

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Tuesday,
4 July 28, 1998

5

6 Members Present:

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

13

14 Others Present:

Mr. John R. Marlles, AICP, Director of Planning, Secretary
Mr. Randall R. Silber, Assistant Director of Planning
Mr. David D. O'Kelly, Jr., Principal Planner,
Mr. Jim P. Strauss, CLA, County Planner
Mr. E. J. (Ted) McGarry, III, County Planner
Mr. Kevin D. Wilhite, County Planner
Mr. Mikel C. Whitney, County Planner
Ms. Leslie A. News, CLA, County Planner
Mr. Mark Bittner, County Planner
Mr. R. Kirby Smith, Drafting Technician
Mr. Robert J. Eagle, Associate County Planner
Mr. L. Jerry Peay, Planning Technician
Mr. Todd Eure, Assistant Traffic Engineer
Mr. Steve Bandura, Public Works
Ms. Diana B. Carver, Recording Secretary
Mrs. L. B. Ann Cleary, Office Assistant

30

31 Mr. Archer - Good morning. Before we start, is there anyone here from the press this
32 morning? I have been neglecting to introduce the press; although, I don't think there has been
33 anyone from the press to introduce. If you are here from the press, consider yourself
34 introduced. With that, we do have a rather lengthy agenda and I'll turn the meeting over to
35 the Secretary.

36

37 Mr. Marlles - Mr. Chairman, we do have a quorum today and I'm going to ask Mr.
38 McGarry to read the requests for deferrals and withdrawals.

39

40 Mr. McGarry - Good morning, Mr. Chairman and members of the Commission. The
41 staff is aware of one deferral on your nine o'clock agenda and five on your ten o'clock
42 agenda. You will only be taking action on the first one that I give you but I think it's
43 appropriate to list the others just in case there is someone here early. So, on page 8 Effinger

44 Drive. The applicant has requested two separate, two-week, deferrals in the past. He is
45 asking for another two-week deferral. However, staff is going to recommend a deferral for 30
46 days until your August 25 meeting.

47

48 **SUBDIVISION (Deferred from the July 9, 1998, Meeting)**

49

Effinger Drive
(June 1998 Plan)

(A dedication of a
portion of Effinger
Drive)

**TIMMONS for Edward E. West, Jr. Et Als, Magnolia
Development, LLC and Velpar Investments Inc.:** The road
extends westwardly from Mechanicsville Turnpike, approximately
1000 feet to its terminus and is located approximately 700 feet
south of the Showplace entrance on part of parcels 128-A-2, 3 and
parcels 7, 8 and 9. The zoning is M-2, General Industrial District
and B-3, Business District. (Fairfield) 0 Lot

50

51 Mr. Archer - Is there anyone here in opposition to the deferment of Effinger Drive
52 subdivision to the August 25 meeting? No opposition. In that case, I move the deferment of
53 Effinger Drive to the August 25, 1998, meeting at the applicant's request.

54

55 Mr. Vanarsdall - Second.

56

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

59

60 At the request of the applicant, the Planning Commission deferred subdivision Effinger Drive
61 to its August 25, 1998, meeting.

62

63 Mr. McGarry - On your ten o'clock agenda, and you will not be taking action at this
64 time, I have the following requests. On page 17 of your agenda, Fort King subdivision, the
65 applicant is requesting deferral to your August 25, 1998, meeting. On page 18, POD-58-98,
66 Downtown Short Pump, the applicant is requesting deferral to your August 25, 1998, meeting.
67 Page 20, POD-70-98, Car Nation - W. Broad Street, the applicant request deferral to August
68 25, 1998. Next one is a withdrawal. Page 24, POD-17-97, Short Pump Station, Phase III.
69 The applicant has requested to withdraw this. And, finally, on page 25, the lighting plan for
70 LP/POD-114-96, Marriott Townplace Suites, the applicant request deferral to August 25,
71 1998. They all want a one-month deferral except Short Pump Station they want to withdraw
72 it.

73

74 Mr. Archer - Is that it?

75

76 Mr. McGarry - That's it, sir.

77 Mr. Archer - For those of you who are here to hear those cases, we can't say that they
 78 are deferred because, of course, we have to vote on them. The case that has been withdrawn I
 79 think it's pretty safe to say if you would like to leave, you can leave on that one. The others
 80 will probably be deferred but it can't be officially deferred until the Commission actually
 81 votes. Okay. Let's move right along.

82

83 Mr. Marles - We have a number of subdivision of extensions of conditional approval.

84 Mr. Wilhite.

85

86 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

87

<u>Subdivision</u>	<u>Magisterial District</u>	<u>Remaining Lots</u>	<u>Previous Extension</u>
Carter Oaks, Section C (July 1993 Plan)	Tuckahoe	8	4
Clarendon Farms - Parcel C-2 (July 1995 Plan)	Fairfield	24	2
Four Mile Run (July 1993 Plan)	Varina	130	4
Glenwood Lakes (July 1997 Plan)	Fairfield	214	0
Hungary Acres, Section E	Brookland Fairfield	11	7
Osborne Heights (June 1997 Plan)	Varina	25	0
Winding Woods (July 1995 Plan) (Formerly Johodi Woods)	Varina	15	2

88

89

90 Mr. Wilhite - There are a few changes that have to be noted to the extensions of
 91 conditional approval. First of all, Hungary Acres, Section E, it should be listed in the
 92 Fairfield district. Also, Osborne Heights (June 1997 Plan) has been granted final approval and
 93 the extension of conditional approval is not necessary. With that, staff recommends the 12
 94 months extension.

95

96 Mr. Zehler - Mr. Chairman, I move that the approval of subdivision of extensions of
 97 conditional approval with the two changes just mentioned.

98

99 Mr. Vanarsdall - Second.

100

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

103

104 The Planning Commission voted to approve subdivision extensions of conditional approval for
 105 12 months, July 27, 1999, for all the subdivisions listed above except Osborne Heights (June
 106 1997 Plan).

107 Mr. Marles - Mr. Chairman, our first case this morning is a rezoning case deferred
108 from the July 9 meeting.

109

110 **THREE CHOPT (Deferred from the July 9, 1998, Meeting)**

111

112 **C-49C-98 Glenn R. Moore for SJM of Richmond and Costen Floors, Inc.:** Request
113 to conditionally rezone from A-1 Agricultural District and O-2C Office District (Conditional)
114 to M-1C Light Industrial District (Conditional), Parcels 58-A-21C and 22, and part of Parcel
115 48-A-70B, containing 7.18 acres, located on the north line of Mayland Drive between Stillman
116 Parkway and Pemberton Road. An office distribution use is proposed. The use will be

150 Mr. Archer - Is the applicant present?

151

152 Mr. Moore - Mr. Chairman and members of the Commission, my name is Glen
153 Moore. I'm an attorney and I'm here in behalf of the applicants this morning. Rather than go
154 back.... We have heard this case once. If I could maybe try and summarize the case briefly
155 and then try to tell you as well what we have done since the last Planning Commission
156 hearing. And try to address concerns expressed by Pemberton Green, of the staff and Mrs.
157 Wade. As you know this case is.... Previously a case somewhat similar to this, but not
158 determined to be substantially similar, was before the Planning Commission earlier this year
159 and was denied by the Board. The case has been altered, probably most significantly, by the
160 deletion of an acre and a half of property directly across from Pemberton Green. As you can
161 tell by the zoning map on the screen before you there is a significant amount of M-1C zoned
162 land in the area, but we would submit that this case is superior to the other cases in the area
163 because of the extensive proffers. We proffered the site plan, elevations which include brick
164 and glass, building materials, the signage has been controlled, building heights limited,
165 deliveries and trash pick up times are controlled. There will be no outside storage on this
166 property, unlike some of the other M-1C zoned properties in the area, and protective
167 covenants will be required.

168

169 At your last hearing the case was deferred so that new proffers could be submitted. At that
170 time, I suggested that we would be willing to submit new proffers and to address a number of
171 concerns, and since that time we have done that and I believe you all received copies of those
172 proffers. Essentially, these are the changes in the proffers: The proffers limits the hours of
173 operations for the retail showroom, which is, of course, limited in size and location, as you
174 are aware. Any BMP adjacent to a public dedicated street, specifically, Stillman Parkway,
175 must be landscaped as approved at the time of landscape plan approval. So, you all will have
176 control over the appearance of that feature, if there is one. We further, specified that if there
177 is an access.... There will be only one access to Pemberton Road to serve this property. There
178 is currently only one access so if there is a new entrance put in, at a different location from
179 what currently exists, the old one will have to be removed and essentially Bell Atlantic will
180 have to tie into the new driveway. We expect that that very likely could happen. And,
181 finally, we have limited the intensity of parking lot lighting at all of the street perimeters of the
182 property.

183

184 Also, since the case was deferred, we went out on the property and marked the zoning line.
185 By marking that line with surveyor tape, it was established that significant trees would remain
186 on the portion of the property which is not going to be rezoned at this time. That is the O-2C
187 portion of the property, and those trees will remain until that property is developed. But, there
188 was some question as to whether there would be any effective screening of development on the
189 property which is to be rezoned by what remains on the O-2 zoned property and I think we
190 established that there will be some effective screening. We also shared the new proffers with
191 the members of the Board of Directors at the Pemberton Green Association and offered to
192 meet with the residents to discuss the case and possibly any other changes that might be

193 successful in obtaining a compromise so that they would not be opposed to the case. I was
194 advised that the feeling was, on the part of the Board, there was really nothing that the
195 applicant could do to remove the Director's opposition to the case. So, consequently, we did
196 not have that meeting. We did receive a letter from neighbors on the, actually, it's a letter
197 addressed to Mrs. Wade, which I'm going to distribute copies to you. That letter was written
198 by Mr. and Mrs. Bolton that live directly across Pemberton Road from the Bell Atlantic site,
199 supporting the case. Essentially, as you will see, the letter indicates those neighbors feel that
200 the use is appropriate and the property is at the rear of a shopping center. The farther the
201 condition of the property, which has been on the market for at least ten years, is not that great
202 and development would probably upgrade the maintenance and appearance of the property and
203 also discourage inappropriate uses of the property such as illegal dumping. And at one time,
204 I'm told, there was even a person that camped on the property. We would submit that this
205 case is appropriate to be recommended for approval at this time. We feel that the use is
206 consistent with other uses and zoning in the area. We further feel that the proffers assure that
207 the development of the property will be undertaken in a quality manner. Rezoning of the
208 property and its development would allow Costen Floors, which has been a good corporate
209 citizen of Henrico County for over 25 years, to remain in the County. Further, the case would
210 result in less traffic and less building square footage than development pursuant to the existing
211 zoning. So, for those reasons we would suggest it would be appropriate, we ask that you
212 recommend approval of the case to the Board of Supervisors. That summarizes my
213 presentation where the case stands now. I'd be happy to answer any questions that the
214 Planning Commission may have.

215

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

218

219 Mrs. Wade - I was going to acknowledge receipt of Mr. Bolton's letter. I also got a
220 phone call from a neighbor across Pemberton, from this project. I would say first, that I don't
221 think that what happens on this site is going to effect what happens on theirs substantially.
222 The situation is quite different on the other side of Pemberton in terms of what's there now
223 and what it abuts and the road having to go through and everything. Although, I was glad to
224 hear from them and that they don't object to this but... Okay.

225

226 Mr. Archer - Are there any other questions of Mr. Moore? All right. Thank you,
227 Mr. Moore. Okay. I believe we had someone who wanted to speak in opposition.

228

229 Mrs. Wade - Oh. Mr. Moore, I do have one thing. We discussed retail versus
230 wholesale and what did you tell me because one of these uses is permitted as wholesaling
231 including warehousing? Cosco refers to itself as wholesale, that's the Price Club.

232

233 Mr. Moore - Well, retail sales are sales for which sale taxes have to be collected.

234

235 Mrs. Wade - Do they, the Price Club, pay sale taxes?

236

237 Mr. Moore - I know if they are collecting sale taxes on their sales then those are retail
238 sales. So, I don't know what you have to indicate it's not retail, but if you can go in there and
239 buy something then basically they have to collect sale taxes. Any merchant has to collect sale
240 taxes unless they are buying something for resale to the ultimate consumer. That's the only
241 time you don't collect sale taxes.

242

243 Mrs. Wade - Okay. Thank you.

244

245 Mr. Archer - Are there any further questions? Okay. Thank you, Mr. Moore. Now,
246 sir, you may come forth.

247

248 Mr. Gillikin - Good morning. My name is Edward Gillikin. I'm the president of the
249 Pemberton Green Townhouse Association. I'm a licensed architect and I hold a minor in
250 urban planning from Virginia Tech. It's difficult to separate this case from the rezoning case
251 that was denied back in April. I am disturbed as well as the other board members that we are
252 here today trying to settle a matter that we felt was put to rest back in April. Pemberton
253 Green Townhouse community is an example of a fine neighborhood in Henrico County or
254 anywhere in America, where 41 homes belonging to people of all races and ethnic origins,
255 African Americans, Asian Americans, White and people of Middle Eastern decent,
256 newlyweds, single people, middle aged and retired elderly people who plan of living there for
257 the rest of their life. We are all living in harmony in a delicate balance of stagnant property
258 values. But, we are also contributing to the tax base of Henrico County. We feel that to upset
259 this delicate balance would nullify the covenant of the Comprehensive Plan 2010 that our
260 residents brought into when we purchased our townhouses. Certainly, our zoning ordinance
261 should be amended only in cases of hardship or good judgement.

262

263 Someone argued that the property in question has gone undeveloped for some time for a period
264 of over 10 years, but need I remind everyone that the economic recession that we experienced
265 in the early 90s and that we are just now recovering from this and seeing a serge in new
266 construction. Other surrounding plats are zoned M-1C but none of them contained a retail
267 component that Mr. Costen is asking for here. I can actually see the logic and allowing the
268 office/warehouse use because it does agree with similar uses around it, but it's that retail
269 component that contaminates the property and sets up the possibility of the domino effect
270 occurring on this property.

271

272 A number of years ago, I think about four years ago, we were in objection to the Jiffy Lube on
273 Stillman, a nearby property. And our fear was the encroaching retail component coming over.
274 Mr. Costen said publicly, after the last Commission meeting, that he has intentions of selling
275 the remaining O/2C property. That's certainly fine, but it would be difficult to prevent the
276 rezoning of that property at any given time. Once you just open the barn door for retail. That
277 is the main objection of our community is that retail component because it just doesn't
278 conform to the intention of the buffer from the Ukrops, to high density residential. And we

279 feel that the master plan was right in 1985 and it's right in 1998. That's all.

280

281 Mrs. Wade - Mr. Gillikin, would it make any difference if this parcel were all one
282 being developed in a comprehensive way? It might then even include some retail.

283

284 Mr. Gillikin - Possibly, if Mr. Costen had intentions of developing the remaining O/2C
285 plats, presently that would alleviate some of our concerns about the area falling by the way of
286 retail. If he plans to build let's say an office or a bank on the corner that would help because
287 that would really take care of it, but there are no intentions of developing that property.

288

289 Mrs. Wade - We both heard the argument, "Well, it's behind the shopping center"
290 which of course was all one parcel in the beginning, the shopping center and this land. Also,
291 now it's across the street from Jiffy Lube and so that justifies the retail.

292

293 Mr. Gillikin - Yes. It's the domino effect and we see it happening before our eyes. It
294 will happen if it's allowed to be rezoned.

295

296 Mrs. Wade - We're not sure about that but the argument would be there certainly.
297 Thank you.

298

299 Mr. Gillikin - I don't want to appear unreasonable, and I do commend the developer on
300 a better plan from last April, but still didn't get it.

