I submit to you that this is a safe community, relatively to the ability to get vehicles in
1316 and out as evident by the fact that staff does support and is recommending approval. It's really

1317 that simple. If this Commission does not feel that way, then it is taking the position that its staff
1318 is wrong in recommending approval of that.

1319

1320 Mr. Vanarsdall - We don't mean to say that the staff is wrong or in error, Mr. Tyler, we just
1321 may don't see eye to eye.

1322

1323 Mr. Tyler - And I understand that.

1324

1325 Mr. Vanarsdall - The same way we have it with the Board, maybe the Board doesn't see
1326 when a zoning case comes to them, they may not rule the way we did, so.

1327

1328 Mr. Tyler - I recognize that.

1329

1330 Mr. Vanarsdall - One of the things I want to point out is this came up many times about
1331 garages. A garage is in all these units?

1332

1333 Mr. Tyler - Yes, sir. They are two-car garages.

1334

1335 Mr. Vanarsdall - Well, there's nothing to keep me from turning that garage into a workshop
1336 and a junk yard or

1337

1338 Mr. Tyler - That's correct, sir.

1339

1340 Mr. Vanarsdall - And then if you do that there are the cars that were in the garage out on the
1341 street.

1342

1343 Mr. Tyler - That is correct.

1344

1345 Mr. Vanarsdall - Mr. Chairman, are we obligated to act on this today or can it go back to the
1346 drawing board?

1347

1348 Mr. Jernigan - No. It's Mr. Taylor decision.

1349

1350 Mr. Tyler - I'm not asking you to act on it today if you don't feel so incline, but I
1351 would like to understand the criteria by which you seek me to design.

1352

1353 Mr. Glover - Under the health, safety and welfare of the citizens that are going to live
1354 there. That is the criteria and then you can work from there.

1355

1355 Mr. Tyler - Then that puts me back to not knowing the specific design criteria unless I
1356 go back to staff and ask what they seek from me to do and that's what I will be doing.

1357

1358 Mr. Vanarsdall - Well, to put it simply, the old term, the old expression, you are trying to
1359 put a pound of coffee in a half-pound bag.

1360

1361 Mr. Tyler - Yes, sir.

1362

1363 Mr. Silber - Mr. Tyler, I think we have enough information to go by that if Mr. Taylor
1364 has some action he wants to take today that's not approval then I think we have enough
1365 information to go by that staff can meet with you, Mr. Taylor, and any other Commissioner who
1366 wish to join us.

1367

1368 Mr. Jernigan - I want to ask Mr. Glover because he's been here for quite a few years, but,
1369 Dick, do we have many subdivisions around here that have a private drive that services that many
1370 homes that you can recall coming through?

1371

1372 Mr. Glover - No. We have drives that are maintained by several homeowners, yes. In
1373 the area of, they put a 20-foot driveway for four houses but they also have approaches from an
1374 emergency standpoint identified so the fire department can get in and out other directions. Yes,
1375 but that doesn't mean what we've done in years past because our Ordinance allowed it that it
1376 makes it correct today or the future.

1377

1378 Mr. Jernigan - I hadn't seen many, that's the reason I was questioning it.

1379

1380 Mr. Glover - Most of us are perfect but I admit some of them in the past, not us, have
1381 made mistake. Webb Tyler hasn't, of course. He's had good guidance.

1382

1383 Mr. Tyler - I've made plenty of mistakes, Mr. Glover.

1384

1385 Mr. Glover - Well, you had good guidance, I can tell.

1386

1387 Mr. Jernigan - All right. Are there any more questions from the Commission for these
1388 gentlemen?

1389

1390 Mr. Archer - Mr. Chairman, it sounds as though we might not rule on this today. I
1391 would like to state that since the construction of this particular area of Henrico has gone along,
1392 the concern about amenities seems to have grown a little bit. And, Mr. Moore indicated, when
1393 he was up, that there were some other considerations that they were making in terms of
1394 additional amenities and I think it would be a good time to incorporate all of that into whatever it
1395 is we come back with.

1396

1397 Mr. Vanarsdall - Are you saying at one time?

1398

1399 Mr. Archer - Yes.

1400 Mr. Vanarsdall - I agree with that.

1401

1402 Mr. Jernigan - All right, Mr. Taylor.

1403

1404 Mr. Taylor - Thank you, Mr. Chairman. I would like to add a few words to the already
1405 spoken words that relate to this case. This case has been worked on very hard by the staff. They
1406 have had this for several months and they have been working with Police and Fire. It's been
1407 deferred three times I guess and safety is still a basic issue. But, as important as that issue is, I
1408 really feel there is a lot of concern by the community, as Mrs. Zuercher expressed and she was
1409 just as articulate the other night when we met to discuss it, particularly with regard to the
1410 amenities and the pool capacity and the impact. And I've talked to Mr. Moore about this. He
1411 understands it. Mr. Glover seems to have a good understanding but I think what we need to do
1412 before we go further is to resolve some of the safety and the density and the amenity issues and
1413 work on it some time. So, what I propose is and I will move to defer this at the request of the
1414 Commissioner for 30 days.

1415

1416 Mr. Jernigan - We have a motion to defer POD-7-03 made by Mr. Taylor, do we have a
1417 second?

1418

1419 Mr. Archer - Second, Mr. Chairman.

1420

1421 Mr. Jernigan - Seconded by Mr. Archer. All in favor say aye...opposed say nay. The
1422 POD is deferred to the March 26, 2003, meeting.

1423

1424 The Planning Commission deferred POD-7-03, Park Common @ Twin Hickory, to its meeting
1425 on March 26, 2003.

1426

1427 Mr. Jernigan - Mr. Secretary, I believe what we will do now is take about a 10-minute
1428 break.

1429

1430 **AT THIS TIME THE COMMISSON TOOK A 10-MINUTE BREAK**

1431

1432 Mr. Jernigan - The Planning Commission will now reconvene. The time is 10:39 a.m.
1433 Mr. Silber, would you call the next case please?

1434 Mr. Silber - The next case is actually a companion case. I would like to call them in
1435 reverse order as we have them on the agenda. I will call first, on page 17, POD-17-03, BMW
1436 Parking. Along with that, if I may, Mr. Chairman call the second case which is a companion
1437 POD to the one I just called. This is on page 15. POD-2-03, BMW Parking Addition – 8716 W.
1438 Broad Street.

1439

1440 **PLAN OF DEVELOPMENT & LANDSCAPE PLAN**

1441

POD-17-03	E. D. Lewis & Associates for Asbury Automotive North
BMW Parking (Church Site)	Carolina Real Estate Holding, LLC: Request for approval of a
2510 Darnell Road	plan of development and landscape plan, as required by Chapter

February 26, 2003

-37-

24, Section 24-106 of the Henrico County Code, to construct a parking lot for employee parking ~~and car storage~~. The 4.0-acre site is located on the west side of Darnell Road at the western terminus of Lynn Avenue on parcel 760-756-7631. The zoning is B-3C, Business District (Conditional) and C-1C, Conservation District (Conditional). **(Brookland)**

1442

1443 **PLAN OF DEVELOPMENT**

1444

POD-2-03
BMW Parking Addition –
8716 W. Broad Street
(Virginia Homes for Boys)

E. D. Lewis & Associates, P.C. for Virginia Home for Boys in Richmond and BER Properties, LLC Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a car sales lot. The 1.343-acre site is located on the north side of W. Broad Street (U.S. Route 250), approximately 600 feet east of Homeview Drive on part of parcel 760-757-5611. The zoning is B-3, Business District. **(Brookland)**

1445

1446 Mr. Jernigan - Should I ask for opposition on both cases or should I ask for each case
1447 separately?

1448

1449 Mr. Silber - I think we can do it on both of them at the same time.

1450

1451 Mr. Jernigan - Okay. Is there anyone in the audience in opposition to POD-17-03, BMW
1452 on the church site and also POD-2-03, BMW Parking Addition on W. Broad Street? Is there any
1453 opposition? Okay, no opposition. Ms. Goggin.

1454

1455 Ms. Goggin - Good morning. I would like to start off by apologizing for the caption, for
1456 the church site POD-17-03, it should not have the words in it “and car storage.” Unfortunately, I
1457 missed that and it did panic some neighbors and hopefully I was able to calm their fears, but I
1458 would just like to reinstate that the church site is for employee parking and use of the existing
1459 church for office storage only. The plan in front of you is for the reclamation of an existing
1460 church driveway off of Lynn Avenue and Darnell Road making the only entrance to this site from
1461 W. Broad Street through the BMW ACCURA Sales Center. This entails removal of the existing
1462 driveway, replacing the asphalt with soil and vegetation, removing the dilapidated six-foot chain
1463 link fence from the southeastern property line to the northeastern property line and then
1464 continuing to the northwest property line.

1465

1466 What this would do in turn is remove the gate that is at the existing entrance of the church
1467 making it a solid six-foot-fence cutting off any way to get to that site from the neighborhood.
1468 With that, there is a 50-foot proffered buffer that runs along the eastern property line, excuse me,
1469 in the Office District zoning. The applicant proposes Leyland Cypress that would be six to eight
1470 feet tall at the time of planting that would run from the southeastern corner approximately 320
1471 feet north parallel to the property line. From that point where the Leyland Cypress stop and the
1472 mature woods start, the area that is zoned Office would be supplemented with evergreen Hollies

1473 to help meet the transitional buffer minimum requirements and provide additional buffering for
1474 the neighborhood.

1475

1476 Should the Commission act on this request in addition to the standard conditions for
1477 developments of this type, subject to the annotations on the plan, the conditions in the agenda,
1478 staff recommends the following additional conditions that came from a property owner that
1479 called me. Condition No. 32 would be “The church sign would be removed prior to installation
1480 of the landscaping insuring that there will be no signage at all.” I’ll be happy to answer any
1481 questions on this site. I can go on to the next one. And we have the applicant and the engineer
1482 here.

1483

1484 Mr. Glover - Can I ask you a question on this one? I’ve been pulled into it, drawn into
1485 this, I need to clarify some things.

1486

1487 Ms. Goggin - Yes, sir.

1488

1489 Mr. Glover - This is, I believed, was zoned B-2C, that portion from the church, not B-
1490 3C.

1491

1492 Mr. Silber - Mr. Glover, actually the property was zoned O-2C.

1493

1494 Ms. Goggin - You are right, I’m so sorry.

1495

1496 Mr. Silber - The ordinance allows parking on O-2 zoned property for the dealership.

1497

1498 Mr. Glover - I meant to say O-2C. Now, it shows as B-3 on your caption in the Agenda.

1499

1500 Ms. Goggin - Yes, on the property owner’s letter.

1501

1502 Mr. Glover - And on here also.

1503

1504 Ms. Goggin - Yes.

1505

1506 Mr. Glover - Before we leave this and before you present the other, if you don’t mind.
1507 What did the provisional use permit allow on this site?

1508

1509 Ms. Goggin - The provisional use permit allowed employee parking during limited hours
1510 in the existing parking lot. And if I am correct, I don’t have the file in front of me, it did not
1511 allow access to this site from the neighborhood. You could only get to it from W. Broad Street
1512 through the car lot.

1513

1514 Mr. Glover - Is it being used today, since the zoning took place and was approved, any
1515 differently than it was under the provisional use permit?

1516

1516 Ms. Goggin - We have received complaints from the neighborhood that the lot is still
1517 being used since the rezoning but prior to approval of this plan.

1518

1519 Mr. Glover - So, in other words, it's being used for the same thing today that it was
1520 before? Is that correct?

1521

1522 Ms. Goggin - Yes, sir, that's my impression.

1523

1524 Mr. Glover - I just wanted to establish that so when we talk about, and was asked to
1525 phase this, the phasing is they can only use it for employee parking, which they are doing already.
1526 And whether they are using the church for storage yet, I don't know, but they can and the hours
1527 are the same. So there's really no different than the provisional use permit and what they have
1528 decided they wanted to use it for. And this is all they wanted to use it for. So, that's why I was
1529 insisting on completing the proffered conditions that were placed on it with the case. I just want
1530 to be sure now. Once the POD is approved, how long do they have to act on it and provide these
1531 improvements?

1532

1533 Ms. Goggin - Technically to meet the Code, they need to act on it right now. Hopefully,
1534 we will get revised plans as soon as possible and we can get moving on this now.

1535

1536 Mr. Glover - Do you have an annotation on the plan that denotes that the parking there
1537 is not legal until such time, but we are allowing it?

1538

1539 Ms. Goggin - I can put an annotation on the plan.

1540

1541 Mr. Glover - Don't you think we should, because PODs sometimes lay around for four
1542 or five years. Don't they? Is that correct?

1543

1544 Ms. Goggin - I have not been here that long to have a POD last that long.

1545

1546 Mr. Silber - Mr. Glover, is your concern also that you want them to follow through and
1547 make these improvements that they are showing on this plan as quickly as possible? I would
1548 suggest, if you are agreeable to this, to put a condition on it that says that they will complete all
1549 aspects of this within a given time period.

1550

1551 Mr. Vanarsdall - That is what I was going to do.

1552

1553 Mr. Glover - Well, I just wanted to bring these things in, because there was a lot of
1554 requests by the applicant and the staff, and I think it is because the same people that were
1555 involved in the zoning case at the Board of Supervisors level were not the same people that were
1556 involved in it at the Planning Commission level, nor are the same people involved today that
1557 were involved in either one of those, so I think there was some break down in communications
1558 and evidently someone didn't read the proffered conditions of the case, and I just wanted to
1559 clarify those things.