301

302 Mr. Archer - Are there any further questions of Mr. Gillikin? All right. Mr. Moore.

303

304 Mr. Moore - I just have a couple of points in rebuttal, Mr. Archer. First of all I do
305 want to acknowledge that we, I was saying that we didn't have a meeting this time with the
306 people of Pemberton Green, but we have had a number of discussions with them. Although,
307 we have never reached an agreement on the case, I think the discussions have been fruitful in
308 many respects and many of the proffers that you have, many of the elements of the proffers
309 that you have before you, are the results of those discussions. Just to respond to a couple of
310 points that Mr. Gillikin made. First of all, I think with respect to the proffers, I did want to
311 point out that we have eliminated some uses on this property that are actually permitted on the
312 adjacent O-2 land that weren't considered particularly desirable as a result of request from the
313 citizens and those would include a child care center, a labor pool associated with employment
314 services, a funeral parlor, and a retail bank branch facility. We had no desire to implement
315 those features and we removed them from the case, and that's in response to his comment
316 about property values. We would submit that you will find up in this area, a significant
317 amount of this office/service type development adjacent to residential and I think the
318 residential properties very well. I don't see that where they have had a negative impact on the
319 neighborhoods.

320 With respect to the retail development, I know we have been through this before, and I just
321 want to reiterate, that this retail is extremely limited. And, I would suggest to you that it
322 could be viewed really as merely as an accessory use for Costen Floors principal use of a
323 distribution facility for his flooring business. It's limited to sale of flooring type items and
324 8,000 square feet which is a small area of retail and that retail area must be oriented to
325 Stillman Parkway. I would suggest to you that it doesn't open the door at all for any retail on
326 any adjacent site. It's, again, an accessory use, it's extremely limited and I don't feel that it
327 creates a precedence that the neighbors need to be concerned about or nor will there be a
328 domino affect as of a result of the approval of the case with that element in it. I'd be happy to
329 answer any other questions the Commission may have.

330

331 Mr. Archer - Are there any questions by Commission members? Thank you, sir.

332 Mrs. Wade.

333

334 Mrs. Wade - Since our last hearing when we took this up in the first place, I've been
335 on the site with Mr. Moore. I've been to hear the concerned neighbors again. I was surprised
336 that the case came back but it certainly has improved since it was first submitted. Still I won't
337 go into all the background about the reasonable transition that was provided in 1985, we
338 discussed that at the last hearing. I think the precedent matter definitely exist. There are a
339 number of ways this can be improved. I've been concerned. There's nothing said here about
340 site coverage, while the Deep Run Business Center has a site coverage maximum as I recall.
341 The retail area is limited but the showroom area for floors and other building materials, which
342 is nebulous, still remains. There is no, as staff points out, no provision for access to the O-2
343 between the O-2 and the M-1 they are requesting. The Bell Atlantic property is still hanging
344 out there with the question over it. One of our goals, in addition to encouraging, of course,
345 our local businesses, which we certainly strive to do, and to protecting our neighborhoods, is
346 we like to see parcels combined for better planning. It seems to me here that we are taking
347 two parcels and trying to make it into three and four which is going in the other direction. As
348 I implied with my question to Mr. Gillikin, I think if there was some way to coordinate this
349 whole thing and provide perhaps..... because in the original case they had a 50-foot buffer next
350 to the residential which has now dropped back to the 25 which currently exists on the O-2
351 property. And the Board may well see this in a different light but I still think this situation
352 could be improve and yet still accommodate Mr. Costen's business. But, for the time being,
353 we will move that case C-49C-98 be recommended for denial in its current form.

354

355 Ms. Dwyer - Second.

356

357 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer, the
358 Planning Commission voted 5 to 0 to deny this case. Mr. Donati abstained. All in favor say
359 aye...all opposed say nay. The motion passes.

360 **REASON:** On a motion made by Mrs. Wade and seconded by Ms. Dwyer and one
361 abstention, the Planning Commission voted to recommend that the Board of Supervisors deny
362 the request because it represents an increase in intensity which could influence future zoning
363 and development of adjacent properties, and the intensity of the business development will
364 detrimentally impact surrounding uses.

365

366 Mr. Marles - Our next case is C-50C-98.

367

368 **THREE CHOPT (Deferred from the July 9, 1998, Meeting)**

369

370 **C-50C-98 Brenda Hartless for CK Overlook Associates, LLC:** Request for
371 amendment of proffered conditions accepted with rezoning case C-88C-96, on Parcels 28-A-
372 35A, 23 and parts of Parcels 28-A-24A, 35B, and 25, containing 11.398 acres, located
373 between the north line of Sadler Road and the southwest line of Nuckols Road, approximately
374 100' east of Interstate 295. Amendments related to the buffer are proposed. The existing
375 zoning is O-2C Office District (Conditional).

376

377 Mr. Archer - Is there anyone here in opposition to C-50C-98? We do have
378 opposition. Okay. We will get to you. Mr. Bittner.

379

380 Mr. Bittner - This case was deferred by the applicant to allow more time to work with
381 neighboring property owners. Agreement has been reached on a landscape plan and much of a
382 revised proffered amendment. However, some issues were still outstanding at the previous
383 Planning Commission meeting which necessitated the deferral. Neighboring property owners
384 have expressed opposition to the applicant's request for temporary occupancy prior to
385 completion of Sadler Road. Among other items, neighbors are concerned about an increase in
386 traffic at the Cox and Sadler Roads intersection. Some new information has been submitted by
387 the applicant which we just now handed out to you. This includes a traffic impact study of the
388 development and a revised proffer amendment. The traffic impact study addresses the amount
389 of traffic to be generated by the development and its impact on the Cox Road and Sadler Road
390 intersection. The study estimates the traffic would increase by approximately 2% in the a.m.
391 and p.m. peak hours at this intersection. The revised proffer amendment addresses criteria for
392 allowing temporary occupancy and planting requirements in the Sadler Road buffer including
393 the fiber optic cable easement. This new information was received by staff late last week and
394 staff has not had sufficient time to conduct a thorough analysis. For this reason, staff
395 recommends this case be deferred to allow the proper analysis to take place. I'd be happy to
396 answer any questions you may have.

397

398 Mr. Archer - Thank you, Mr. Bittner. Are there any questions for Mr. Bittner from
399 the Commission?

400

401 Mrs. Wade - Is Mr. Wright still involved with this case?

402

403 Mr. Bittner - Yes. I couldn't precisely explain how, but, yes, he is involved.
404

405 Ms. Dwyer - I think he's still involved to some extent because there are still some
406 outstanding property that is not yet owned by the applicant.
407

408 Mrs. Wade - This is another example of a case that requires a lot of proffers to try to
409 make it work.
410

411 Ms. Dwyer - Mr. Bittner, I'm inclined to take your recommendation to defer the case
412 for several reasons. Should we ask if there is opposition to the deferral?
413

414 Mr. Archer - I suppose we should. There was opposition to the case. Is there any
415 opposition to the deferment of the case? No opposition. Okay. Ms. Dwyer.
416

417 Ms. Dwyer - I want to first just make a few comments. I think that we have a few
418 loose ends that I would feel more comfortable having tied up before we release this, I hope
419 would be, the final set of proffers. I want to make sure that we have completed everything
420 that needs to be completed and reviewed all of the potential loose ends so that we don't have
421 any surprises in the future. I know this has become a very complex and fragmented case.
422 What I would like to do is sit down with staff, including those who worked on the landscaping
423 and the POD as well as Mr. Bittner who is working on the zoning, the second zoning case.
424 And, just make sure that we go through all of our notes and make sure we have tied everything
425 up and then meet with the applicant and make sure that the proffers, I'm sure you will be
426 agreeable to that, make sure all of the proffers are complete and get those proffers to the
427 neighbors in time to review before our next zoning meeting, which will be August 13, 1998.
428 So, that gives us a few weeks to finalize these proffers that we did receive on Friday, which I
429 don't believe met our new 48-hours rule. Is that correct, Mr. Bittner?
430

431 Mr. Bittner - I believe the 48-hours rule goes into affect during the August Planning
432 Commission meeting. The actual proffer amendment, the revised proffers, were submitted
433 yesterday. So, they were not submitted prior to the 48-hours that you are going to enact next

445 TRANSFER OF APPROVAL (Deferred from the June 30, 1998, Meeting)

446

**POD-105-95 Manakin LLC: Request for transfer of approval of a plan of
The Baptist Bookstore development, as required by Chapter 24, Section 24-106, of the
(Circuit City Plaza Henrico County Code, from W. Douglas Elliott, Jr. to Manakin LLC.
Shopping Center) The 0.7-acre site is located at the north line of W. Broad Street (U.S.
Route 250), approximately 200 feet east of Gaskins Road on parcel 48-
A-27G. The zoning is B-2C, Business District (Conditional). County
water and sewer. (Three Chopt)**

447

**448 Mr. Archer - Is there anyone in the audience in opposition to the transfer of approval
449 for POD-105-95, The Baptist Bookstore? No opposition. Mr. Wilhite.**

450

**451 Mr. Wilhite - Mr. Chairman, Manakin LLC has agreed to the original conditions of
452 approval and agreed to abide by those. We have sent a list of deficiencies done by our
453 inspectors to Mr. Elliott at Manakin LLC. We have not heard back from him on when we
454 could aspect the deficiencies to be taken care of. I'm not sure if Mr. Elliott is here today or
455 not. If you do wish to act on this transfer, staff would recommend that an additional condition
456 be added that deficiencies as identified in the inspector's report dated June 16, 1998, shall be
457 corrected by September 30, 1998.**

458

459 Mrs. Wade - Is that the one we are working on now?

460

461 Mr. Wilhite - The Baptist Bookstore (Circuit City Plaza)?

462

**463 Mrs. Wade - The condition you read seems to apply to Quioccasin Road. Are you
464 recommending the same one for this? There are two Baptist Book Stores. There's one here
465 and one on the addendum.**

466

467 Mr. Wilhite - This one was not listed on the addendum.

468

469 Mrs. Wade - But, you want the same condition.

470

**471 Mr. Wilhite- I'm not sure what the other condition is, but that's the one that should
472 apply to this project.**

473

**474 Mrs. Wade - Well, it pretty much say exactly what you said, except for the inspection
475 report. On the addendum for the Quioccasin Road one it says: The site deficiencies, as
476 identified in the inspection report dated July 15, 1998, shall be corrected by October 30, 1998.
477 Does that sound like the same one?**

478

479 Mr. Wilhite - That was prepared by Mr. Whitney.

480

481 Mrs. Wade - Oh. So you have a different one? There was a little confusion about
482 these in the beginning. So, what you just read applies to the one at Circuit City Plaza?

483

484 Mr. Wilhite - Circuit City Plaza, yes, ma'am.

485

486 Mrs. Wade - Would you read it again then, please.

487

488 Mr. Wilhite - The deficiencies, as identified in the inspection report dated June 16,
489 1998, shall be corrected by September 30, 1998.

490

491 Mrs. Wade - All right. Thank you. Are you ready, Mr. Chairman?

492

493 Mr. Archer - Yes, ma'am, Mrs. Wade.

494

495 Mrs. Wade- I move the transfer of approval for the Baptist Book Store, POD-105-95
496 be approved with the condition No. 1 regarding the site deficiencies.

497

498 Mr. Vanarsdall - Second.

499

500 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.

501 All in favor say aye...all oppose say nay. The motion passes.

502

503 The Planning Commission approved the transfer of approval for POD-105-95, The Baptist
504 Bookstore (Circuit City Plaza Shopping Center), with the conditions previously approved and
505 the following additional condition. Mr. Zehler was absent.

506

507 1. The site deficiencies, as identified in the inspector's report dated June 16, 1998, shall
508 be corrected by September 30, 1998.

509

510 TRANSFER OF APPROVAL

511

POD-28-79
Baptist Book Store

Laney & Stephanie Caston for Caston Studio, Inc.: Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Everlina King and The Sunday School Board, Baptist Book Store Division to Caston Studio, Inc. The 0.73-acre site is located at 9000 Quioccasin Road on parcel 90-A-29. The zoning is B-1C, Business District (Conditional). County water and sewer. (Tuckahoe)

512

513 Mr. Archer - Is there anyone in the audience in opposition to the transfer of approval
514 for POD-28-79, Baptist Book Store ? No opposition. Mr. Whitney.

515

516 Mr. Whitney - Thank you, Mr. Chairman. We are now on the addendum for the
517 Baptist Book Store on Quiocassin Road. So, I think we are all on the same page now. Staff
518 has had a chance to review the inspection report dated July 15, 1998, and recommends that the
519 condition on this, the site deficiencies, as identified in that report, shall be corrected by
520 October 30, 1998. The deficiencies have been discussed with the applicant and they are in
521 agreement with correcting these deficiencies and taking over the conditions approved on this
522 POD. Staff can recommend approval of this transfer.

523

524 Mr. Archer - Are there any question of Mr. Whitney by Commission members? No
525 questions. All right. Ms. Dwyer.

526

527 Ms. Dwyer - I'm very, actually, happy to see a new occupant for this building. It's
528 been vacant for a period of time. So, I move for the transfer of approval of POD-28-79,
529 Baptist Book Store, with the additional condition No. 1, as listed on our addendum.

530

531 Mr. Vanarsdall- Second.

532

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

535

536 The Planning Commission approved the transfer of approval for POD-28-79- Baptist Book
537 Store, with the conditions previously approved and the following additional condition. Mr.
538 Zehler was absent.

539

540 1. The site deficiencies, as identified in the inspection reported dated July 15, 1998, shall
541 be corrected by October 30, 1998.

542

543 **TRANSFER OF APPROVAL**

544

POD-36-91
Rehabilitation
Hospital of Virginia

Jeff Ruskan for

549 Mr. Whitney - Thank you, Mr. Chairman. Similar for this transfer of approval, your
550 addendum has the staff's recommendation and a recommended condition for this. The staff
551 has reviewed the inspection report and, again, there are some deficiencies on the site. Staff
552 would recommend that these deficiencies be corrected, as worded in the condition, by October
553 30, 1998. Also, on this plan of development, there was a special exception included. One of
554 the conditions on that special exception was that the owner would contact the Monumental
555 Floral Gardens Civic Association if they make any changes to the plan of development. I've
556 talked to the people at Healthsouth and they have scribed a letter to the Civic Association.
557 And, at this time, I don't know if they have made contact. There was a problem with the
558 address, but once we got it straighten out who the current president was, I believe they can
559 indicate to us they have made that contact. I was told that a representative would be here
560 today to answer any questions that either one of you may have. Other than that, staff can
561 recommend approval of this transfer.

562

563 Mr. Archer - Mrs. Wade, do you have any questions of the representative that's here?

564

565 Mrs. Wade- Did you find some site deficiencies?

566

567 Mr. Whitney- Yes, there were some minor site deficiencies that I have discussed with
568 the Healthsouth people and they are willing to correct those.

569

570 Mrs. Wade - They are not doing or changing anything now POD wise.

571

572 Mr. Whitney - POD wise, no, they are not making any changes. There are some minor
573 revisions to the building that they have done through a building permit, and that's what
574 brought this to our light.

575

576 Mrs. Wade - All right. Thank you. The condition you read implies that the
577 neighborhood might have some input into something, but I don't know if they need to.

578

579 Mr. Whitney - Yes. The condition for the special exception indicated that they needed
580 to be contacted if there were any changes to the POD and there was a 30-day timeframe for
581 that contact to be made.

582

583 Mrs. Wade - But, they are not changing the POD at this point.

584

585 Mr. Whitney - But I did request the applicant to contact them and let them know that
586 they are the new owners.

587

588 Mrs. Wade - Is the applicant here?

589

590 Mr. Ruskan - Yes.

591

592 Mrs. Wade - Would you come forward please?
593
594 Mr. Ruskan - Hi. I'm Jeff Ruskan the CEO of Healthsouth.
595
596 Mrs. Wade - You've been in there quite a while now.
597
598 Mr. Ruskan - Yes. Healthsouth has been in there three years.
599
600 Mrs. Wade - And you now have the name of the Floral Gardens, who is Mrs. Deeb,
601 I believe.
602
603 Mr. Ruskan - Yes.
604
605 Mrs. Wade - And so you are writing or have written her.
606
607 Mr. Ruskan - Have written and re-sent the letter and have not heard anything back yet.
608 That was just last week.
609
610 Mrs. Wade - Thank you.
611
612 Mr. Archer - Anybody have any questions of him before he takes his sit? All right,
613 Mrs. Wade.
614
615 Mrs. Wade - All right. Since they are basically not making changes at this point, and
616 the changes they have made, I haven't heard anything from the neighborhood, which keeps a
617 pretty close eye on things, I would move that the transfer of approval for POD-36-91 be
618 approved with the condition No. 1 on the addendum.
619
620 Ms. Dwyer - Second.
621
622 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All
623 in favor say aye...all oppose say nay. The motion passes.
624
625 The Planning Commission approved the transfer of approval for POD-36-91, Rehabilitation
626 Hospital of Virginia, with the conditions previously approved and the following additional
627 condition. Mr. Zehler was absent.
628
629 1. The site deficiencies, as identified in the inspection reported dated July 10, 1998, shall
630 be corrected by October 30, 1998.
631

632 PLAN OF DEVELOPMENT (Deferred from the June 30, 1998, Meeting)

633

**POD-115-97
Huguenot Crossing
Shopping Center**

Jordan Consulting Engineers, P.C. for M. A. Carneal and W. T. P., 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 one-story, 30,000 ± square foot shopping center. The 3.84-acre site is located on the south line of Huguenot Road (State Route 147) on parcel 126-A-8. The zoning is B-1, Business District. County water and sewer (Tuckahoe)

634

635 Mr. Archer - Is there anyone here in opposition to this plan of development, POD-
636 115-97? We do have opposition. We will get to you.