1560

1561 Mr. Vanarsdall - So, Ms. Goggin, you are going to make that Condition No. 34 or are you
1562 just going to annotate the plan?
1563

1564 Ms. Goggin - I can make it a condition. I would like to ask Mr. Lewis what he feels his
1565 turnaround time is on the plan and so...
1566

1567 Mr. Glover - You tie it to the occupancy permit of the next case.
1568

1569 Ms. Goggin - We can do that.
1570

1571 Mr. Glover - In other words, if they are going to occupy the west side, then they should
1572 complete this before they occupy that.
1573

1574 Ms. Goggin - Sure.
1575

1576 Mr. Glover - Simultaneously, in other words, mainly because the citizens came out one
1577 night, it was about 15 or so, and they basically asked for these conditions to be placed on the
1578 case. The applicant agreed and was very helpful. They have been very good as far as using it for
1579 employee parking, but if they should not complete this, then the gate between them and the
1580 church property should be closed by a condition of this case. Also, should you have a, I think it
1581 is No. 9 or No. 11 Amended, which is the landscaping, because a portion of this is that buffer
1582 between the church 02 and the neighborhood is by proffered conditions. The remainder is by an
1583 approval of a landscape plan at the time of the POD, which would mean that the Planning
1584 Commission would have the authority to impose certain landscaping that completes the
1585 buffering, depending upon the use, and I think we decided on Holly trees instead of Leyland
1586 Cyprus to continue.
1587

1588 Mr. Vanarsdall - Mr. Glover, I have this on here, too, to do that, and I also have the lighting.
1589

1590 Mr. Glover - I just wanted to be sure since I was already into it, that I clarify it, because
1591 these people do depend on us to follow through with that. As you know, you got some e-mails
1592 on it.
1593

1594 Ms. Goggin - Exactly. Would you prefer those are conditions of approval or annotations
1595 on the plan?
1596

1597 Mr. Glover - Whatever will make it happen.
1598

1599 Mr. Silber - I'd prefer they be a condition. This would be Condition No. 33. I think the
1600 condition could read something like "The improvements proposed with this POD shall be
1601 completed prior to occupancy of the parking approved with POD-02-03."
1602

1602 Mr. Glover - Whatever makes it happen, and I don't want to imply that they haven't
1603 been good neighbors to the neighborhood, because they really have. It is what they've been using
1604 it for.
1605
1606 Ms. Goggin - Exactly.
1607
1608 Mr. Jernigan - All right. Are you going to go over the other case now?
1609
1610 Mr. Vanarsdall - Have we finished this one?
1611
1612 Mr. Jernigan - Well, first of all, let's do this. Are there any questions for Ms. Goggin
1613 from the Commission? Mr. Vanarsdall, would you like to hear from the applicant on this?
1614
1615 Mr. Vanarsdall - I don't think we need to. Do you want to hear from him, Mr. Glover?
1616
1617 Mr. Glover - No. Thank you.
1618
1619 Mr. Vanarsdall - Because we met this morning at 8:30 and talked to him, and he is going to
1620 look at all of the annotations that we have and go over them.
1621
1622 Mr. Jernigan - All right, then, Ms. Goggin, why don't you go ahead and present the other
1623 case and we will process that, and then we will vote on each one of them individually at the end.
1624
1625 Ms. Goggin - OK. Well, it appears that by mistake we don't have the right overhead
1626 map for that case, but there is a handout map for you to look at. Basically, this site is for a 126-
1627 space parking lot that would front Broad Street,
1628
1629 Mr. Jernigan - That is POD-2-03.
1630
1631 Mr. Vanarsdall - Why do you have POD-17-03 on there?
1632
1633 Ms. Goggin - Because by mistake it is the wrong map.
1634
1635 Mr. Vanarsdall - OK. That is all right.
1636
1637 Mr. Silber - So we are back on Page 15 and we are hearing POD-2-03.
1638
1639 Ms. Goggin - The site we are talking about is this site, right here (referring to map).
1640 Mr. Silber - Ms. Goggin, why don't you just leave that on the screen? We understand
1641 that it shows relationship to POD-2-03 right there where you are showing it.
1642
1643 Ms. Goggin - It is a 126-space parking/sales lot that is on Broad Street on the B-3
1644 portion of what is currently The Virginia Home for Boys. BMW is leasing this property to create
1645 this parking lot. This lot will be accessed from the existing BMW Sales Center entrance just to
1646 the east of this lot, so it will not have direct access onto Broad Street. You will have to go

1647 through the current sales lot to get to it. The plan provides an 8-ft. opaque vinyl fence along the
1648 northern property line and the 4-ft. high black wrought-iron style aluminum fence with brick
1649 columns along the eastern edge of the proposed display area. The Boys Home entrance will be
1650 relocated and redesigned to provide a boulevard-style entrance 100 feet in length. Should the
1651 Commission act on this request, in addition to the standard conditions for developments of this
1652 type, the annotations on the plan, the conditions in the agenda, the following additional
1653 conditions are recommended. I have on here Nos. 9 and 11 Amended that would require
1654 landscaping and lighting to come back to Planning Commission prior to engineer's certification
1655 that the site is complete.

1656

1657 Mr. Jernigan - Thank you, Ms. Goggin. Are there any questions?

1658

1659 Mr. Vanarsdall - Ms. Goggin, come down the plan to beside the road and show how we are
1660 going to extend the fence from where we had it originally. It is going to come all the way down
1661 past the building in the front yard, right there. It is going to stop.

1662

1663 Ms. Goggin - Kevin is pointing out to us that the original four-foot fence was only going
1664 to go in what is the front of the existing sales center, but it is going to be extended to the front of
1665 the sales site.

1666

1667 Mr. Vanarsdall - It is going to cover those last nine parking spaces that it didn't cover to
1668 begin with.

1669

1670 Ms. Goggin - Yes, sir.

1671

1672 Mr. Vanarsdall - And we will drop down from 48 inches, four feet, from that point it will go
1673 to 42 inches, and then when we bring it back for landscaping we will ask the Commission for a
1674 variance. The whole fence will be four feet. In the front yard they only allow four feet.

1675

1676 Ms. Goggin - I don't have a Code in front of me and I don't want to speak incorrectly.

1677

1678 Mr. Jernigan - Are there any other questions for Ms. Goggin? Thank you, ma'am.

1679

1680 Ms. Goggin - I would like to say that we do have a citizen here this morning. He is not
1681 necessarily in opposition, but he did show up.

1682

1683 Mr. Jernigan - OK. I apologize for that. Do we have opposition to POD-2-03? Whoever
1684 would like to speak on this, would you please come forward.

1685

1686 Mr. Lewis - Good morning. My name is Monte Lewis and I am with Lewis and
1687 Associates, and I represent the applicant on both of these cases. We have no problem with the
1688 staff annotations and what we agreed to this morning with both cases. We plan on starting the
1689 work on the church site immediately, as soon as we get approval of the plans. I have no problem
1690 with tying it into this POD before you on the screen that we won't occupy the parking lot until
1691 the other is finished.