637

638 Mr. Wilhite - This case was deferred from your agenda last month to allow the
639 applicant to prepare a traffic impact study for this development as requested by the Planning
640 Commission. That study was received by the County last Tuesday and was reviewed by the
641 Assistant Traffic Engineer, Todd Eure. Mr. Eure is here today to answer any questions that
642 you may have on that study. We also met with many of the citizens last Friday and presented
643 the findings of that study to them at that time. Staff does recommend approval of this
644 proposed development and of the revised plan with some additional annotations. First of all,
645 the applicant has stated a willingness to provide the sidewalk along Huguenot Road. He is also
646 willing to provide a pedestrian walkway in the back of the building. Also, the exterior dining
647 area that is noted on the plan should be stricken from the plan. Outside dining is not allowed
648 in this zoning district. With that, staff would recommend approval of this plan of development
649 and I will be happy to answer any questions that you may have.

650

651 Mr. Archer - Thank you, Mr. Wilhite. Are there questions by the Commission by
652 Mr. Wilhite?

653

654 Ms. Dwyer - Mr. Wilhite, the development plan that you just described and reviewed,
655 does it meet all of the local ordinance requirements and all state and federal requirements as
656 far as you know?

657

658 Mr. Wilhite - Yes, ma'am.

659

660 Mrs. Wade - Are we going to hear anything about the traffic impact study?

661

662 Ms. Dwyer - Yes. I am going to ask Mr. Eure to review that for us, unless Mr.
663 Wilhite would rather do that.

664

665 Mr. Wilhite - I think Mr. Eure would be much more qualified to do that than I am.

666

667 Mr. Archer - OK. Do you want to do that at this time, Ms. Dwyer?

668

669 Ms. Dwyer - I think that would be good.

670

671 Mr. Archer - OK. Mr. Eure, would you come forward please?

672

673 Mr. Eure - Mr. Chairman and members of the Commission, good morning. My
674 name is Todd Eure. I am the Assistant Traffic Engineer for Henrico County. Both Public
675 Works and VDOT have reviewed the Traffic Impact Study that was submitted by the developer
676 and are in agreement with his overall findings. While there were several minor discrepancies
677 within the study and the first draft, they do not alter the conclusion. For the sake of brevity, I
678 would like to highlight the findings of both the Traffic Impact Study as well as the
679 Supplemental Study that was conducted by the Department of Public Works with respect to the
680 primary issues that have been raised regarding this plan of development.

681

682 First the issue of the additional traffic that is projected to be generated by this proposed
683 shopping center. The study estimates that approximately 1,220 vehicle trips will be generated
684 by the proposed shopping center on an average day, an average weekday, and this is assuming
685 the development consists of approximately 30,000 square feet, specialty retail, not to include a
686 grocery store. This is an increase of less than 4% over the current average daily traffic along
687 this portion of Huguenot Road. Eighty percent of the site traffic is estimated to be coming
688 from either Cary Street or River Road. This means that most of the traffic will be making a
689 left-turn into the proposed shopping center and right-turn when they leave the site. The
690 remaining 20% of the traffic is estimated to come from across the Huguenot Bridge. During
691 the heaviest anticipated hours of use, from noon to 1:00 p.m., it is estimated that 84 vehicles
692 would be entering the proposed shopping center and 64 would be leaving the shopping center.
693 During the average peak hours of traffic on Huguenot Road, which is from 5:00 p.m. to 6:00
694 p.m., approximately 33 vehicles would enter the site and 44 would exit. Of the 44 leaving the
695 proposed shopping center, only nine are anticipated to turn left. This is compared to the 22
696 vehicles that are currently turning left during the same hour from the existing entrance at the
697 Eye Institute which would become a shared entrance with the shopping center. This equates to
698 approximately one additional vehicle every six to seven minutes at this entrance. During the
699 period, 36 vehicles are anticipated to turn left into the shared entrance off of Huguenot Road.
700 This is compared to 10 who are currently making that turning maneuver in that same hour into
701 the Eye Institute. The morning peak hour for the site were analyzed and not projected to add a
702 significant amount of traffic because few, if any, of the businesses are anticipated to be open at
703 this time of day. The Traffic Impact Study revealed that the overall level of service at the
704 intersection of Huguenot Road and River Road will continue to operate satisfactorily with the
705 addition of the proposed shopping center. Although additional traffic is added at the
706 intersection, less than one second of average delay per vehicle results in this traffic. The
707 average motorist would probably not notice this additional amount of delay. The Traffic
708 Impact Study also projected that the shared entrance at the Eye Institute will experience
709 additional delay for left-turning vehicles leaving the site. It estimates that delay may increase
710 by as much as 50 percent. However, from a traffic engineering standpoint, it is possible for

711 there to be this much variation due simply to the day of the week, time of year, and the
712 weather against any particular time. A delay study conducted at the Eye Institute entrance by
713 the developers' traffic engineer for the afternoon peak hour revealed that there was a wide
714 range of delay for left-turning vehicles. This delay arranged from almost zero to over two
715 minutes for individual vehicles. This is a reflection to the gaps that are occasionally created by
716 the traffic signal at River Road for traffic coming westbound on Huguenot as well as the
717 vehicles coming across the bridge since it is a one-lane approach from south side. When the
718 delay becomes very long, drivers at this point in time have the option of turning right and
719 making a U-turn at the traffic signal at River Road if the delay becomes unreasonable to them.
720 A right turn from the shared driveway are not anticipated to be affected to any large degree
721 with the result of this proposed shopping center. It should be noted that for this study, we
722 generally took the worse case scenario with respect to site traffic. For example, no pass-by
723 traffic or internal captured traffic was included. This means that none of the projected traffic
724 for the shopping center was estimated to be drawn from the existing traffic volume along
725 Huguenot Road or from the employees or patients at the Eye Institute and perhaps these trips
726 account for as much as 10 to 20 percent of the site traffic. With respect to the traffic signal
727 being warranted by the proposed shopping center, the traffic impact study supported a previous
728 review by the Department of Public Works and by the Virginia Department of Transportation
729 that concluded that the site will not generate enough traffic to warrant a traffic signal even in
730 conjunction with the Eye Institute traffic, and the traffic from the existing River Road
731 Shopping Center. With respect to the adequacy of the left-turn lane into the shared entrance,
732 Public Works measured to have approximately 250 feet of stacking which is sufficient to store
733 up to 12 vehicles without spilling into the westbound through lane. The most traffic that is
734 projected to use this left-turn lane in an hour is 101 vehicles. This averages one vehicle
735 entering the left-turn lane every 36 seconds. This is unlikely, as the capacity of the left-turn
736 lane will be exceeded. With respect to accidents at the entrance of the Virginia Eye Institute, a
737 detailed analysis by the Department of Public Works found that there have been a total of six
738 accidents over the last five years involving vehicles exiting the Eye Institute Driveway. Only
739 one of these accidents involved injuries and the injuries were reported to be minor. This is not
740 considered a high accident rate. It should be noted that four of the six drivers that were
741 involved in the accidents leaving the Eye Institute, four of the drivers were over the age of 75,
742 one of them being 91 years of age. With respect to the site distance exiting the Eye Institute
743 Driveway, we measured 455 feet of available site distance for motorists at that point looking
744 back towards the bridge. This exceeds the minimum requirement for a 35 mile per hour
745 posted speed limit which we have at that point; however, due to the 85% percentile speeds
746 exceeding the 35 miles per hour posted speed limit, it would be desirable to have additional
747 site distance available at this entrance. Based on this finding, we forwarded a request to
748 VDOT to trim some vegetation back along the east side of Huguenot Road coming off of the
749 bridge and it should have an improvement on the existing site distance. In summary, while the
750 proposed specialty retail shopping center would generate additional traffic along an already
751 heavily traveled portion of Huguenot Road, the impact of this additional traffic is not projected
752 to cause a significant enough decline of the level of service for the roadway for the Department
753 of Public Works to recommend against approval based on traffic engineering basis. And with

754 the addition of a right-in right-out entrance towards the eastern property line of the
755 development along with an additional right-turn lane for this entrance, the shared entrance at
756 the Virginia Eye Institute is anticipated to be adequate to handle the additional traffic safely. I
757 will be happy to answer any questions at this point.

758

759 Ms. Dwyer - Was everyone able to hear Mr. Eure's presentation? I know his voice
760 was fading in and out quite a bit. Were you able to hear it? The folks in the control room,
761 please note that the microphone at the podium is fading in and out. Maybe you could correct
762 that. OK. We have discussed at our various meetings and I wonder if you could give me
763 those figures again for, there was a drop in the level of traffic along this corridor with the
764 addition of the Willey Bridge to our road system. Do you have those figures handy?

765

766 Mr. Eure - Yes, ma'am. The traffic on Huguenot Road prior to the institution of
767 the Willey Bridge that diverted much of the traffic along Parham Road, there were
768 approximately 40,000 vehicles on an average weekday crossing the bridge at that point.
769 Currently, there are approximately 31,000 vehicles crossing the Huguenot Bridge at the last
770 count VDOT did, which was on June 10 and 11 of 1998.

771

772 Mr. Archer - Are there any further questions of Mr. Eure by anyone on the
773 Commission?

774

775 Ms. Dwyer - I have one. Mr. Eure, did you examine other potential uses for this
776 property and compare the traffic that might be generated by other uses, such as medical offices
777 or other uses that might be perceived as less intense?

778

779 Mr. Eure - As I mentioned, the proposed shopping center is projected to generate
780 approximately 1,220 vehicle trips on an average weekday. A comparable medical office
781 building would generate approximately 1,804 vehicle trips in one day. This would be a
782 medical office building comparable in size to the Eye Institute, or maybe slightly larger. The
783 Eye Institute is approximately 26,500 square feet and the proposed shopping center is 30,000
784 square feet, so a comparable size medical office building would generate almost 600 additional
785 vehicle trips per day and they would tend to conflict more heavily with the heavy piece of
786 traffic from the Eye Institute, whereas in the shopping center, the traffic peaks later in the
787 morning and early afternoon and carries on into the evening, once the Eye Institute traffic has
788 died down. In addition, we looked at what traffic generation would be for various other uses
789 that would fit into this zoning: For example, a discount type store would generate
790 approximately 1,700 vehicle trips per day. A supermarket of a comparable size would
791 generate approximately 3,345, which is significantly more.

792

793 Ms. Dwyer - The peak usage, peak time for trip generation for this specialty retail
794 shopping center, would be in the midday area and not in the morning, certainly, or even in the
795 evenings. Is that what these figures show?

796

797 Mr. Eure - Yes, ma'am, and a part would be contingent on exactly what type of
798 retail was in the shopping center, whether it was a restaurant if they were open for breakfast,
799 etc., but typically for this type of shopping center, you would estimate the peak traffic time
800 would be from 12:00 noon to 1:00 p.m., whereas the peak traffic on Huguenot Road is usually
801 5:00-6:00 in the evening time frame.

802

803 Ms. Dwyer - And, of course, in the morning when there is congestion on the bridge,
804 these stores would not be open for traffic.

805

806 Mr. Eure- Yes, you would make that assumption.

807

808 Ms. Dwyer - And when we talk about trip generation, are we talking about each time,
809 if a person is going to the store and they drive in and then they purchase something and they
810 leave, is that considered one trip or two? For the purposes of your figures here, when you
811 say, when you talk about trip generation.

812

813 Mr. Eure - The 1,220 trips would be the vehicles entering in the course of a day.

814

815 Ms. Dwyer - OK. I don't have any more questions at this time.

816

817 Mr. Archer - OK. Thank you. Are there further questions for Mr. Eure by the
818 Commission?

819

820 Mrs. Wade - None except the one that I have been having and that is, what is your
821 objection to having the entrance to this across from the entrance to the shopping center on the
822 other side?

823

824 Mr. Eure - The objection to that was that while it is desirable to line up driveways
825 across a four-lane divided roadway, without a signal being warranted at this location, it was
826 not considered a desirable location from the standpoint of you'd have conflicting turning
827 movements, with River Road Shopping Center. And, also the fact that it was felt to be too
828 close to the traffic signal at River and Huguenot for it to function safely.

829

830 Mrs. Wade - Do you all always base the traffic light situation on the number of trips
831 going both ways or sometimes the difficulty of going one way versus the other?

832

833 Mr. Eure - Traffic volumes on both the main road as well as the side road, in this
834 case the driveways are taken into consideration. We also look at the anticipated delay that the
835 motorist on the side street would experience, how long they would have to sit there and wait
836 for a gap to leave, and that is also depending on the traffic volumes on the main road. We
837 also look at accidents and look at certain accident thresholds for angle type accidents, which is
838 the 6 in the five years that I referenced, because if you look at all accidents for a road segment
839 including rear-end accidents, that is not really representative of any benefit that would be

840 gained by a traffic signal, because it is typical that when you install a traffic signal, rear-end
841 accidents increase.

842

843 Ms. Dwyer - You have reviewed the traffic accident study that was submitted. Are
844 you satisfied that its methodology is appropriate and acceptable in terms of traffic engineering
845 standards and accepted practices?

846

847 Mr. Eure - Yes, ma'am. As I mentioned, there were several minor discrepancies,
848 especially with respect to the traffic signal, but we had done a separate analysis prior to that
849 and then we reviewed it again after repeat of the study, and we still feel that a traffic signal
850 would not be warranted.

851

852 Ms. Dwyer - Thank you. I may want your response to some issues that may be raised
853 and discussed by the citizens. Thank you.

854

855 Mr. Archer - Thank you, Mr. Eure. Ms. Dwyer, do you have anymore comments
856 before we have the opposition come up? We did have some folks who were here to speak in
857 opposition. We would ask that if there are those of you who have similar points of view, and
858 if you have a spokes person who might express that, that you allow them to do that so that we
859 won't become redundant. Ms. Dwyer wants to speak to the applicant first. While the
860 applicant is coming forward, let me finish the point I was making. That way, we won't be
861 repeating ourselves. So, we will get to you as soon as we hear from the applicant.