1692

1693 Mr. Jernigan - Thank you, Mr. Lewis. Are there any questions for Mr. Lewis from the
1694 Commission?

1695

1696 Mr. Glover - Do you, Mr. Lewis, accept those conditions that the Planning Commission
1697 now is presenting to you as far as Holly trees planted from what, say 5 foot on center from where
1698 the Leyland Cyprus stops, by proffer, to the C-1 zoning? The remainder of the 0-2 zoning which
1699 is behind, I believe, Mr. Hoffman's house there?

1700

1701 Mr. Lewis - We have no problems with the Holly. I'd like to talk with my landscape
1702 architect if it is 5 foot on center since this is existing woods. We want to place them in between
1703 the mature trees, but what ever...

1704

1705 Mr. Glover - We are talking about a visual barrier, now. When you did your BMP back
1706 there, and you are authorized to do that, and I am not sure whether you will do it in conjunction
1707 with your existing parking lot that you are getting ready to build on the west side.

1708

1709 Mr. Lewis- Not yet.

1710

1711 Mr. Glover - That is my concern – not yet. And I am serious, because I don't know
1712 what you plan to do or how you plan to do it or what the requirements are, but I would like to
1713 make sure that there is a visual barrier maintained behind the property on there that is setting on
1714 the second row.

1715

1716 Mr. Lewis - Yes, sir. We will do that.

1717

1718 Mr. Glover - With that, would you allow the Planning staff to help you decide, by the
1719 word "help" I mean actually tell you where and the amount of Hollies it would take to visually
1720 barrier that? Would you be willing to do that?

1721

1722 Mr. Lewis - Yes, sir.

1723

1724 Mr. Glover - OK. No problem. It says, "approved by the Planning Commission" so we
1725 have to get it clarified so that the Planning Commission can approve it. I appreciate it.

1726

1727 Mr. Lewis - No problem.

1728

1729 Mr. Jernigan - Thank you, Mr. Lewis. Are there any other questions from the
1730 Commission? Thank you, sir.

1731

1732 Ms. Goggin - I believe Mr. Hoffman does have a question.

1733

1734 Mr. Jernigan - I didn't, so I will ask now. Is there any opposition to POD-17-03 or POD-
1735 2-03? And we have opposition.

1736 Mr. Hoffman - No, I am not here for opposition. I am in support, but I do have a question.

1737 I am fully in support of the plan, so far. It was modified since my discussions yesterday with
1738 some of staff.

1739

1740 Mr. Glover - Give me your name and address so they will know where you live.

1741

1742 Mr. Hoffman -OK. My name is Rick Hoffman. I live on Darnell Road. My property abuts most
1743 of where this, or a lot of where this new stuff is proposed to being done, and the new fence line
1744 and Holly trees especially. I am wondering why, I guess, planting the Holly trees in the existing
1745 woods, supplementing the existing woods with Holly trees in the 50 ft. buffer in the O-2C zoned
1746 area, but they are not going to plant Holly trees in the 50 ft. buffer in the C-1C buffer, if I
1747 understand what was said before. I would like to see them plant the Holly trees in the C-1C
1748 buffer area as well.

1749

1750 Mr. Silber - Yes, sir. What is proposed at this point is Leyland Cyprus running back
1751 and where the woods begin there would be evergreen Hollies planted within the 50 ft. buffer
1752 back to where the C-1 line starts. You are saying that you would like to see the continuation of
1753 those Holly trees into the area zoned C-1?

1754

1755 Mr. Hoffman -Sure, all the way along, yes, definitely. That is what I am saying.

1756

1757 Mr. Silber - That is something the Commission can consider.

1758

1759 Mr. Vanarsdall - Your question was why we don't go past the C-1, Conservation District?

1760

1761 Mr. Hoffman -Yes. It doesn't make any sense. The whole purpose is to supplement the 50-ft.
1762 buffer. Why would you only supplement part of the 50-foot buffer?

1763

1764 Mr. Vanarsdall - I was under the impression that was wetlands over there.

1765

1766 Mr. Hoffman -No.

1767

1768 Mr. Silber - The back portion of this property zoned C-1 would not have any of the
1769 parking in it. That C-1 area would only contain a BMP, but all of the parking would be on the
1770 property that is zoned O-2C, so that may have been where the logic came from.

1771

1772 Mr. Hoffman -Right. I am not talking about the back portion of the property. I am talking about
1773 the front portion of the property where the houses are, the 50 ft. buffer that goes along there, that
1774 whole fence line that is being discussed just to put Holly trees in, basically half of that 50 ft.
1775 buffer area, and the other half of that 50 ft. buffer area, the part C-1C, wouldn't have any Holly
1776 trees.

1777

1778 Mr. Silber - I don't think the Administration would be adverse to running the Hollies
1779 all the way back into the C-1.

1780

1781 Mr. Vanarsdall - No. I wouldn't be. That would be all right.

1782

1783 Mr. Silber - That may be something that Mr. Lewis could address.

1784

1785 Mr. Vanarsdall - Monte, could you run them back in that piece?

1786

1787 Mr. Lewis - This plan before you now shows the parking lot and the retention basin
1788 and the bio-retention for the BMP when it is ultimately developed. What it shows is a double
1789 row of Leyland Cyprus, which now we are going to substitute Hollies. The reason during the
1790 zoning that they didn't buffer the C-1C Conservation Area was because it wasn't looking at
1791 anything except the BMP. I have no problem with supplementing the existing trees with some
1792 Hollies. I don't know if we really need them five foot on center or two foot on center to buffer
1793 the BMP, but I would be glad to work out with staff what is acceptable to them.

1794

1795 Mr. Silber - Mr. Lewis, the proffered conditions for the C-1C case, there were only
1796 three conditions, but one of them did say that "a 50 ft. transitional buffer shall be provided along
1797 the eastern border of the property." It goes on to say that "a landscape plan for the purpose of
1798 screening the use from the adjacent property shall be submitted and approved by the Planning
1799 Commission prior to the occupancy of the property."

1800

1801 Mr. Lewis - Yes, sir.

1802

1803 Mr. Silber - This is a landscape plan that we are talking about here. It is a plan of
1804 development and a landscape plan. I think the proffer assumes that there would be some
1805 supplemental screening.

1806

1807 Mr. Lewis - That is exactly what I am talking about, that we are doing supplemental
1808 screening in there. No problem.

1809

1810 Mr. Vanarsdall - So, Ms. Goggin, would you annotate that on the plans?

1811

1812 Mr. Glover - It would be a condition, wouldn't it?

1813

1814 Mr. Silber - I think in this circumstance I would feel better if it was a condition. It
1815 would be Condition No. 34, and it could read something like, we can refine this, but it might be
1816 something like "Supplemental planting of evergreen Hollies will be planted in the 50-foot buffer
1817 north of placement of the Leyland Cyprus at a spacing that would be determined acceptable to the
1818 Henrico County Planning Office." Mr. Glover, I don't know if you want some actual distances, 5
1819 feet on center placed in there or not.

1820

1821 Mr. Glover - I think it is just a matter of a visual barrier. And I think Ms. News and Mr.
1822 Strauss have a pretty good idea of what it takes to have a visual barrier for the homeowner there.

1823

1824 Mr. Vanarsdall - And we can address that also at landscaping time.

1825 Mr. Silber -

Well, this is the landscape plan.

1826

1827 Mr. Vanarsdall - I know we want it now, but I say if it is on center and all that.
1828

1829 Mr. Lewis - We will be resubmitting this plan with the additional plantings to the staff
1830 for approval, which would include supplemental planting in the C-1 as required by the zoning
1831 condition.
1832

1833 Mr. Silber - Mr. Vanarsdall, I guess what you are saying is that another opportunity
1834 would be when they come back, if they come back with future parking on this property. I am
1835 talking about on the 0-2C property. That would be another opportunity to see how visually
1836 screened this area is, and we could have another landscape plan approved to handle that.
1837

1838 Mr. Vanarsdall - OK.
1839

1840 Mr. Jernigan - Are we going to amend No. 9 or are we just going to...
1841

1842 Mr. Silber - I don't see a reason to amend No. 9.
1843

1844 Mr. Jernigan - What we will do is just in the condition, it would just be met and handled
1845 administratively.
1846

1847 Mr. Glover - Mr. Chairman, I would like to have Mr. Silber, the Secretary, tell us how
1848 or what we are voting on. I think he has a pretty good handle on it.
1849

1850 Mr. Silber - I am glad you have confidence in me. On POD-17-03, this is the BMW
1851 Parking Lot, that would be behind the dealership – the corners of Darnell and Lynn, we have a
1852 plan that is being proposed for consideration that spells out, and it is annotated in this fashion,
1853 but it spells out that there will be a 6 ft. chain-link fence that runs along the eastern and northern
1854 boundaries. It would be replacing the existing chain-link fence and putting up a new 6 ft. chain-
1855 link fence, and also has illustrated Leyland Cyprus running along the eastern boundary back to
1856 the existing edge of the woods. That is also on the annotated plan. It would then have, and there
1857 will be a condition that covers this, supplemental evergreen Hollies that would run through the
1858 50-ft. buffer all the way back to the northern limits of the property. That is through the 0-2C and
1859 through the C-1C. And it also requires that all of this be done prior to the occupancy of the
1860 parking area that is being considered and presumed approved with POD-2-03.
1861

1862 Mr. Glover - Is that acceptable, Mr. Lewis?
1863

1864 Mr. Lewis - Yes, sir. Just for clarification, Mr. Silber, these Hollies are taking the
1865 place of the Leyland. Is that correct?
1866

1867 Mr. Glover - From the tree line.
1868

1869 Mr. Silber - From the tree line?
1870

1871 Mr. Glover - Yes, sir.

1872

1873 Mr. Silber - From the tree line back to the northern extreme there will be no Leyland
1874 Cyprus. It will just be the evergreen Hollies.

1875

1876 Mr. Glover - I think it is important to note that in the zoning case the applicant offered
1877 Leyland Cyprus. The staff accepted Leyland Cyprus and only when they began to plan to do
1878 what they had proffered and committed to did they decide that Leyland Cyprus would not grow
1879 in the trees. That is why they are now substituting Hollies, and I appreciate them calling our
1880 attention to it.

1881

1882 Mr. Jernigan - Thank you, Mr. Glover.

1883

1884 Mr. Glover - That part where they are planting Hollies is the landscape plan, part of the
1885 landscape plan that this Commission is approving this morning. Is that correct, Mr. Silber?

1886

1887 Mr. Silber - Yes, sir. The other addition is the condition No. 32 that is on your
1888 Addendum that says, "A church sign will be removed prior to installation of the landscaping."
1889 So, on the Addendum now we have No. 32, 33 and 34.

1890

1891 Mr. Vanarsdall - What was No. 33?

1892

1893 Mr. Silber - No. 33 was that they must do this before occupancy of the parking on
1894 POD-2-03. And No. 34 deals with the supplemental planting of evergreen Hollies.

1895

1896 Mr. Jernigan - OK. Mr. Vanarsdall, are you ready to make a motion?

1897

1898 Mr. Silber - Thank you, Mr. Lewis.

1899

1900 Mr. Jernigan - Thank you. Would you make a motion first, the order that we took it was
1901 POD-17-03.

1902

1903 Mr. Vanarsdall- You want to do it that way? That was the second one, but that is OK.

1904

1905 Mr. Jernigan - He called POD-17-03 first, and then POD-2-03.

1906

1907 Mr. Vanarsdall- That is all right. Well, we have on the Addendum for POD-17-03 we are
1908 not going to actually follow that, because we have added conditions and we have made
1909 annotations on the plans this morning to take care of that. For example, we had something about
1910 a vinyl fence that was in there, and we don't need that. I am not going to follow that part. So I
1911 move POD-17-03, BMW Parking Church Site on Darnell Road be approved with annotations on
1912 the plans, standard conditions for developments of this type, and Nos. 9 and No. 11 Amended
1913 and Nos. 23 through 34, and No. 26 picks up the zoning cases, C-40C and C-67C.

1914

1915 Mr. Jernigan - OK. That is Conditions Nos. 23 through 31 plus Conditions Nos. 32, 33
1916 and 34 on the Addendum.

1917
1918 Mr. Vanarsdall - That is right.
1919
1920 Mr. Jernigan - Now we didn't amend Nos. 9 and 11 on POD-17-03.
1921
1922 Mr. Silber - Mr. Vanarsdall, are you asking that there be Nos. 9 and 11 Amended? Am
1923 I to assume that what you are saying is when they come back with their additional parking on this
1924 site that they will have to submit another landscape plan and lighting plan that would come to the
1925 Planning Commission?
1926
1927 Mr. Vanarsdall - All right. That takes care of POD-17-03.
1928
1929 Mr. Jernigan - Wait a minute, wait a minute. We are approving the landscaping and all
1930 now for this, what we have discussed. I think what Mr. Silber...
1931
1932 Mr. Glover - Again, Mr. Silber, would you explain why the No. 9 and 11 is being
1933 Amended?
1934
1935 Mr. Jernigan - He is saying on additional parking that is not scheduled now. Now what
1936 we are doing today is approving everything as we have it right now. Won't they have to file
1937 another POD if they want to do additional parking?
1938
1939 Mr. Silber - Yes. Keep in mind that the ultimate development of this site the way they
1940 had proposed it at the time of zoning was for another fairly large parking area for employees on
1941 the site. I am saying when that POD comes back we will have a landscape plan and a lighting
1942 plan.
1943
1944 Mr. Jernigan - That is a separate POD. On POD-17-03 now, we are approving the
1945 landscaping and that is included in...
1946
1947 Mr. Vanarsdall - It is the POD and the landscaping right now.
1948
1949 Mr. Jernigan - Correct. So it is 23 through 31 plus 32, 33 and 34 but not No. 9 and 11
1950 Amended.
1951
1952 Mr. Vanarsdall - I was being overly cautious when I wrote that on there.
1953
1954 Ms. Goggin - I would just like to clarify that Condition No. 31 says, "At such time plans
1955 for additional improvements or exterior alterations are submitted for the site, a landscape plan for
1956 all proffered and required buffers will be submitted concurrently for review and approval by the
1957 Planning Commission." Hopefully that will take care of the future.
1958
1959 Mr. Jernigan - We have a motion by Mr. Vanarsdall. Do we have a second?
1960
1961 Mr. Taylor - Second.