862

863 Mr. Fain - Good morning, Mr. Chairman, and members of the Commission. I am
864 Hugh Fain, an attorney here in Richmond representing the developer. We are here to answer
865 any questions you might have of us about this development and by way of summary, I might
866 offer the following. As the Commission knows, this plan of development was presented at the
867 Commission's May 26, 1998 meeting. At that point in time, the staff had recommended
868 approval and at the request of a couple of concerned citizens and one adjacent business owner,
869 the Sternheimers, we agreed to a 30-day deferral to allow further study and consideration of
870 our plan of development. We came back on June 30 and again your staff recommended
871 approval of this plan of development. Mr. Tokarz was present at that point in time to discuss
872 and explain to the members present the difference between a plan of development as this
873 application is, as opposed to an application for a request for change in zoning. Obviously this
874 is a plan of development for a piece of property that has been zoned B-1 commercial use since
875 1962 and that issue was discussed at the June 30 meeting. Ms. Dwyer moved to request the
876 developer prepare a traffic impact study to be presented at this meeting, and that motion was
877 granted. Since then the developer has engaged Wilbur Smith and Associates, which is a
878 nationally recognized traffic engineering firm, Mr. Tom Flinn, who heads the Richmond
879 Office of Wilbur Smith and Associates, personally conducted this study with his staff and that
880 is the study that Mr. Eure just summarized for the benefit of the Commission. Just to
881 highlight, if I could, some of the findings of that study this projected use for plan of
882 development, specialty retail, would increase the traffic, and obviously there is going to be an

883 increase in traffic. We can't avoid that. Any development is going to increase traffic, but the
884 increase is minimal. It is going to be a 3%, roughly, increase over what is being - the cars
885 that are traveling that area right now. The traffic impact study concurs with VDOT and your
886 own traffic engineering staff that no signal is warranted here. In fact, VDOT has said in a
887 letter in response to Mr. Sternheimer's specifically that "proposed development would not
888 generate enough traffic to warrant a new traffic signal at that point." The conclusion of
889 VDOT, your own staff, and Wilbur Smith and Associates concurs that while there will be
890 increased traffic for this plan of development and the proposed use of this property, it is not
891 significant enough to warrant not approving this plan of development. I might also add that
892 Mr. Sternheimer directed a direct set of questions, pointed questions, to VDOT, about his
893 concerns about this proposed use, which were each answered point by point in favor of our
894 plan of development. I would also offer the following by way of highlight:

895

896 As the Commission knows, this is not a zoning case. This is a request for fair use and
897 development with a plan of development of a parcel that has been zoned B-1 for commercial
898 use for more than 35 years. The Virginia Eye Institute had its plan of development approved
899 in 1984, I might add, at a point in time when this stretch of highway had roughly 40,000 cars
900 traveling daily, and when VEI's plan of development was approved, it was approved with this
901 left-hand maneuver that so many people are concerned about. Since that point in time, the
902 Willey Bridge has been added which has reduced by roughly 9,000 trips per day the traffic
903 along this road. The traffic impact study has taken that into consideration and for these
904 reasons, I think that it is plain to your staff, VDOT, and Wilbur Smith and Associates that this
905 plan of development should be approved. Ladies and gentlemen, we are here to answer any
906 questions that you might have of us. Present with us today, I have, or the developer has Mr.
907 Malachi Mills, of Jordan Consulting Engineers, who has done the engineering work on the
908 plan of development, Mr. Tom Flinn with Wilbur Smith and Associates, who prepared the
909 traffic impact study. He is here to answer any questions you may have. I might also say that
910 we have at least one citizen of River Road who speaks in favor of this. So, not all citizens
911 here are in opposition to this development. Mr. Ed Estes, who lives on River Road and
912 travels that stretch daily would speak if the Commission cares to hear, that he would favor this
913 plan of development being approved. So, with that, we will answer any questions that the
914 Commission may have.

915

916 Mr. Vanarsdall - What was the traffic count in 1984?

917

918 Mr. Fain - I believe it was roughly 40,000 per day.

919

920 Mr. Vanarsdall - Fewer than 40,000 a day?

921

922 Mr. Fain - Excuse me, I believe it was at 40,000. Mr. Eure mentioned that during
923 his presentation.

924 Mr. Archer - Are there any more questions for the applicant? OK. Now we will hear
925 from the opposition or a representative from the opposition. Come right up.

926

927 Ms. Dwyer - We will put that in our files for the case.

928

929 Mr. Sternheimer - Ms. Dwyer and members of the Commission, my name is Mark
930 Sternheimer. I live on Kanawha Drive and you have a copy of our opposition to this shopping
931 center development. There are substantial errors in the traffic report given to you which have
932 an impact on your decision. On several occasions, it has been brought to our attention that
933 this land was rezoned in 1962 to business use. If this is an important consideration, I want
934 you to know that I purchased my land on Kanawha Drive in 1959, a number of years before
935 this land was rezoned. I opposed this rezoning in 1962, and if being first on the block is a
936 major consideration for the denial of this center, then I should win this case hands down.
937 Well, Route 147 is the 15th busiest road in the entire state, which includes interstate highways.
938 Huguenot Road changes from a four-lane to a two-lane road at the proposed entrance to the
939 shopping center. Since 1990, there have been 103 accidents according to the Henrico Police
940 Department on this stretch of road and of these, 60 accidents occurred at the entrance to the
941 Eye Institute. For the last three years, the Henrico Police Department reports 23 accidents at
942 this entrance, and the traffic report shows only 6. Where did these other accidents go to?
943 There is one common denominator for every one of these accidents, and that is that an
944 automobile was involved. If you take away all of the cars, then you can take away all of the
945 accidents, and by the same token, the more cars, the more accidents, so it is foolish to predict
946 that the accident rate will not increase at this location. The most important point that I wish to
947 make is that the traffic report was taken on July 2. We'll show that please. Which was a
948 holiday week, and this affects every calculation made by the Traffic Engineer. All of the
949 neighborhood schools, such as the University of Richmond and Collegiate School was closed
950 and much of the traffic that is normally on this road was out of town for the holiday. This
951 resulted in a significant error of up to 30% of the afternoon traffic count when compared to
952 data supplied to the County by VDOT on June 12. The chart we have depicted here is the
953 error rate in the afternoon which is amounting to in excess of 30%. If we were to turn in a
954 document to you, which picked the lowest point of the year, I think you would throw it out,
955 and that is exactly what I think you should do with this study. Do you believe VDOT or
956 engineers paid for by the developer to come up with a favorable report?

957

958 The few residents that live along Kanawha Drive are only a small part of the problem. The
959 real problem is that there are more than 30,000 cars that pass this location every day, many of
960 them are not Henrico County residents, and do not understand what is about to happen. It is
961 these motorists that I particularly wish you to consider. I want to direct these comments to the
962 developer, Mr. Lacy and Mr. Spotts. If this were such a great location for a shopping center,
963 why has it not been developed into one since 1963? Why have so many potential retailers
964 looked at this site and turned away because of the traffic problems? Why did the grocery
965 store, which planned to go there in January, change its mind? I submit they knew something
966 that you have not found out about. Shoppers like to come to a shopping center that is easy to

967 get in and out of. They don't want to fight traffic and they don't want to have accidents.
968 News of accidents at this shopping center will spread like wild fire through the community and
969 customers will stay away. Perhaps that is the answer that will convince you that this is not the
970 right time or place for constructing this shopping center. Two of my children as well as
971 myself have been involved in accidents trying to leave Kanawha Drive and enter Route 147
972 over the last 30 years. I pray to heaven that my new grandson and granddaughter will not be
973 involved in any accident trying to visit me at this extremely dangerous intersection. I always
974 thought that Henrico County Traffic Department was established to make traffic conditions
975 better and not worse. And I pray they will live up to that expectation and deny this project.
976 Incidentally, the attorney for the shopping center said there would be a 3% increase in traffic.
977 If you compare 12,020 to 30,000, that is really 4%, and in view of the County's figure of
978 1,500 cars per day, that is a 5% increase in traffic. Thank you very much.

979

980 Mr. Archer - Are there questions of Mr. Sternheimer by the Commission?

981

982 Mr. Dwyer - Mr. Sternheimer, I reviewed your letter, and I had one question. We
983 have talked about how busy the Huguenot - you know - Route 147 is. I am wondering if that
984 includes the stretch of Huguenot all the way from Route 60 to the bridge as well.

985

986 Mr. Sternheimer - Well, there are three reports that I have included that gives you a
987 summary of VDOT. If you notice, on Exhibit E, that is Route 147 from the James River
988 Bridge to the west city line of Richmond, 30,000 cars per day, but if you consider the entire
989 route of Route 147 of another report, it indicates that it was 15th in the state.

990

991 Ms. Dwyer - And I am wondering if its ranking is due in major part to the fact that
992 147 is a very major carrier of traffic in Chesterfield County from - all the way from
993 Chesterfield Towne Center and converges with Robious Road and goes through Bon Air and
994 then connects to Chippenham Parkway and the Willey Bridge, and I notice that the figures for
995 those sections of 147 are 50,000 cars a day.

996

997 Mr. Sternheimer - Yes, what is obvious is that some drops off as you cross the Huguenot
998 Bridge, but we used the figure 30,000 for comparison purposes.

999

1000 Ms. Dwyer - Correct. Thank you.

1001

1002 Mr. Archer - OK. Are there further questions for Mr. Sternheimer? Thank you, sir.

1003

1004 Ms. Sternheimer - Ms. Dwyer and Planning Commissioners, my name is Jane Sternheimer.
1005 I lived on Kanawha Drive for 25 years and I have operated my business adjacent to the
1006 proposed shopping center for 10 years. I travel to work every day on this stretch of road with
1007 two babies and a co-worker in my car. Two issues concern me. There are two 24 inch water
1008 drainage pipes which are to be exposed above ground, dumping hundreds of gallons of water
1009 into the historic Westham Creek. Any time that it rains for more than one day, my yard

1010 becomes saturated and floods. The additional burden of this water will add significantly to my
1011 problem. The developer will have you believe that this water already naturally drains into the
1012 Westham Creek. Not true. This water would normally be absorbed by the land they are
1013 proposing to develop. The second issue is the traffic report which deliberately omitted
1014 significant information from the Henrico County Police Traffic Report. The police report is
1015 riddled with asterisks all over it denoting higher than average accidents on a .47 mile stretch of
1016 road. The omission of nine three car pileups, two (2) four-car pileups, and one (1) five-car
1017 pileup and one six-car pileup with a total of 40 injuries doesn't mean that it didn't happen at
1018 this intersection. I have suggested to Ms. Dwyer a traffic light would be necessary for the
1019 public safety. VDOT contends that traffic does not warrant a light, using the developers
1020 lowest estimate and adding the Eye Institute traffic there will be approximately 2,000 left in
1021 and left out turns. I believe this constitutes a traffic need. VDOT says the curve in the bridge
1022 doesn't have enough sight distance to make a light safe. Well, if you can't see a traffic light,
1023 you can't see people turning either. All of the increase of the traffic we are talking about is
1024 turning traffic; not just traveling up and down the road. In short, to approve this shopping
1025 center without resolving the traffic issue with its recipe for injury and probable death is
1026 unconscionable. It is my life, my children's life, my parents, your taxpayer's lives here in the
1027 audience. I see Mr. Freeman and his mother was killed on this stretch of property and I saw
1028 the accident. I can't tell you how much we oppose it and we hope that they will take all of
1029 this into consideration because I don't want to be a member of Mr. Freeman's very exclusive
1030 club. Thank you.

1031

1032 Mr. Archer - Are there any questions of Ms. Sternheimer? Thank you, ma'am. Sir.

1033

1034 Mr. Hancock - I am Cabell Hancock representing Chatham Square Corporation. I
1035 assume you are all familiar where Chatham Square is. It is approximately two blocks west of
1036 the intersection of Huguenot and River Road on the south side of River Road. We consist of
1037 some 56 units of somewhat elderly people, and when I say elderly, I am talking as low as a
1038 spread from about 50 years up to 90 or 85. I don't think many of them drive, but most of the
1039 others do. I am very concerned and we as a corporation and the board that this traffic
1040 situation will become much worse, not only with this development, but this development along
1041 with what is trying to be proposed to come across the Huguenot Road and to enlarge the
1042 Huguenot Bridge, is going to make River Road and that intersection a real major problem. I
1043 realize we are not here to talk about the Huguenot Bridge at this time, but you all know what
1044 is being worked on to make that a four-lane bridge. So, this is the beginning of a very long
1045 and very much of a problem with traffic, and even if it is a few cars now, it will be a whole
1046 lot more later. I like to emphasize what I did before the hearing we had with the Traffic
1047 people here week, which was very informal, and I think they heard an awful lot from a lot of
1048 the citizens over there who are very much about the fact of adding this shopping center. The
1049 school situation really brings in a large number of additional cars with young children going
1050 from Collegiate, to Collegiate, to St. Christopher's, from St. Christopher's, the same with St.
1051 Catherine's and I think with Trinity School has the same situation. Now these people don't,
1052 they travel a lot of them in the morning taking them to school, and late towards the afternoon,

1053 but there's a lot of this traffic during the day because schools have many programs which let
1054 out at all hours from 2:00 right on through to about 6:00 p.m. So, this traffic survey that was
1055 made, and we presented this to Ms. Dwyer Friday, is not accurate, because they are not taking
1056 into consideration the number of cars that are going to be traveling from September through
1057 most of the year of the school traffic, which is, of course, all traffic is important but these are
1058 people we are dealing with that have young children the age from age 5 up to 18 or 17 years,
1059 and this is making a situation that we are hoping that you people will consider and look into
1060 this. We don't need another shopping center down there. The one we've got there now is
1061 doing fairly well. It is not setting the world on fire, and whether this will bring, how many
1062 more people, we're very concerned about this, and so we appreciate your considering this and
1063 considering the number of people in Chatham Square I presented to Ms. Dwyer a petition after
1064 the last meeting signed by every resident in Chatham Square, asking you to consider that this
1065 shopping center be stopped at this point. Thank you very much. Any questions, I will be
1066 happy to answer them.

1067

1068 Mr. Archer - Thank you, Mr. Hancock. Are there questions for Mr. Hancock by
1069 Commissioners? Thank you, sir.

1070

1071 Dr. Dyerly - I am Dr. Dyerly and I have been living on Westham Station Road for
1072 upwards of 35 years. I am quite familiar with the terrible triangle. If you will look, see those
1073 little marks, there all 11 roads to this access triangle. There were 13. That was an unlucky
1074 number, so they closed the Gambles Mill Road completely; they closed half of Westham
1075 Station and they did it not for cosmetics. They did it because of traffic. Gambles Mill, you
1076 can look it up, has been closed for quite a while between the University of Richmond and the
1077 Country Club of Virginia. These access roads include the access roads to the last speaker's
1078 domicile up there at the center where a fairly large number of people, ancient people shall we
1079 say, live. But, an accident is an accident, and I have never heard of a more plausible
1080 explanation of an accident than I did when I got that traffic report. The traffic report was
1081 bought and paid for by the developer. I think it is absolutely essential that we get another
1082 traffic report that includes all of the variables that have been either excused or said, "Well,
1083 this is just a rear-end collision." Lawyers, you know, they represent people with rear-end
1084 collisions. I don't know about the County's legal liability, but I believe they've got a moral
1085 liability and the lawyers may find out they have got a legal liability, if they go against good
1086 judgment and cause something that is going to create accidents. I happen to know of two
1087 deaths. I know Ms. Smog broke both shoulders at this crossing and the pelvis, and they
1088 started this thing about five years ago, but these accidents have been happening right along, so
1089 I think it is essential that we get a little better handle on the traffic now and realize that
1090 whatever the situation is now, it is going to get increased. Thank you very much.

1091

1092 Mr. Freeman - Good morning Mr. Chairman and members of the Commission. My
1093 name is Robert Freeman. I currently live on Kanawha Road, not Kanawha Drive. It is just up
1094 River Road a small amount. The traffic situation is a very real one. As you heard earlier, it
1095 was my mother who was killed making a left-hand turn into our then driveway, which is

1096 exactly right across from Gambles Mill, it is the most western point on the southern side of
1097 River Road. That was in 1989. And that has been a traffic problem for some time and I
1098 would, I don't recall, but I would guess that the same kind of arguments, the same kinds of
1099 statistics, the same kinds of averages were set forth as neighbors and we ask for help in terms
1100 of the traffic congestion and the danger of trying to make a left-hand turn off of River Road.
1101 Period. It took that accident, I think, to put that traffic light there, and things have improved
1102 since then. And now I think we are getting ready to institute or re-institute the same kind of
1103 problem, making a left-hand turn in that kind of volume of traffic is very dangerous. And you
1104 can talk about averages, I am an ex-banker, I am suspect of average. I am suspect of
1105 numbers. You can make numbers say just about what you want to. I would invite any of you
1106 all to spend some time any time of day watching that traffic going by River Road Shopping
1107 Center across the bridge and consider trying to make a left turn in and out of Virginia Eye
1108 Institute. I think it is a very dangerous situation and it is going to be made absolutely worse.
1109 As an ex-banker, I have a little appreciation of the right to build or develop a piece of property
1110 and so it makes me a little uneasy to contest anybody doing it except for the fact that we have
1111 a potential danger point here which could cost somebody their life. And, so I would join the
1112 others from this neighborhood in asking you to reconsider or to turn this down. Thank you.