1962

1963 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
1964 favor say aye. All opposed say no. The motion passes.

1965

1966 The Planning Commission approved Plan of Development and Landscape Plan for POD-17-03,
1967 BMW Parking (Church Site) 2510 Darnell Road, subject to the standard conditions attached to
1968 these minutes for developments of this type, the annotations on the plans, and the following
1969 additional conditions:

1970

1971 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1972 the County in a form acceptable to the County Attorney prior to any occupancy permits
1973 being issued. The easement plats and any other required information shall be submitted
1974 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1975 permits.

1976 24. Employees shall be required to use the parking spaces provided at the rear of the
1977 building(s) as shown on the approved plans.

1978 25. Outside storage shall not be permitted.

1979 26. The proffers approved as a part of zoning cases C-40C-02 and C-67C-02 shall be
1980 incorporated in this approval.

1981 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1982 form acceptable to the County Attorney prior to final approval of the construction plans.

1983 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
1984 approved by the County Engineer prior to final approval of the construction plans by the
1985 Department of Public Works.

1986 29. Approval of the construction plans by the Department of Public Works does not establish
1987 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1988 elevations will be set by Henrico County.

1989 30. The developer shall provide fire hydrants as required by the Department of Public
1990 Utilities and Division of Fire.

1991 31. At such time plans for additional improvements or exterior alterations are submitted for
1992 the site, a landscape plan for all of the proffered and required buffers will be submitted
1993 concurrently for review and approval by the Planning Commission.

1994 32. The church sign will be removed prior to installing the landscaping.

1995 33. The improvements proposed with this POD shall be completed prior to occupancy of the
1996 parking area approved with POD-02-03.

1997 34. Supplemental planting of evergreen Hollies will be planted in the 50-foot forested
1998 transitional buffer north of the Leyland Cypress and running to the northern property line
1999 in a fashion to provide a suitable screen as deemed appropriate by the Planning Office.

2000 Mr. Jernigan - All right, now Mr. Vanarsdall. Now for POD-2-03.

2001

2002 Mr. Vanarsdall - I move that POD-2-03, and this is the BMW Parking Addition – 8716 W.
2003 Broad Street (Virginia Home for Boys) be approved subject to the annotations on the plans,
2004 standard conditions for developments of this type, Nos. 9 and 11 Amended...

2005

2006 Mr. Glover - That was the extended fence, Mr. Vanarsdall.

2007

2008 Mr. Vanarsdall - Yes. I am not going to go by what is written in here, because on the
2009 Addendum that they will stop at the sales center, but we have now extended that all the way to
2010 the end of the property line, which would be probably 150 feet, wouldn't it? And it would take
2011 in the last nine car spaces down there, and this would be a wrought-iron type aluminum black
2012 fence with brick columns. That comes all the way down, and in the back portion will be a solid
2013 vinyl 8-foot fence to put a boy's soccer field.

2014

2015 Mr. Jernigan - And also the additional conditions Nos. 23 through 33. All right. I will
2016 second the motion. We have a motion by Mr. Vanarsdall and a second by Mr. Jernigan. All in
2017 favor say aye. All opposed say no. The motion is passes.

2018

2019 The Planning Commission approved Plan of Development POD-2-03, BMW Parking Addition –
2020 8716 W. Broad Street (Virginia Home for Boys), subject to the annotations on the plans, the
2021 standard conditions attached to these minutes for developments of this type and the following
2022 additional conditions:

2023

2024 9. **AMENDED** – A detailed landscaping plan shall be submitted to the Planning Office for
2025 review and Planning Commission approval prior to submission of engineers certification
2026 that all site improvements conform to the approved POD.

2027 11. **AMENDED** – Prior to the approval of an electrical permit application and installation of
2028 the site lighting equipment, a plan including depictions of the light spread and intensity
2029 diagrams, and fixture specifications and mounting height details shall be submitted to the
2030 Planning Office for review and Planning Commission approval prior to submission of
2031 engineer's certification that all site improvements conform to the approved POD.

2032 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2033 the County in a form acceptable to the County Attorney prior to any occupancy permits
2034 being issued. The easement plats and any other required information shall be submitted
2035 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2036 permits.

2037 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
2038 approved by the Virginia Department of Transportation and the County.

2039 25. A notice of completion form, certifying that the requirements of the Virginia Department
2040 of Transportation entrances permit have been completed, shall be submitted to the
2041 Planning Office prior to any occupancy permits being issued.

2042 26. The developer shall provide fire hydrants as required by the Department of Public
2043 Utilities and Division of Fire.

2044 27. A standard concrete sidewalk shall be provided along the north side of W. Broad Street
2045 (U. S. Route 250).

2046 28. All repair work shall be conducted entirely within the enclosed building.

2047 29. Outside storage shall not be permitted.

2048 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2049 form acceptable to the County Attorney prior to final approval of the construction plans.

2050 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
2051 approved by the County Engineer prior to final approval of the construction plans by the

2052 Department of Public Works.
2053 32. Approval of the construction plans by the Department of Public Works does not establish
2054 the curb and gutter elevations along the Henrico County maintained right-of-way. The
2055 elevations will be set by Henrico County.
2056 33. Approval of the construction plans by the Department of Public Works does not establish
2057 the curb and gutter elevations along the Virginia Department of Transportation
2058 maintained right-of-way. The elevations will be set by the contractor and approved by the
2059 Virginia Department of Transportation.
2060
2061 Mr. Jernigan - Is there any opposition to Landscape Plan LP/POD-83-01?
2062
2063 Mr. Vanarsdall - Excuse me, Mr. Jernigan, I want to go back to POD-2-03. That was only
2064 for the POD. That was not for landscaping on the Broad Street site.
2065
2066 Mr. Silber - That is correct.
2067
2068 Mr. Jernigan - So you Amended No. 9 and 11.
2069
2070 Mr. Vanarsdall - OK.
2071
2072 Mr. Jernigan - You took care of that. You Amended Nos. 9 and 11. You were right.
2073
2074 Mr. Vanarsdall - I wanted to make sure you didn't think it was the same thing.
2075
2076 Mr. Jernigan - No. You said that, that you were Amending No. 9 and 11. OK. We have
2077 no opposition. Ms. News, you may proceed.
2078

2078 **LANDSCAPE PLAN**

2079

LP/POD-83-01
The Lodge at Hunton Park

Hanover R.S. Limited Partnership for Lodge at Hunton Park, L.P.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 30-acre site is located on the north line of Hunton Park Boulevard, approximately 1,200 feet east of Staples Mill Road (U.S. Route 33) on parcel 762-775-1005. The zoning is R-5C, General Residence District (Conditional) and C-1, Conservation District. **(Brookland)**

2080

2081 Mr. Jernigan - Is there any opposition to Landscape Plan LP/POD-83-01, The Lodge at
2082 Hunton Park? No opposition. Ms. News.