1113

1114 Mr. Archer - Thank you, sir.

1115

Mr. Ketch -

1137 Mr. Flinn - Good morning, my name is Tom Flinn and I am with Wilbur Smith and
1138 Associates. A couple of items. The accidents I can't speak to the discrepancy directly. I can
1139 address the information that we have in terms of the number of accidents. The data that I did
1140 see showed the higher number of accidents, if I understand that correctly, that included areas
1141 other than the intersection of the Eye Institute. Specifically, it appeared, and again I can't
1142 speak directly to that, that included for example and up to and including the River Road
1143 intersection, so that obviously is a busy major intersection and has a significant number of
1144 accidents due to the high volume of traffic. But, again, I can't say that unequivocally.

1145

1146 Ms. Dwyer - As I look at your report, you are reporting accidents in the area of the
1147 Eye Institute because that would be viewed as the most sensitive area.

1148

1149 Mr. Flinn - We looked at that because the issue of the left-turns coming out of the
1150 site, turning left onto Huguenot Road appeared to be the primary concern, so we obtained
1151 information of accidents from the police at that location, not a larger area, and I think the
1152 information, the other information as I see it, included other areas, but again, I can't tell you
1153 absolutely for certain. I think that is the difference, and perhaps the staff can verify that one
1154 way or the other. The issue of the traffic counts when they were taken. Obviously, we
1155 couldn't take them in the fall because of the 30-day time limit, but we did take counts, I
1156 believe on July 7 and 8, which was the week following the 4th of July. The 4th of July was
1157 on a Saturday, and I think most people had the Friday off. I know our firm did. The Friday
1158 of the previous week, the 7th and 8th, I think, it was the middle of the week, maybe
1159 Wednesday and Thursday, which are back to more representative or traditional conditions.
1160 And, again, the issue of schools, the primary activity at schools do occur generally comparable
1161 to the morning rush hour of the highway traffic and, as stated, this development for the most
1162 part would not be open then. Then the other peak is later in the afternoon, 2:00 to 4:00 p.m.,
1163 for the schools, which is again out of the evening rush hour time. A comment was made about
1164 not having any employee traffic or in the morning rush hour. The study does indicate some
1165 traffic coming into and out of the site during the morning rush hour, but it would be a very
1166 limited amount, which I would agree would be essentially those employees who come to work
1167 early.

1168

1169 Mr. Archer - OK. Thank you, sir.

1170

1171 Ms. Dwyer - Mr. Eure, do you have any observations on any of those comments?

1172

1173 Mr. Eure - With respect to the accidents, the letters Mr. Sternheimer handed you on
1174 Friday at our meeting had a breakdown of the police accident reports. What they supplied to
1175 him was a computerized records, of their Computerized Management System. The way that
1176 works is it tends to, police are not very good at estimating distances from intersections, so they
1177 tend to assign an accident to the nearest intersection, so a lot of the accidents that were
1178 showing up at Westham Station at Kanawha were actually in the segment, a lot of them on the
1179 bridge, I looked at the five-year overlap period between what we analyzed from June of 1993

1180 through June of 1998, with the computer records that he had, made copies of, and during that
1181 time there were 22 accidents on the Henrico County portion of the Huguenot Bridge, most of
1182 those were either rear-end accidents or head-on accidents with people crossing a double yellow
1183 line, and there were several miscellaneous type accidents, people sliding on ice, mechanical
1184 problems and so forth. There were also several accidents that were included that he had
1185 highlighted as being accidents that occurred at the Eye Institute entrance that were within the
1186 segment including up to the River Road Shopping Center. Again, all of those accidents were
1187 either rear ends, several side swipes, several of them were miscellaneous type accidents, deer
1188 being struck by a vehicles and so forth, and again, as I said earlier, what we look for
1189 specifically is angle type accidents. Accidents that would be typical of a driver pulling out
1190 from a shopping center entrance in this case or side street, and being struck by a vehicle either
1191 making a left turn or a right turn, because that is a relevant accident from the standpoint of "Is
1192 this a safe place for an entrance?" What we did is we looked at the individual police reports.
1193 We didn't look at the computerized records, but we pulled each one and looked at them
1194 individually. That accounts, I think, for the discrepancy, in their accident figures versus ours.
1195 It is basically the method the police reported them and document them to a certain
1196 intersection.

1197

1198 Ms. Dwyer - So you looked first at the computer print out and then went and looked
1199 at the actual accident report and pulled those that were representative of the kinds of accidents
1200 we were concerned about, which were people pulling out of the Eye Institute turning left.

1201

1202 Mr. Eure - Turning left and right. We looked at both and that accounts for the total
1203 of 6 that occurred at that intersection. There were 4 additional accidents that occurred right at
1204 the Eye Institute Driveway, one of those involved a vehicle striking a deer, which again that
1205 could happen anywhere on the segment. It is not a function of the Eye Institute Driveway,
1206 because the vehicle it struck was on Huguenot, not coming out of the Eye Institute. There's
1207 one involving a U-turn, a vehicle making an illegal U-turn coming off of the Bridge, they
1208 swung wide into the right-turn lane and then turned in front of traffic, and there were two
1209 more. One involved mechanical problems; the vehicle lost control, struck the median, just
1210 happened to be on that segment in front of the Eye Institute. It was not involving a vehicle
1211 leaving the Eye Institute or Kanawha Drive. There was another rear-end accident with
1212 vehicles going onto the bridge in the merge lane, just to the west of Kanawha.

1213

1214 Ms. Dwyer - We are not dismissing these accidents, and not saying that they are
1215 unimportant in terms of their numbers or their occurrence, but just - the traffic study simply
1216 looked at the turning maneuvers that have been raised as an issue by the neighborhood and also
1217 by many other people, as a concern in this particular case. So, this analysis was focused on
1218 those kinds of turning maneuvers and we are not suggesting that these other accidents are
1219 unimportant, but just that is what we were analyzing here, and that explains the difference in
1220 numbers.

1221 Mr. Eure - That is correct, and one other note is that we also looked very carefully
1222 at the crossover at River Road Shopping Center and Huguenot Road. They were
1223 representative of if you increase traffic at the Eye Institute Driveway, provided there was
1224 adequate sight distance, which we have acknowledged that there is, and will be improved with
1225 VDOT's maintenance of the shoulders. There were no accidents involving angled vehicles,
1226 angle accidents involving vehicles coming out of River Road Shopping Center in the five year
1227 period that we looked at, which again, we are not dismissing all of the accidents that occurred
1228 in the area, but we were looking at the particular type of accident that is relevant to this plan.

1229

1230 Ms. Dwyer - Thank you. There was also a question raised as to drainage. I wonder if
1231 we could address that issue with staff.

1232

1233 Mr. Bandura - I am Steve Bandura. I am the engineer with Public Works Department.

1234

1235 Ms. Dwyer - I believe the concern was the water that would normally, Ms.
1236 Sternheimer, her concern was that water that would normally be absorbed into the soil where
1237 this development would be placed will now be placed into the creek and that that will cause, I
1238 assume, additional faster runoff, or additional runoff that would not normally be there, and
1239 then would flood her property, which is adjacent.

1240

1241 Mr. Bandura - Based on the impervious, yes, there would be water coming off quicker.
1242 The shopping center will have water quality devices which will take anything less than a 10-
1243 year storm and hold it through a sand filter and delay the runoff. We checked channels for
1244 accuracy for 10-year storms for capacity and look at it for erodibility, also. She had
1245 referenced, you said hundreds of gallons of water, I don't know where those numbers came
1246 from. Mr. Mills' plan basically is quick and dirty numbers. I ran basically maybe 15 or plus
1247 gallons cubit feet per second coming off on the 10-year statistical storm from the site.

1248

1249 Ms. Dwyer - How often do we have the 10-year storm, Mr. Bandura?

1250

1251 Mr. Bandura - Well, that is obvious. The State Standards, also, MS-19, which
1252 addresses adequacy of channels and we, Henrico does use a little bit stricter, but as far as
1253 adequacy of the channels receiving at the lower point of Westham Creek, contributing drainage
1254 area of the developed site is less than 1% total drainage area at the point of consideration. The
1255 channel is considered adequate. The watershed for lower Westham Creek is over 2,000 acres,
1256 coming down to that point, and the site is approximately 3.8, so making this site .19% of the
1257 total water shed coming into the creek at that point.

1258

1259 Ms. Dwyer - Thank you.

1260

1261 Mr. Archer - Any further questions by the Commission?

1262

1263 Ms. Dwyer - There is obviously a lot of passion in the neighborhood about this

1264 particular site and it has been vacant for a long time and any development that would occur
1265 there would certainly increase the traffic and its impact on the neighborhood. There is a lot of
1266 talk these days about governmental authority and governmental power, and this happens to be
1267 one of the cases in which the difference between a zoning case and a POD is not just
1268 bureaucratic difference in use of words, it is not just a distinction without a difference. There
1269 is a legal difference between a zoning case and a POD case. There is an intentional legal
1270 limitation to governmental power and authority, and that is what this Commission has to
1271 consider when it makes decisions in these cases. We have the authority in a plan of
1272 development case to ensure that whatever development is presented conforms with the zoning
1273 classification of that piece of property and in this case it does. We have the duty to make sure
1274 that the development design and the development standards comply with state, federal and
1275 local law and that is essentially the limit of our duty. We cannot, as we can in a zoning case,
1276 use our discretion, consider the public feeling and view about a particular use of the property.
1277 That decision was made in the 1960s. We cannot as a legal matter make that decision again.
1278 So, this case, as has been indicated by the County staff, does, in fact, comply with applicable
1279 law. We have stopped this process once in order to examine the traffic issues in greater detail
1280 and we have done that by ordering a traffic study, our traffic experts have reviewed it and
1281 determined that the methodology is appropriate, is acceptable to the standards, and have
1282 determined that while there will be an increase, something less than 4% of the traffic increase
1283 in this area, that that is bearable by the existing roads in the area. So, for these reasons, I
1284 move this Commission approve POD-115-97, Huguenot Crossing Shopping Center, including
1285 all of the annotations on the plans and standard conditions for developments of this type, and
1286 the additional conditions which appear on our agenda, conditions Nos. 23 through 28.

1287

1288 Mrs. Wade - I doubt that anybody is too crazy about this case, but given the argument
1289 that Ms. Dwyer presents, which are valid, I would second the motion.

1290

1291 Mr. Archer - We have a motion by Ms. Dwyer and a second by Mrs. Wade. All in
1292 favor say aye. All opposed say no. The motion passes.

1293

1294 The Planning Commission approved POD-115-97, Huguenot Crossing Shopping Center,
1295 subject to the standard conditions attached to these minutes for developments of this type, the
1296 annotations on the plan and the following additional conditions:

1297

1298 23. Only retail business establishments permitted in a B-1 zone may be located in this
1299 center.

1300 24. The ground area covered by all the buildings shall not exceed in the aggregate 25
1301 percent of the total site area.

1302 25. No merchandise shall be displayed or stored outside of the building(s) or on
1303 sidewalk(s).

1304

1305

- 1306 26. The easements for drainage and utilities as shown on approved plans shall be granted to
 1307 the County in a form acceptable to the County Attorney prior to any occupancy permits
 1308 being issued.
- 1309 27. The entrances and drainage facilities on Huguenot Road (State Route 147) shall be
 1310 approved by the Virginia Department of Transportation and the County.
- 1311 28. A notice of completion form, certifying that the requirements of the Virginia
 1312 Department of Transportation entrances permit have been completed, shall be submitted
 1313 to the Planning Office prior to any occupancy permits being issued.
- 1314 29. The developer shall provide fire hydrants as required by the Department of Public
 1315 Utilities in its approval of the utility plans and contracts.
- 1316 30. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 1317 County Attorney prior to final approval of the construction plans by the Department of
 1318 Public Works.
- 1319 31. Deviations from County standards for pavement, curb or curb and gutter design shall
 1320 be approved by the County Engineer prior to final approval of the construction plans by
 1321 the Department of Public Works.
- 1322 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
 1323 of the Henrico County Code.
- 1324 33. Insurance Services Office (ISO) calculations must be included with the utilities plans
 1325 and contracts and must be approved by the Department of Public Utilities prior to the
 1326 issuance of a building permit.
- 1327 34. The approval of the construction plans by the Department of Public Works does not
 1328 establish the curb and gutter elevations along the Virginia Department of Transportation
 1329 maintained right-of-way. The elevations will be set by the contractor and approved by
 1330 the Virginia Department of Transportation.

1331
 1332 **AT THIS TIME THE COMMISSION TOOK A BRIEF RECESS**
 1333

1334 **SUBDIVISION (Deferred from the June 30, 1998 Plan)**
 1335

Windsor Business
 Park
 (June 1998 Plan)
 (A dedication of a
 portion of Windsor
 Business Parkway)

**TIMMONS for Robert B. Ball, Sr. Et Al and General
 Investment & Development Company: Located along the north
 line of Parham Road approximately 2,400 feet east of the
 intersection of Park Central Drive, Windsor Business Parkway
 would extend 500 feet northwardly to its temporary terminus on
 part of parcels 54-A-1A and 2. The zoning is M-1C, Light
 Industrial District (Conditional) and O-2C, Office District
 (Conditional). (Fairfield) 0 Lot**

- 1336
 1337 **Mr. McGarry -** The Windsor Business Park cases have just been called and I have that as
 1338 a request for deferral and I also have the five cases from the 10:30 a.m. agenda for deferrals,
 1339 if you would like to go over them now.
 1340

1341 Mr. Archer - Let's do this one and then we will do the rest of the deferrals.
1342

1343 Mr. McGarry - All right. The applicant has requested a two-week deferral to
1344 your August 13, 1998, meeting for Windsor Business Park subdivision.
1345

1346 Mr. Archer - Mr. McGarry, for the sake of the rest of the Commission, could you
1347 give us just a little bit of information on why we need to do this and so that everybody will be
1348 up to date.
1349

1350 Mr. McGarry - The issue is the Major Thoroughfare Plan requirement for a Scott Road
1351 connection to Parham, and this plan, as submitted, did not provide that. Instead they were
1352 asking that the spine road shown on your plan be a substitute for Scott Road and that have to
1353 be something accepted by the Director of Planning as an acceptable alternative. The hesitation
1354 on the staff's part right now is that the spine road does a fine job serving this piece and one
1355 other, but we don't know if it's ever going to get a connection to Scott Road. Therefore, the
1356 staff is waiting for an agreement among the various property owners. Some type of
1357 commitment that the spine road proposed for this development will be continued and ultimately
1358 tie back into Park Central Drive and Scott Road. That agreement is not in place as of this time
1359 so the developer has asked for a two-week deferral.
1360

1361 Mr. Archer - I understand that if we can get an agreement from all of the parties that
1362 this shouldn't take a tremendous amount of discussion.
1363

1364 Mr. McGarry - That's correct. Staff is in a position to recommend this plan to you
1365 provided that the agreement is acceptable to the Director.
1366

1367 Mr. Archer - We do need to make sure that all of the property owners and anybody
1368 else involved in this is brought on board when we do have that meeting. With that, I move
1369 deferral of Windsor Business Park for two weeks, to the August 13, 1998, Zoning Meeting, at
1370 the applicant's request.
1371

1372 Mr. Vanarsdall - Second.
1373

1374 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
1375 All in favor say aye...all oppose say nay. The motion passes.
1376

1377 At the applicant's request, the Planning Commission deferred subdivision Windsor Business
1378 Park (June 1998 Plan) (A dedication of a portion of Windsor Business Parkway), to its
1379 Rezoning meeting on August 13, 1998.
1380

1381 PLAN OF DEVELOPMENT (Deferred from the June 30, 1998, Meeting)

1382

**POD-67-98
Windsor Business
Park Master Plan and
Building #1**

TIMMONS for Robert B. Ball, Sr., Et. Al. and General Investment & Development Company: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code for a master pan and first phase for building #1 which would be a one-story, 55,800 square foot office/warehouse. The 81.5-acre site is located along the north line of E. Parham Road approximately 2,400 feet east of Park Central Drive on part of parcel 54-A-1A and part of 54-A-2. The zoning is M-1C, Light Industrial District (Conditional) and O-2C, Office District (Conditional). County water and sewer. (Fairfield)

1383

1384 Mr. Archer - Okay. And for the same reason, I move deferral of POD-67-98,
1385 Windsor Business Park Master Plan and Building #1, to the August 13, 1998 Zoning Meeting,
1386 at the applicant's request.

1387

1388 Mr. Vanarsdall - Second.

1389

1390 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
1391 All in favor say aye...all oppose say nay. The motion passes.

1392

1393 At the applicant's request, the Planning Commission deferred POD-67-98, Windsor Business
1394 Master Plan and Building #1, to its Rezoning meeting on August 13, 1998.

1395

1396 Mr. Archer - I guess we can now do the rest of the deferral for the 10:30 a.m.
1397 agenda.

1398

1399 Mr. McGarry - I'll be glad to do that. Starting on page 17 of your agenda, this is Fort
1400 King subdivision. The applicant has requested a deferral to your August 25, 1998, meeting.

1401

1402 SUBDIVISION (Deferred from the June 30, 1998, Meeting)

1403

**Fort King
(June 1998 Plan)**

Foster & Miller, P.C. for Stern Homes: The 5.6-acre site is located along the south line of Fort King Road approximately 700 feet east of Pemberton Road on parcels 68-A-23, 24, 27 and part of parcels 68-A-22, 26, 29 and part of parcel 68-A-2-E-1. The zoning is R-2A, One-Family Residence District. County water and sewer. (Tuckahoe) 13 Lots

1404

1405 Mr. Archer - Is there anyone in the audience in opposition to the deferment of
1406 subdivision Fort King? No opposition. Is there a motion?

1407

1408 Ms. Dwyer - I move the deferral of Fort King (June 1998 Plan) to the Commission's
1409 August 25, 1998, meeting, at the applicant's request.

1410

1411 Mrs. Wade - Second.

1412

1413 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mrs. Wade. All
1414 in favor say aye...all oppose say nay. The motion passes.

1415

1416 At the request of the applicant, the Planning Commission deferred Fort King (June 1998 Plan)
1417 to its meeting on August 25, 1998.

1418

1419 PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION

1420 (Deferred from the June 30, 1998, Plan)

1421

POD-58-98
Downtown Short
Pump
(POD-15-95 Rev.)
and (POD-52-96 Rev.)

Balzer & Associates for Short Pump Investors, L.P. and Bee-Fit, Inc.: Request for approval of a plan of development and an transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 55,534 square foot theatre with 2,835 seats and 14 movie screens, and a two-story, 67,533 square foot retail/restaurant/office addition to an existing shopping center. The 12.19-acre site is located along the north line of West Broad Street (U.S. Route 250) approximately 320 feet west of Pouncey Tract Road on parcels 36-A-19D, 19G, 21, 22, 22N, 23 and 24. The zoning is B-2C, Business District (Conditional), M-1, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)

1422

1423 Mr. Archer - Is there anyone in the audience in opposition to the deferment of POD-
1424 58-98, Downtown Short Pump? No opposition. Is there a motion?

1425

1426 Mrs. Wade - I think this is beginning to shape up here. I move the deferral of POD-
1427 58-98, Downtown Short Pump, to the Commission's August 25, 1998, meeting, at the
1428 applicant's request.

1429

1430 Mr. Zehler - Second.

1431

1432 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Zehler. All
1433 in favor say aye...all oppose say nay. The motion passes.

1434

1435 At the request of the applicant, the Planning Commission deferred POD-58-98, Downtown
1436 Short Pump (POD-15-95 and POD-52-96 Revised), to its meeting on August 25, 1998.

1437

1438 PLAN OF DEVELOPMENT

1439

**POD-70-98
Car Nation – W.
Broad Street**

Resource International, Ltd. For Victor J. Moes and MGT Construction: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story 1,275 square foot used car sales facility. The 0.425-acre site is located on the north line of W. Broad Street (U.S. Route 250), opposite its intersection with Willard Road approximately 310 feet west of Bethlehem Road on parcel 81-12-A-1A. The zoning is B-3, Business District. County water and sewer. (Brookland)

1440

1441 Mr. Archer - Is there anyone in the audience in opposition to the deferment of POD-
1442 70-98, Car Nation – W. Broad Street? No opposition. Is there a motion?

1443

1444 Mr. Vanarsdall - I move POD-70-98, Car Nation – W. Broad Street, be deferred to
1445 August 25, 1998, meeting, at the applicant's request.

1446

1447 Mr. Zehler - Second.

1448

1449 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler.
1450 All in favor say aye...all oppose say nay. The motion passes.

1451

1452 At the request of the applicant, the Planning Commission deferred POD-70-98, Car Nation –
1453 W. Broad Street, to its meeting on August 25, 1998.

1454

1455 PLAN OF DEVELOPMENT (Deferred from the April 28, 1998 Meeting)

1456

**POD-17-97
Short Pump Station,
Phase III**

Balzer & Associates, P.C. for Short Pump Investors, L.P.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 39,925 square foot shopping center addition. The 5.77-acre site is located on West Broad Street (U.S. Route 250), 450 feet west of Pouncey Tract Road on parcels 36-A-19D, 21, 22, 23 and 24. The zoning is B-2C, Business District (Conditional) and M-1, Light Industrial District. County water and sewer. (Three Chopt)

1457

1458 Mr. Archer - Do we need to take action on this?

1459

1460 Mrs. Wade - Yes. I move that the request for withdrawal for POD-17-97 be
1461 approved.

1462

1463 Ms. Dwyer - Second.

1464

1465 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All
1466 in favor say aye...all oppose say nay. The motion passes.

1467

1468 At the request of the applicant, the Planning Commission withdrew POD-17-97, Short Pump
1469 Station, Phase III, from any further consideration.

1470

1471 LIGHTING PLAN

1472

LP/POD-114-96
Marriott Townplace
Suites - Innsbrook

Foster & Miller, P.C.: Request for approval of a lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 2.79-acre site is located on the northern terminus of Park Place Court on parcel 38-3-A-9B. The zoning is O-3C, Office District (Conditional). (Three Chopt)

1473

1474 Mr. Archer - Is there anyone in the audience in opposition to the deferment of the
1475 lighting plan for LP/POD-114-96, Marriott Townplace Suites - Innsbrook? No opposition. Is
1476 there a motion?

1477

1478 Mrs. Wade - I move LP/POD-114-96, be deferred until the August 25, 1998,
1479 meeting, at the applicant's request.

1480

1481 Ms. Dwyer - Second.

1482

1483 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All
1484 in favor say aye...all oppose say nay. The motion passes.

1485

1486 At the request of the applicant, the Planning Commission deferred the lighting plan for
1487 LP/POD-114-96, Marriott Townplace Suites - Innsbrook, to its meeting on August 25, 1998.

1488

1489 Mr. McGarry - Mr. Chairman, that concludes the deferrals and withdrawals for the
1490 10:30 a.m. agenda.

1491

1492 Mr. Archer - All right, Mr. Secretary, let's proceed.

1493 LANDSCAPE PLAN

1494

**LP/POD-7-96
Mountain Laurel
Townhouses
Section III**

Dominion Land: 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 10.6-acre site is located at the northeast corner of Woodman and Mountain Roads on parcels 32-A-11, 12, 13A and 14. The zoning is RTHC, Residential Townhouse District (Conditional). (Fairfield)

1495

1496 **Mr. Archer -** Is there anyone in the audience in opposition to landscape plan LP/POD-1497 7-96, Mountain Laurel Townhouses, Section III? No. opposition. Mr. Strauss.

1498

1499 **Mr. Strauss -** Thank you, Mr. Chairman. Since the preparation date of the agenda, 1500 some additional information regarding this plan has come to light. I would like to give you 1501 some background information. Although transitional buffers are not required by the zoning 1502 ordinance, this project was the subject of a conditional rezoning in July 1995. Proffer No. 11 1503 of that rezoning reads as follows: To the extent reasonably practical the clearing of mature 1504 trees within a buffer strip 20 feet wide along the property lines adjacent to I-295 shall be 1505 limited to trees in areas required to accommodate the proposed regrading of the site and areas 1506 required to permit utility services. In the event the trees are removed, within said buffer area, 1507 at the time of landscape plan submittal the plan shall include a proposal to reestablish a buffer 1508 in the disturbed areas either through supplemental planting of evergreens and/or a wooden 1509 privacy fence at discretion of the Planning Commission.

1510

1511 If I could direct your attention to the upper left corner of your plan graphic, you will note the 1512 delineation of a 20-foot buffer along the I-295 buffer line. This is the buffer area that was 1513 intended to be reestablished if disturbed. Staff has walked this buffer area, and with the 1514 exception of the three major wooded common areas noted on the plan, I can report that the 20- 1515 foot buffer is predominantly cleared to within six to eight feet of the chain link fence that 1516 defines the property line. After evaluation of this condition, staff felt that the 14 trees 1517 proposed to be planted across the 640 linear feet was not adequate to restore the buffer as 1518 proffered. That amounts to about one tree every 45 feet or one tree per two units. Therefore, 1519 staff recommends an additional annotation on the landscape plan, which would require an 1520 additional 30 evergreen trees of six to seven feet in height at the time of planting to be 1521 provided along this buffer. With that I can answer any questions you may have.

1522

1523 **Mr. Archer-** Mr. Strauss, would you give me the numbers on the trees again, the 1524 additional annotation would include how many?

1525

1526 **Mr. Strauss -** Thirty. And that would bring the spacing closer to 15 feet on center, 1527 which is a better screening method in the staff's opinion.

1528

1529 **Mr. Archer -** And what was the minimum height you suggested?

1530
1531 Mr. Strauss - Six to seven feet.
1532
1533 Mr. Archer - Okay. Are there any questions of Mr. Strauss by the Commission? Is
1534 the applicant here?
1535
1536 Mr. Strauss - I have not heard from the applicant and I don't recognize him here so I
1537 can't help you with that one.
1538
1539 Mr. Archer - In your judgement, is the rest of the plan adequate?
1540
1541 Mr. Strauss - Yes, the rest of the plan is adequate.
1542
1543 Mr. Zehler - Is the applicant in agreement with your changes?
1544
1545 Mr. Strauss - I have not heard from the applicant so I don't know if he is in agreement
1546 or not.
1547
1548 Mrs. Wade - But, you have indicated to him that you wanted that? He knows that you
1549 are recommending that.
1550
1551 Mr. Strauss - I'm not sure. The person who prepared the plan - I did not contact. I
1552 only found out about this situation when I walked the site yesterday. The rest of the plan
1553 meets the code. However, this issue regarding the buffer, I did not have time to contact him
1554 directly.
1555
1556 Ms. Dwyer - That sounds like a reasonable request.
1557
1558 Mr. Strauss - I think it is.
1559
1560 Mr. Archer - Thank you, Mr. Strauss. In order to keep from delaying this and since
1561 the remainder of the plan is in conformance and is recommended by the staff and the applicant
1562 is not here to refute the additional annotation, I move that LP/POD-7-96 be approved subject
1563 to the annotations on the plan and the standard conditions for landscape plan with the
1564 additional annotation as proposed by Mr. Strauss this morning.
1565
1566 Ms. Dwyer - Second.
1567
1568 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All
1569 in favor say aye...all oppose say nay. The motion passes.
1570
1571 Mrs. Wade - Let the record know I abstained.
1572

1573 Mr. Archer - Mrs. Wade abstained.

1574

1575 The Planning Commission approved the landscape plan for LP/POD-7-96, Mountain Laurel
1576 Townhouses, Section III, subject to the standard conditions for landscape plans, the
1577 annotations on the plan, and the additional annotation added by staff this day. Mrs. Wade
1578 abstained.

1579

1580 SUBDIVISION

1581

Produce Road
(July 1998 Plan)

Balzer & Associates for Wilton Partners Cottonwood: The 1.458-acre site intersects New Market Road, 425 feet east of Strath Road, on part of parcels 237-A-95B, 95, 93 and 92. The zoning is B-1C, Business District (Conditional) and A-1, Agricultural District. (Varina) 0 Lots

1582

1583 Mr. Archer - Is there anyone in the audience in opposition to subdivision Produce
1584 Road (July 1998 Plan)? No opposition. Ms. News.

1585

1586 Ms. News - The dedication of this road is in accordance with the proffers of the
1587 rezoning case for the Varina Food Lion Shopping Center currently under construction. The
1588 existing entrances to the Citizens & Farmers Bank and the adjacent Varina Elementary School
1589 parking lot from New Market Road will be closed in conjunction with the construction of the
1590 road, which will provide access to both these existing facilities as well as to the new Food
1591 Lion, also in accordance with the proffered conditions. The intention of the proffers is for the
1592 County to ultimately connect this road to Recreation Road. Staff can recommend approval of
1593 this subdivision.

1594

1595 Mr. Archer - Are there any questions of Ms. News by Commission members? No
1596 questions. All right. Mr. Zehler, do you need to hear from the applicant?

1597

1598 Mr. Zehler - No, I don't need to hear from the applicant.

1599

1600 Mr. Archer - All right.

1601

1602 Mr. Zehler - I move approval of subdivision Produce Road subject to the annotations
1603 on the plan and the standard conditions.

1604

1605 Mrs. Wade - Second.

1606

1607 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mrs. Wade. All
1608 in favor say aye...all oppose say nay. The motion passes.

1609 The Planning Commission granted conditional approval to subdivision Produce Road (July
1610 1998 Plan) subject the standard conditions attached to these minutes and the annotations on the
1611 plan.

1612

1613 **LANDSCAPE PLAN**

1614

LP/POD-97-97

Lakeland Townes,
Section B

Foster & Miller, P.C.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 16.8-acre site is located on the south line of Hungary Road approximately 600 feet west of Old Staples Mill Road on part of on parcel 50-A-68. The zoning is RTHC, Residential Townhouse District (Conditional). (Brookland)

1615

1616 Mr. Archer - Is there anyone in the audience in opposition to the landscape plan for
1617 LP/POD-97-97, Lakeland Townes, Section B? No opposition. Ms. News.

1618

1619 Ms. News - At the request of an adjacent business owner, the applicant has agreed to
1620 relocate six proposed leyland cypress from the common area to the property line adjacent to
1621 his building. This agreement is reflected on the revised plan, just distributed to you, as
1622 annotated. With that change, staff can recommend approval of the landscape plan.

1623

1624 Mr. Archer - Are there any questions of Ms. News by Commission members? No
1625 questions. All right. Mr. Vanarsdall, do you need to hear from the applicant?

1626

1627 Mr. Vanarsdall - No, sir.

1628

1629 Mr. Archer - All right.

1630

1631 Mr. Vanarsdall - I move LP/POD-97-97 be approved with the staff's recommendations
1632 subject to the annotations on the plan and the standard conditions for landscape plans.

1633

1634 Mr. Zehler - Second.

1635

1636 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler.
1637 All in favor say aye...all oppose say nay. The motion passes.

1638

1639 The Planning Commission approved the landscape plan for LP/POD-97-97, Lakeland Townes,
1640 Section B. subject to the standard conditions for landscape plans and the annotations on the
1641 plan.

1642

1643 LANDSCAPE & LIGHTING PLAN

1644

**LP/POD-35-97
Parham Road Self
Storage**

Richard H. Youngblood, III: Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 4.87-acre site is located along the south line of Parham Road between Ackley Avenue and Maude Trevvett Elementary School on parcel 61-A-75D. The zoning is M-1C, Light Industrial District (Conditional). (Brookland)

1645

1646 **Mr. Archer -** Is there anyone in the audience in opposition to the landscape and
1647 lighting plan for LP/POD-35-97, Parham Road Self Storage? No opposition. Ms. News.

1648

1649 **Ms. News -** The revised plan just distributed addresses a redistribution of plant
1650 material in the 20-foot transitional buffer to provide a more effective buffer. Landscaping has
1651 been provided along Parham Road and lighting is provided by wall mounted 50-watt light
1652 fixtures oriented inwardly on this site, in accordance with the proffers. Staff, therefore,
1653 recommends approval of the landscape and lighting plan.

1654

1655 **Mr. Archer -** Are there any questions of Ms. News by Commission members?

1656

1657 **Ms. Dwyer -** There don't seem to be many plants on the Parham Road side, trees I
1658 mean.