2083

2084 Ms. News - Good morning, members of the Commission. The applicant has been very
2085 responsive to staff and has submitted information addressing all of staff's annotations. The
2086 revised plan, which has just been handed out, addresses reforestation of an area of the RPA as
2087 required by the Department of Public Works, and also shows details for screening of HVAC
2088 equipment and building mounted meters. The applicant has indicated that these areas are always
2089 screened on their sites. The plan shows extensive landscaping throughout the complex including
2090 the use of 6-inch caliper oak trees in the main entrance area. The majority of the area within the
2091 development will be sodded and irrigated. Staff feels the complex has several quality amenities
2092 and uses, and many high quality landscape materials and will be quite attractive. Staff, therefore,
2093 recommends approval of the plan subject to the standard conditions for landscape plans, and I
2094 would be happy to answer any questions.

2095

2096 Mr. Jernigan - Are there any questions for Ms. News from the Commission?

2097

2098 Mr. Vanarsdall - I don't have any questions. I have already talked to her about it.

2099

2100 Mr. Jernigan - Thank you, Ms. News.

2101

2102 Mr. Vanarsdall - Anybody else?

2103

2104 Mr. Jernigan - Mr. Vanarsdall.

2105

2106 Mr. Vanarsdall - I move that LP/POD-83-01, The Lodge at Hunton Park, be approved
2107 subject to the annotations on the plans and standard conditions for landscape plans as presented
2108 by staff.

2109

2110 Mr. Archer - Second, Mr. Chairman.

2111

2112

2113 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Archer. All in
2114 favor say aye. All opposed say no. The ayes have it. The motion is passed.

2115

2116 The Planning Commission approved Landscape Plan LP/POD-83-01, The Lodge at Hunton Park,
2117 subject to the annotations on the plan and the standard conditions for landscape plans.

2118

2119 Mr. Jernigan - Mr. Silber, I think the next case is our Expedited Case that got pulled.

2120

2121 **PLAN OF DEVELOPMENT**

2122

POD-13-03

Church of The Epiphany –
8000 Hermitage Road

Hulcher & Associates for Church of the Epiphany:

Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,600 square foot classroom and office addition. The 5.985-acre site is located at 8000 Hermitage Road across from Gibraltar Drive on parcel 775-752-8156. The zoning is R-3, One-Family Residence District. County water and sewer.
(Brookland)

2123

2124 Mr. Jernigan - And we did have opposition to that, so I won't ask for it again.

2125

2126 Mr. Vanarsdall- Well, we don't have any opposition now, do we?

2127

2128 Mr. McGarry -No, sir. Cynthia Childrey is satisfied that the church is not going to be trying to
2129 put a private school or a daycare in there.

2130

2131 Mr. Vanarsdall - And I checked with them at break time and they said she was very
2132 satisfied.

2133

2134 Mr. Jernigan - Good deal.

2135

2136 Mr. McGarry -So, with that, staff can recommend approval subject to the annotations on the
2137 plans, standard conditions for developments of this type, and Conditions Nos. 23 through 28. I'd
2138 be happy to answer any questions.

2139

2140 Mr. Jernigan - Any questions for Mr. McGarry? If not, Mr. Vanarsdall.

2141

2142 Mr. Vanarsdall - Mr. McGarry, is there any reason not to put No. 9 Amended on here?

2143

2144 Mr. McGarry -They have one BMP on the site. That is the only...

2145

2146 Mr. Vanarsdall - They've got to landscape around the addition.

2147

2148 Mr. McGarry -That would be foundation type plantings.

2149 Mr. Glover - Do you want No. 9 on it?
2150
2151 Mr. Vanarsdall - I am just seeing what he says about it.
2152
2153 Mr. Glover - You ought to put it on there because it does have a BMP in the front yard.
2154
2155 Mr. McGarry - Yes, sir. It does.
2156
2157 Mr. Glover - In the front yard?
2158
2159 Mr. McGarry - Well, it is close.
2160
2161 Mr. Glover - Is it between the road and the church?
2162
2163 Mr. McGarry - Yes, it is.
2164
2165 Mr. Glover - I believe that is front yard.
2166
2167 Mr. McGarry - It will be.
2168
2169 Mr. Vanarsdall - The BMP is over on the side next to – not next to it, but it is in that area.
2170 All right, are you ready for a motion, Mr. Chairman?
2171
2172 Mr. Jernigan - Yes, sir. I am ready.
2173
2174 Mr. Vanarsdall - I move POD-13-03, Church of The Epiphany – 8000 Hermitage Road, be
2175 approved with No. 9 Amended and Conditions Nos. 23 through 28, the annotations on the plans
2176 and standard conditions for developments of this type.
2177
2178 Mr. Taylor - Second.
2179
2180 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
2181 favor say aye. All opposed say no. The motion is passed.
2182
2183 The Planning Commission approved Plan of Development POD-13-03, Church of the Epiphany
2184 – 8000 Hermitage Road, subject to the standard conditions attached to these minutes for
2185 developments of this type, the annotations on the plans and added conditions No. 9 Amended and
2186 Nos. 23 through 28 shown below:
2187
2188 9. **AMENDED** – A detailed landscaping plan shall be submitted to the Planning Office for
2189 review and Planning Commission approval prior to submission of engineers certification
2190 and all site improvements conform to the approved POD.
2191 23. The developer shall provide fire hydrants as required by the Department of Public
2192 Utilities and Division of Fire.
2193 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a

2194 form acceptable to the County Attorney prior to final approval of the construction plans.
2195 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
2196 approved by the County Engineer prior to final approval of the construction plans by the
2197 Department of Public Works.
2198 26. Insurance Services Office (ISO) calculations must be included with the plans and
2199 contracts and must be approved by the Department of Public Utilities prior to the issuance
2200 of a building permit.
2201 27. Approval of the construction plans by the Department of Public Works does not establish
2202 the curb and gutter elevations along the Henrico County maintained right-of-way. The
2203 elevations will be set by Henrico County.
2204 28. The location of all existing and proposed utility and mechanical equipment (including
2205 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
2206 shall be identified on the landscape plans. All equipment shall be screened by such
2207 measures as determined appropriate by the Director of Planning or the Planning
2208 Commission at the time of plan approval.