1659

1660 **Ms. News -** There is an area in the right-of-way that has a lot of woods, pines and
1661 deciduous trees up further. And at the front of the site, where there were no trees, they
1662 supplemented with planting. We also have a Virginia Power easement running right down that
1663 buffer, so the planting is suitable for under the wires.

1664

1665 **Mr. Archer -** Are there any other questions? Mr. Vanarsdall would you like to hear
1666 from the applicant?

1667

1668 **Mr. Vanarsdall -** No, sir. I move LP/POD-35-97, Parham Road Self Storage, be approved
1669 with the staff's recommendations and the annotations on the plan and the standard conditions
1670 for landscape and lighting.

1671

1672 **Ms. Dwyer -** Second.

1673

1674 **Mr. Archer -** The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.
1675 All in favor say aye...all oppose say nay. The motion passes.

1676 The Planning Commission approved the landscape and lighting plan for LP/POD-35-97,
1677 Parham Road Self Storage, subject to the standard conditions for landscape and lighting plans
1678 and the annotations on the plan. Mr. Donati leaves during this case.

1679

1680 **PLAN OF DEVELOPMENT**

1681

POD-72-98
5330 Lewis Road
Office/Warehouse
(POD-121-97 Rev.)

Balzer & Associates, Inc. for Aragon Group, A Virginia Limited Partnership: 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, 14,400 square foot office/warehouse. The 8.14-acre site is located at 5330 Lewis Road approximately 900 feet south of Williamsburg Road (U.S. Route 60) on part of parcel 173-A-4. The zoning is M-1, Light Industrial District and ASO, (Airport Safety Overlay District). County water and sewer. (Varina)

1682

1683 Mr. Archer - Is there anyone in the audience in opposition to POD-72-98, 5330 Lewis
1684 Road Office/Warehouse? No opposition. Mr. McGarry.

1685

1686 Mr. McGarry - Mr. Chairman, staff would like to point out that the office/warehouse
1687 ratio within the building has a parking requirement that is dictated differently between office
1688 and warehouse. Since the applicant has only three extra parking spaces on the site, we thought
1689 it would be appropriate to put him on notice that if his occupancy change, and increases
1690 parking, he would have to provide them. I apologize for not getting it on to your addendum,
1691 the staff is going to recommend a 27th condition in addition to the Nos. 23 through 26 that you
1692 have, and that is one of our more standard conditions and I'll read it for you. "Certification of
1693 building permits, occupancy permits and change of occupancy permits for individual units
1694 shall be based on the number of parking spaces required for the proposed uses and the amount
1695 of parking available according to approved plans." That just puts him on notice that if he has
1696 to provide more, he will have to revise his plans to do so. With that, staff can recommend
1697 approval of this with the standard conditions and conditions Nos. 23 through 26 plus No. 27,
1698 which I just read to you.

1699

1700 Mr. Zehler - Is the applicant aware of No. 27?

1701

1702 Mr. McGarry - Yes, he is and he has no problem with it.

1703

1704 Mr. Archer - Are there any questions of Mr. McGarry by Commission members?

1705

1706 Mr. Zehler - Mr. Chairman, I move POD-72-98 be approved, 5330 Lewis Road
1707 Office/Warehouse, subject to the annotations on the plan the standard conditions and Nos. 23
1708 through 27.

1709

1710 Ms. Dwyer - Second.

1711

1712 Mr. Archer - The motion was made by Mr. Zehler seconded by Ms. Dwyer. All in
1713 favor say aye...all oppose say nay. The motion passes.

1714

1715 The Planning Commission approved POD-72-98, subject to the standard conditions attached to
1716 these minutes, the annotations on the plans, and the following additional conditions. Mr.
1717 Donati was absent.

1718

1719 23. The developer shall provide fire hydrants as required by the Department of Public
1720 Utilities in its approval of the utility plans and contracts.

1721 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1722 County Attorney prior to final approval of the construction plans by the Department of
1723 Public Works.

1724 25. Deviations from County standards for pavement, curb or curb and gutter design shall
1725 be approved by the County Engineer prior to final approval of the construction plans by
1726 the Department of Public Works.

1727 26. Insurance Services Office (ISO) calculations must be included with the utilities plans
1728 and contracts and must be approved by the Department of Public Utilities prior to the
1729 issuance of a building permit.

1730 27. Certification of building permits, occupancy permits and change of occupancy permits
1731 for individual units shall be based on the number of parking spaces required for the
1732 proposed uses and the amount of parking available according to approved plans.

1733

1734 PLAN OF DEVELOPMENT

1735

POD-73-98

Aero Park – Audubon
Drive – Auto Valet

Charles C. Townes & Associates for ACRE, LLC and Childress Kline Properties: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a 624 space commercial parking lot. The 8.03-acre site is located along the southern line of Audubon Drive approximately 650 feet west of its intersection with Airport Drive (State Route 156) on part of parcel 163-A-14B. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay District). County water and sewer. (Varina)

1736

1737 Mr. Archer - Is there anyone in the audience in opposition to POD-73-98, Aero Park –
1738 Audubon Drive – Auto Valet? No opposition. Mr. McGarry.

1739

1740 Mr. McGarry - Staff can recommend approval of the plan subject to the annotations,
1741 plus the standard conditions, and conditions Nos. 23 through 27. Staff would also like to point
1742 out, just for the Commission's knowledge, that the design of this parcel and the shape of the
1743 adjacent triangular shaped parcel, is such that the development of this M-1 piece that exists

1744 between Aero Park and the Sanborne Park subdivision would most likely have its access
1745 through this POD. So, any development of that parcel would come back to you as a revised
1746 POD.

1747

1748 Mr. Zehler - Say that again.

1749

1750 Mr. McGarry - We have a landlocked piece next to this development and since it lies
1751 between the residential subdivision and Aero Park parcel, staff wanted to point out to you that
1752 all development potential of that site would most likely be encumbered upon access through
1753 your current Aero site proposal.

1754

1755 Mr. Zehler - Is this the piece that I'm looking at, Mr. McGarry, at the very butt end
1756 of it, the M-1?

1757

1758 Mr. McGarry - It's the triangular shape piece of M-1 between Sanborne Park and the
1759 Aero Park parking lot.

1760

1761 Mrs. Wade - Does this all belong to the same person at the moment, all of this M-1
1762 here?

1763

1764 Mr. McGarry - I don't believe it does. No, it is not the same ownership. The
1765 ownership of the abutting parcel, according to our records, is someone by the name of
1766 Marlinburg and Paul Blake.

1767

1768 Mrs. Wade - They seem to own another triangular up there. So, I wondered if this
1769 piece had been a part of theirs too, but you are saying no.

1770

1771 Mr. McGarry - No. This was carved out at some point in time.

1772

1773 Mr. Zehler - How would they acquire ingress and egress?

1774

1775 Mr. McGarry - That's the only unknown that staff is trying to point out. The ingress
1776 and egress appears to be encumbered upon Aero Park.

1777

1778 Ms. Dwyer - There is no equivalence of a stub road here.

1779

1780 Mr. McGarry - Perhaps the applicant can address his knowledge of it, or the engineer.

1781

1782 Mr. Zehler - Let's have the applicant come forth and explain that. This is the first
1783 that I am aware of this issue.

1784

1785 Mr. Archer - All right. Would the applicant come forth, please?

1786

1787 Mr. MacFarlane - Mr. Chairman and members of the Planning Commission, my name is
1788 Charles MacFarlane. I'm president of Aero Park and part owner and represent the applicant.
1789 I have with me Bill Pomperoy who is the general manager of Aero Park and Jim Brent,
1790 representing Charles Townes & Associates. We are contract purchasers of this property. It's
1791 owned by an entity that is related to Tom Allen's family. Tom Allen is the chairman and CEO
1792 of East Coast Oil. And, it's his wife's and his wife's family members that are the owners of
1793 the property. We are actually only buying a portion. I think the entire site is ten acres and we
1794 have under contract about eight acres, and I believe our site plan didn't go toward the south to
1795 allow access to this site. It is my understanding, that the two adjoining properties, the two
1796 triangular pieces, are owned I guess now by the estate of Paul Gordon. I know for about a
1797 year Tom Allen had tried to negotiate with Mr. Gordon to provide an alignment of his
1798 property and this property that would benefit both. And, at that time, Mr. Gordon was
1799 unwilling to do that. That went on for at least a year. Since his recent demise, there's the
1800 potential that they will probably negotiate something with the representatives of his estate I
1801 would think. But, I imagine that that estate is going to take a long time to work through the
1802 process. I don't know that we are here to represent to you that we could accomplish working
1803 on that aspect of what is a need for an access to that site. But, it is my understanding that that
1804 site can be, access can be provided by what is remaining of Tom Allen's ownership to the
1805 south. I don't think it is quite accurately depicted here but it may be on this other plan. (Mr.
1806 MacFarlane approached the podium at this time) There's a distance that we left here. It's not
1807 a large distance that would allow access to that triangular piece. And this, that A-1 property
1808 is what's remaining of the site that we are acquiring a portion of that the Allen family entity
1809 will still control and that does provide access through a right-of-way and a crossover adjacent
1810 to the East Coast Oil Station on Williamsburg Road.

1811

1812 Mr. Zehler - So, you are aware, in purchasing this piece, you do have to provide an
1813 access road to that piece of property.

1814

1815 Mr. MacFarlane - Well, actually, I say we are not because it's actually off the property that
1816 we are purchasing since the adjoining site.... It's the two acres, approximate two acres, that we
1817 are not purchasing. The owner is aware of that.

1818

1819 Mr. Zehler - According to staff, I think they are notifying you that you have to
1820 provide access to this property. In the event that the parcel you just mentioned, owned by East
1821 Coast Oil Corporation, does not provide that access, you are going to be expected to provide
1822 that access. Now, where are you going to provide that access through, your parking lot?

1823

1824 Mr. MacFarlane - I don't know this is a new issue that I just now learned of.

1825

1826 Mr. Zehler - Is that correct, Mr. McGarry? Is that the way you stated it that he is
1827 expected to provide access to this parcel?

1828

1829 Mr. McGarry - It's an unknown issue.

1830

1831 Mr. Zehler - It's known now, and we need to resolve that issue.

1832

1833 Mr. McGarry - The access to it was not clearly identified on any plan and staff just
1834 wanted to make you aware of that.

1835

1836 Mr. Zehler - But according to the laws in the State of Virginia, it is illegal to landlock
1837 a piece of property.

1838

1839 Mr. MacFarlane - I think the access has been addressed and what I was trying to
1840 demonstrate, Mr. Zehler, is that to the south of our site I think it's 25 or 30 feet that is
1841 specifically been allowed to provide access to that triangular and that site is about two acres.
1842 It's the portion of the larger site that we are buying eight acres of and will allow access to
1843 Williamsburg Road. So, it doesn't have to come across our property and the Allen entity
1844 owner is aware of that.

1845

1846 Mr. Zehler - Are they providing access, in the event they don't provide access based
1847 on what staff's recommendation was, that you will be providing access if they don't?

1848

1849 Mr. MacFarlane - Obviously, if that is a condition, then we need to work that out.

1850

1851 Mr. Zehler - Is that correct the way you stipulated that, Mr. McGarry, that it would
1852 be a condition?

1853

1854 Mr. McGarry - No. I was not stipulating that. It was unclear to me that you could get
1855 access to it from anywhere other than from his site. In closer inspection, there appears to be
1856 an opportunity to get to it after all.

1857

1858 Ms. Dwyer - Will you be able to get to it with a buffer that you would be required to
1859 have on the triangular since it is adjacent to residential?

1860

1861 Mr. McGarry - That just muddies the waters more because there is supposed to be a
1862 transitional buffer there. A 50-foot buffer would have to be asked for a deviation to get access
1863 to his site if it's going to be developed. I guess, the staff is just trying to alert you that this
1864 may be a problem property in the future. We don't have any remedies available to us that we
1865 can require at this time.

1866

1867 Mrs. Wade - It would make more sense if we have to have access to Audubon, it
1868 seems to me then, to Williamsburg. I don't know.

1869

1870 Ms. Dwyer - Then they would have to build a bridge over (unintelligible).

1871

1872 Mr. Marles - Mr. McGarry, are you suggesting that perhaps a deferral would be
1873 appropriate in order to show how that access could be divided?

1874

1875 Mr. Zehler - Maybe Mr. MacFarlane can answer that question. Is this a new issue to
1876 you Mr. MacFarlane?

1877

1878 Mr. MacFarlane - We were unaware of that as an issue as it relates to the approval of
1879 POD. We did draw the line to provide access to that triangular piece from the remaining
1880 approximately two acres of that piece to the south. To be honest with you, we weren't looking
1881 out after our neighbor's interest, we were looking out for ours. But, we did think that we
1882 were doing the appropriate thing in providing enough distance to get access. Now whether or
1883 not it meets what would be future County requirements at the time they try to develop it, that I
1884 can't tell you.

1885

1886 Mr. Zehler - But, the same person you are purchasing your property from owns the
1887 remaining parcel?

1888

1889 Mr. MacFarlane - Right. The portion that is to the south, it's M-1, it goes toward
1890 Williamsburg Road, correct.

1891

1892 Mr. Zehler - Is it possible if we defer this case for two weeks that you could go to
1893 them and explain to them the County's concerns and see if they can provide you something in
1894 writing that an access would be provided through that parcel?

1895

1896 Ms. Dwyer - Are you talking about the parcel to the south or the triangular one?

1897

1898 Mrs. Wade - Both, I believe.

1899

1900 Ms. Dwyer - What about this piece (referring to rendering)?

1901

1902 Mr. Zehler - That's the piece we are providing access to, see.

1903

1904 Ms. Dwyer - Okay.

1905

1906 Mr. MacFarlane - The piece to the south does have access to Williamsburg Road, but it's
1907 not shown on this plan.

1908

1909 Ms. Dwyer - And is this your property, also, this piece to the south that's not being
1910 developed now?

1911

1912 Mr. MacFarlane - It would not be ours. We are not contracting to buy that.

1913

1914 Ms. Dwyer - All right.

1915

1916 Mr. Zehler - I believe there is a power of attorney or somebody that can answer that
1917 question for you. Assuring us that... It's quite obvious we don't want access through the
1918 parking lot. The way you are surrounding this property there is basically only two ways to go.
1919 It is either that parcel or up on the Paul Blake and Marenberg parcel, which is going to cut it
1920 short because of the buffer that's been provided with the residential and the M-1.

1921

1922 Mr. MacFarlane - I can assure you that the two owners have tried for a long time to
1923 provide access and deal with some of the configurations and shape issues of the property but to
1924 no avail.

1925

1926 Mr. Zehler - I think it is a strong consideration you need to make, since your property
1927 is under contract and you are the contract purchaser. And, in any event, that if it can't be
1928 provided you are going to be expected to provide for it.

1929

1930 Mr. MacFarlane - The timing issue that I'm faced with, we have a large deposit that is at
1931 risk for the 31st of this month subject to POD approval. I'd rather not defer it.

1932

1933 Mr. Zehler - I think you have an even larger risk, if this project is approved and
1934 you've got to provide ingress and egress to the property, where are you going to do it?

1935

1936 Mr. MacFarlane - Right. Let's hope they are reasonable people.

1937

1938 Mr. Zehler - Can we do two weeks?

1939

1940 Mr. MacFarlane - We can't agree to that as a condition but I don't see that I have any
1941 choice.

1942

1943 Mr. Zehler - Plus, there is the other issue of the basin that you could work on within
1944 those two weeks. With that, Mr. Chairman, I move that POD-73-98 be deferred for two
1945 weeks, per my request.

1946

1947 Mr. Vanarsdall - Second.

1948

1949 Mrs. Wade - How is this proposed to relate to your Aeroserve program across the
1950 way? Just more parking for that or to wash cars.

1951

1952 Mr. MacFarlane - It's across the street and it's additional parking for that facility, basically
1953 an expansion.

1954

1955 Mrs. Wade - So, they probably go into the Aeroserve and then you move them over to
1956 your property.

1957

1958 Mr. MacFarlane - Two different types of programs of parking. This would potentially be self parking, but the patrons will be picked up by our van.

1960

1961 Mr. Archer - Okay. We've finished our discussion. The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall that we defer this case for two weeks, until the August 13 meeting. All in favor say aye...all oppose say nay. The motion passes.