2209

2210

2211 **RESOLUTION: Fire Station 22 Site – Substantially In Accord with the County of Henrico**
2212 **Comprehensive Plan (Three Chopt District)**

2213

2214 (Staff Report by Audrey Anderson)

2215

2216 Mr. Silber - Moving to the last page of the Agenda, maybe if we can hold off on the
2217 minutes, if that is OK, and go ahead and hear the Substantially in Accord for Fire Station No. 22.
2218 This is in the Three Chopt District located on Cox Road and Westerre Parkway, and Audrey
2219 Anderson is here to make that presentation.

2220

2221 Ms. Anderson - Good morning. As Mr. Silber said, this report is on Fire Station 22. For
2222 fire protection and other emergency services, the County is divided into districts, which are made
2223 up of small reporting areas or SRAs. The proposed Fire Station 22 is located in District 22 as
2224 shown on the map here. District 22 borders Nuckols Road, Springfield Road, Pemberton Road,
2225 Ridgefield Parkway, part of Church Road, Pouncy Tract Road and I-295. Currently, the average
2226 first-in-response time for emergency calls in District 22 is about 7.38 minutes. First-in refers to
2227 the time it takes for the first emergency unit to arrive on the scene of a call. The goal in
2228 determining the location of fire stations and districts throughout the County is to have an average
2229 first-in-response time of five minutes, or less. The vicinity map here shows that the proposed
2230 Fire Station 22 site is located on Westerre Parkway approximately 250 feet east of Cox Road.
2231 The site consists of parcel 748-759-5844 containing 1.921 acres. The proposed site for proposed
2232 Fire Station 22, the characteristics of the site are suitable for the proposed development. The site
2233 is zoned B-2C, Business District (Conditional). The proposed facility is a permitted use in the B-
2234 2 District. The surrounding properties are also zoned and developed for business and office uses.
2235 The topography on the site is generally flat and the Land Use Plan recommends the proposed site
2236 for office development. Although the plan does not designate the site for a public use,
2237 constructing a fire station at this location would be consistent with the Goals, Objectives, and
2238 Policies of the Plan that stress the importance of locating adequate public facilities and services

2239 in a manner that maximizes efficiency of service delivery, while the negative impacts on the
2240 surrounding area are minimized.

2241

2242 Based upon review of this site for the proposed use, staff has concluded that the site can be
2243 designed to be compatible with the surrounding area and will not be in conflict with or a
2244 significant departure from the Land Use Plan or the rest of the Comprehensive Plan. The staff,
2245 therefore, recommends that the Planning Commission approve the Resolution, finding the
2246 proposed Fire Station 22 site substantially in accord with the Comprehensive Plan.

2247

2248 I'd be happy to answer your questions at this time; and also we do have someone from General
2249 Services and the Division of Fire to answer any questions that you might have.

2250

2251 Mr. Jernigan - Are there any questions for Ms. Anderson from the Commission?

2252

2253 Mr. Taylor - What is the time schedule for this?

2254

2255 Ms. Anderson - A time schedule?

2256

2257 Mr. Taylor - Do we have an estimated time of finishing?

2258

2259 Mr. Anderson - Yes. Mr. Meeker can answer that question for you.

2260

2261 Mr. Meeker - Good morning, sir. We are planning, or we should have this on the street
2262 for advertisement for construction in April. That is going to take about 60 days, and then we
2263 would award a contract. Construction time for this would be about one year, so we are talking
2264 April, May or June of next year.

2265

2266 Mr. Taylor - June 2004.

2267

2268 Mr. Meeker - Yes, sir.

2269

2270 Mr. Jernigan - Mr. Meeker, just for the record, would you state your name and address.

2271

2272 Mr. Meeker - I am Don Meeker with General Services.

2273

2274 Mr. Glover - Is this a part of the 2000 Bond Referendum?

2275

2276 Mr. Meeker - Yes, sir. Was that one scheduled in the Bond Referendum?

2277

2278 Mr. Taylor - Thank you. That is all the questions that I have. Mr. Chairman, I will
2279 move approval of the Resolution finding the proposal for Fire Station 22 Site to be Substantially
2280 in Accord with the County of Henrico Comprehensive Plan.

2281

2282 Mr. Jernigan - I will second that. We have a motion by Mr. Taylor and a second by Mr.
2283 Jernigan. All in favor say aye. All opposed say no. The motion is passed.

2284

2285 The Planning Commission found Resolution: Fire Station 22 Site to be Substantially in Accord
2286 with the County of Henrico Comprehensive Plan (Three Chopt District).

2287

2288 Mr. Silber - The last item for this morning would be the approval of the minutes.
2289 These would be the January 22, 2003 Minutes.

2290

2291 Mr. Jernigan - Are there any corrections to the minutes?

2292

2293 Ms. Ware - I have one, on Page 54, Line 2122. It says and “feet” and it should be
2294 “feel”.

2295

2296 Mr. Archer - I had one, too, Mr. Chairman, and I can’t find it. It was a correction to a
2297 correction. Somewhere in there it says “visual affect” and I think it should be “visual effect”, but
2298 it is the near the end, I thought, but I don’t remember where. Not a big deal.

2299

2300 Mr. Jernigan - That is on Line 2195.

2301

2302 Mr. Archer - That is good, Mr. Chairman.

2303

2304 Mr. Taylor - Mr. Chairman, on Line 2135, I just note that it says, “Did you say she have
2305 dogs?” I don’t recollect you saying that. I think you said, “Did you say she has dogs?”

2306

2307 Mr. Jernigan - Thank you, Mr. Taylor. Are there any more corrections? OK. With that, I
2308 will move for approval of the minutes from January 22, 2003.

2309

2310 Mr. Vanarsdall - Second. There was a motion by Mr. Jernigan and a second by Mr.
2311 Vanarsdall. All in favor say aye. All opposed say no.

2312

2313 Mr. Vanarsdall - I move we adjourn.

2314

2315 Mr. Jernigan - I just want to say something while everybody is here. Just something to
2316 think about. We’ve heard a lot about the police officer that died in the BMP and I have talked to
2317 a lot of people that weren’t aware.

2318

2319 Mr. Glover - Are the comments being made now a part of the minutes? You might
2320 want to turn the machine off.

2321

2322 Mr. Jernigan - It is fine. We haven’t adjourned. Let’s make a motion that we adjourn the
2323 meeting.

2324

2325 Mr. Taylor - So moved.

2326

2327 Mr. Jernigan - Second. The meeting is adjourned at 11:30 a.m.

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2329 On a motion by Mr. Taylor and seconded by Mr. Jernigan, the Planning Commission adjourned
2330 its February 26, 2003, meeting at 11:30 a.m.

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E. Ray Jernigan, C.P.C., Chairman

John R. Marlles, AICP, Secretary