1964

1965 The Planning Commission deferred POD-73-98, Aero Park - Audubon Drive - Auto Valet, to its meeting on August 13, 1998. Mr. Donati was absent.

1967

1968 SUBDIVISION

1969

Ansley Glen
Subdivision
(July 1998 Plan)

Koontz-Bryant, P.C. for Rotunda Corporation: The 5.6-acre site is located at the eastern terminus of Verna Drive, 200 feet from the intersection of Mountain Road and Langley Drive on part of parcels 42-A-62, 63, 106, and 52-A-43. The zoning is R-4, One-Family Residence District. County water and sewer. (Fairfield) 18 Lots

1970

1971 Mr. Archer - Is there anyone in the audience in opposition to subdivision Ansley Glen Subdivision? No opposition. Mr. McGarry.

1973

1974 Mr. McGarry - Staff has nothing to add and can recommend approval of the plan subject to the standard conditions plus condition No. 11.

1976

1977 Mr. Archer - Mr. McGarry. I guess I need to ask the applicant this, about the five flag lots. That the plan needs to be altered.

1979

1980 Mr. McGarry - We pointed that out to him and he can adjust his lot lines to meet the requirement and still retain the same number of lots. And, if he can't, then he realizes he has to lose a lot.

1983

1984 Mr. Archer - Are you aware of any proffered conditions that go with the zoning case?

1985

1986 Mr. McGarry - This is an unconditioned zoning case.

1987

1988 Mr. Archer - It looks like we are looking at a density of around 3.2. You know this is R-4. Okay. Are there any questions of Mr. McGarry by the Commission?

1990

1991 Ms. Dwyer - Mr. McGarry, are you aware of any changes to our flag lots ordinance, the part of our ordinance that deals with flag lots? Is there a study being done about it?

1993 Mr. McGarry - There have been no changes within the last.... The standards we have
1994 been following have been in existence for several years.

1995

1996 Ms. Dwyer - Are we looking at that, is there a study underway? I know there has
1997 been some concern about it expressed.

1998

1999 Mr. McGarry - I have not been asked to be a party to it.

2000

2001 Mr. Marles - I can address that. We have been asked by the County administration to
2002 prepare a briefing for the Board of Supervisors to look at the issue of flag lots along with some
2003 other residential subdivision design issues. And we will be looking at that in the very near
2004 future.

2005

2006 Mr. Archer - Okay. Are there any further questions of Mr. McGarry? Thank you,
2007 Mr. McGarry. Is the applicant here? Could you come forward, please?

2008

2009 Mr. Easter - Hi. My name is Tim Easter and I'm here representing the applicant.
2010 I'll be glad to answer any questions you may have.

2011

2012 Mr. Archer - Can you shade any light at all as to, I know it's not germane to what we
2013 are doing here, but I need to know, the types of houses that might be built in the subdivision?

2014

2015 Mr. Easter - Basically, for what I know, it's going to be between 26 x 36, I do
2016 believe. I typically scale a 30 x 40 to fit most of the lots that I do.

2017

2018 Mr. Archer - Twenty-six by 36, 936 square feet.

2019

2020 Mr. Easter - I'm not positive on that.

2021

2022 Mr. Archer - Are those the minimum sizes or are you saying this is....

2023

2024 Mr. Easter - Typically, I try to make sure that 30 x 40 will work.

2025

2026 Mr. Archer - What about the mix of houses that you are planning? Will they be one
2027 story, two stories?

2028

2029 Mr. Easter - I'm not aware of that at the moment the different types of homes that are
2030 going to be placed there.

2031

2032 Mr. Zehler - Are you with Koontz-Bryant?

2033

2034 Mr. Easter - Yes, sir, I am.

2035

2036 Mr. Zehler - Architect?

2037

2038 Mr. Easter - Engineer.

2039

2040 Mr. Archer - Mr. Easter, I asked that question because about three weeks ago, I
2041 guess, I call from a resident who lives out there and I thought he was referring to a zoning
2042 case when he called, but he indicated that he saw someone measuring land out there and they
2043 indicated that there were 18 houses being built. Of course, at that time I didn't know anything
2044 about it and I couldn't say anything to him about it at that point in time. I see that the case is
2045 unconditional and I was just curious as to what.... We've got a new subdivision that's going
2046 up out there now and the houses are going to be pretty upscale, and I just want to make sure,
2047 if I could, that what we do here won't in any way affect the community out there. That's why
2048 I was asking about the sizes of the houses. It appears that your density would be at about 3.2,
2049 which would indicate that there is enough room to build sizable houses.

2050

2051 Mr. Easter - I'm unaware of exactly what type of houses will be built there.

2052

2053 Mr. Archer - There's someone sitting there that looks like he might have the answer.

2054

2055 Mr. Easter - He may be able to answer.

2056

2057 Mr. Bryant - I'm sorry. My name is George Bryant. I work with Koontz-Bryant
2058 also. The developer is not here today but I can assure you, based on conversations with him,
2059 he is trying to build something that will look good with the two subdivisions next door, North
2060 Run Estates, I'm sure you all have been out there. Those are nice looking houses in that
2061 development. As far as exactly what particular house plans he's looking at, at this moment,
2062 I'm sure that hasn't been determined. That's probably going to depend on the builder that he's
2063 talking to. I have not seen any house plans at this point. I feel sure that they will be nice size
2064 houses. Obviously, by the size of lots, we are not trying to build the minimum.

2065

2066 Mr. Archer - Are you saying then that the houses will be compatible with the houses
in the surrounding area? Do you know if any will be built on slab?

2079 Mr. McGarry - It's 65 feet.
2080

2081 Mrs. Wade - Most of these look like 65.
2082

2083 Mr. Bryant - As far as what I would anticipate, I would anticipate a brick foundation.
2084

2085 Mr. Archer - I'm in a little bit of a quandary. I realize this is an unconditional zoning
2086 case.
2087

2088 Mr. Vanarsdall - Mr. Chairman, if you are not comfortable with what you are reading.....
2089

2090 Mr. Archer - Well, I'll tell you what I was to suggest. I was going to suggest that
2091 maybe we should defer this for two weeks. I would like to have an opportunity to meet with
2092 the developer and the builder and to maybe get some of the questions answered that came up
2093 from the neighborhood and make them feel at ease.
2094

2095 Mr. Bryant - Would you feel at ease if I were to say that we will build a brick
2096 foundation on these houses? Is that the issue that you are uncomfortable with?
2097

2098 Mr. Archer - That would help some.
2099

2100 Mr. Bryant - I'm sure that could be agreed upon.
2101

2102 Mr. Archer - Are you comfortable with making that a condition, that all of the houses
2103 would have brick foundation?
2104

2105 Mr. Bryant - Yes, sir.
2106

2107 Mr. Archer - And, I'm also concerned about, when I say the size and type of houses,
2108 we don't want to build a subdivision with all one-story houses. Would you make a condition
2109 as to the number or a minimum number they would be?
2110

2111 Mr. Bryant - I would really have to talk to the developer to do that. As far as what I
2112 have been lead to believe, I wouldn't be surprise that most of these houses would be two-story
2113 houses. But, I could not....
2114

2115 Mr. Archer - I'm not trying to hold you up.
2116

2117 Mr. Bryant - And I understand that. But, I'm probably not able to make that
2118 decision. And, I'm not sure the developer, I guess he could come up with a number, but I
2119 know that a builder per se has not been picked.

2120 Mr. Archer - I'm not trying to pick a number but I would like a minimum anyway to
2121 make sure that we keep the neighborhood compatible.
2122

2123 Mr. Bryant - What minimum would you like?
2124

2125 Mr. Archer - No more than one.
2126

2127 Mr. Bryant - No more than one, one-story house.
2128

2129 Mr. Archer - Generally, if it were a proffered case, something that would be no more
2130 than a certain percentage, which meant that 100% of them could be two-stories or better, but I
2131 think 25% would be a decent number.
2132

2133 Mr. Bryant - No more than 25%.
2134

2135 Mr. Archer - No more than 25% should be one-story. What are we talking about, 18
2136 lots. Are we able to use the 18 lots if we cut the cul-de-sac back to four?
2137

2138 Mr. Bryant - Yes, sir. I'm able to create four flag lots without five and still maintain
2139 18.
2140

2141 Mr. Archer - Okay. Are you willing then to condition that no more than 25% will be
2142 one-story, and that all the houses would have brick foundations and crawl spaces?
2143

2144 Mr. Bryant - Is there any way I can make a phone call before I commit to that? I feel
2145 sure about the brick foundation. I don't know what the developer has in store as far as the one
2146 story homes.
2147

2148 Mr. Archer - Do you think you could get that resolved before the day is over? I could
2149 skip over this and come back to it.
2150

2151 Mr. Bryant - Yes, sir. I can resolve that before the end of your meeting.
2152

2153 Mr. Archer - Okay. I'll appreciate that.
2154

2155 Mr. Bryant - I'll be glad to do that.
2156

2157 Mr. Zehler - Just out of curiosity, who is the developer?
2158

2159 Mr. Bryant - Walter Hooker. I'm sorry. It's under Rotunda Corporation, which is
2160 Walter Hooker.
2161

2162 Mr. Archer - Sir, I do want to state, the Secretary just reminded me, we probably
2163 shouldn't call these conditions but we would like for you to state those things into the record
2164 about what we think we can do.

2165

2166 Mr. Bryant - About the brick foundation and the minimum number of one-story
2167 houses.

2168

2169 Mr. Archer - I'll meet with you in just a second. Ms. Dwyer, would you take over
2170 for me please?

2171

2172 Ms. Dwyer - Yes. So, we will defer the Ansley Glen Subdivision until later on in the
2173 meeting. We are now ready for the next case.

2174

2175 Mr. Archer leaves with representatives for Anseley Glen Subdivision to discuss case
2176 in the lobby and Ms. Dwyer Chairs the meeting in his absence.

2177

2178 **THIS CASE WAS PASSED BY FOR THE TIME BEING AND HEARD LATER**
2179 **DURING THE MEETING. GO TO PAGE 65 WHERE IT PICKS UP AGAIN.**

2180

2181 **LANDSCAPE PLAN**

2182

LP/POD-80-97

Draper Aden

Associates Office

Building

William H. Spell: 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 site is located at the southwest corner of Villa Park Drive and Darracott Road on parcel 62-11-B-1G. The zoning is O/SC, Office/Service District (Conditional). (Brookland)

2183

2184 Ms. Dwyer - Is there anyone in the audience in opposition to landscape plan,
2185 LP/POD-80-97, Draper Aden Associates Office Building? No opposition. Ms. News.

2186

2187 Ms. News - Landscaping has been provided to screen the BMP, supplement the
transitional buffer, particularly around the area of an existing drainage easement, and to meet

2199 They have one small loading door, actually two doors, I think, in the back, that are intended
2200 right now to be used for their pick-up size trucks. There is a screen wall across the back of
2201 this property that was approved with the POD to screen the loading areas.

2202

2203 Mrs. Wade - Oh, okay.

2204

2205 Ms. News - It's not been built yet but the site lines show that it will screen the
2206 loading areas.

2207

2208 Mrs. Wade - Thank you.

2209

2210 Ms. Dwyer - All right. Are there any other questions? Would you like to hear from
2211 the applicant, Mr. Vanarsdall.

2212

2213 Mr. Vanarsdall - No, ma'am.

2214

2215 Ms. Dwyer - All right. We are ready for a motion.

2216

2217 Mr. Vanarsdall - I move LP/POD-80-97 be approved with the staff's recommendation, the
2218 annotations on the plan, and the standard conditions for landscape plans.

2219

2220 Mr. Zehler - Second.

2221

2222 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler.

2223 All in favor say aye...all oppose say nay. The motion passes.

2224

2225 The Planning Commission approved the landscape plan for LP/POD-80-97, Draper Aden
2226 Associates Office Building, subject to the standard conditions for landscape plans and the
2227 annotations on the plan. Mr. Donati and Mr. Archer were absent.

2228

2229 LANDSCAPE PLAN

2230

LP/POD-113-97

Auto Haven-Brook

Road (Formerly Master
Clean Car Wash)

(POD-47-88-Rev.)

Robert K. Carter, P.E.: 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 2.25-acre site is located on the southwest corner of the intersection of Brook Road (U.S. Route 1) and Lakeside Avenue on parcel 73-A-5. The zoning is B-3, Business District. (Brookland)

2231

2232 Ms. Dwyer - Is there anyone in the audience in opposition to landscape plan,
2233 LP/POD-113-97, Auto Haven-Brook Road? No opposition. Ms. News.

2234

2235 Ms. News - The POD for this project authorized an addition to an existing auto
2236 repair facility. The landscape plan originally approved in 1988 did not address planting along
2237 the southern property line in the area of the addition. This plan adds trees along this property
2238 line in accordance with current standards. Wood screen areas were also added to enclose
2239 exterior storage areas in accordance with a condition of the POD. Staff recommends approval
2240 of the landscape plan.

2241

2242 Ms. Dwyer- Thank you, Ms. News. Are there any questions by Commission
2243 members?

2244

2245 Mr. Vanarsdall - And the tire issues will be resolved by Public Works?

2246

2247 Ms. News - That's correct. The screen has actually been constructed and they
2248 constructed it in the wrong location over a drainage easement and they need to relocate it to
2249 the location shown on this plan.

2250

2251 Mr. Vanarsdall - And Mr. Colley got the cans moved.

2252

2253 Ms. News - So I understand.

2254

2255 Ms. Dwyer - All right. Are there any other questions? Would you like to hear from
2256 the applicant, Mr. Vanarsdall.

2257

2258 Mr. Vanarsdall - No, ma'am.

2259

2260 Ms. Dwyer - All right. We are ready for a motion.

2261

2262 Mr. Vanarsdall - I move LP/POD-113-97, Auto Haven-Brook Road, be approved with the
2263 staff's recommendation, the annotations on the plan, and the standard conditions for landscape
2264 plans.

2265

2266 Mr. Zehler - Second.

2267

2268 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler.

2269 All in favor say aye...all oppose say nay. The motion passes.

2270

2271 The Planning Commission approved the landscape plan for LP/POD-113-97, Auto Haven-
2272 Brook Road (Formerly Master Clean Car Wash) (POD-47-88 Revised), subject to the standard
2273 conditions for landscape plans and the annotations on the plan. Mr. Donati and Mr. Archer
2274 were absent.

2275

2276 Mr. Archer returns to the meeting after this case.

2277

2278 PLAN OF DEVELOPMENT

2279

**POD-74-98
Lewis Ginter
Botanical Garden
Master Plan
(POD-99-96 Revised)**

**Draper Aden Associates for Lewis Ginter Botanical Garden:
Request for approval of a revised plan of development as required
by Chapter 24, Section 24-106 of the Henrico County Code to
construct Lewis Ginter Botanical Garden Master Plan. The 81.98-
acre site is located 1800 Lakeside Avenue on parcels 72-A-9, 11
and 58. The zoning is C-1, Conservation District and R-2, One-
Family Residence District. County water and sewer. (Brookland)**

2280

2281 Mr. Archer - Is there anyone in the audience in opposition to POD-74-98, Lewis
2282 Ginter Botanical Garden Master Plan? We have opposition. Ms. News.

2283

2284 Ms. News - This revised master plan incorporates several changes, which have been
2285 outlined in your packet. The majority of the revisions involve updating the plan to accurately
2286 reflect approved facilities currently under construction. A temporary office building currently
2287 on site shall become permanent. The configuration of some future plan facilities has been
2288 revised. Staff recommends approval of this plan.

2289

2290 Mr. Archer - Okay. Are there any questions of Ms. News by Commission members?

2291

2292 Mrs. Wade - Condition No. 38, "Tents shall not be used to house any type of
2293 equipment that produces music. Is this what the Garden want?

2294

2295 Ms. News That was a condition of their previous POD approval and they have
2296 agreed to carry that through with this new master plan.

2297

2298 Mrs. Wade - Okay. Because I thought they used the tent there some time for
2299 orchestras and things but apparently not.

2300

2301 Ms. News - I'm not sure how that works. They may have had a special permit. I
2302 know in the past the reason for showing the tents on here is so that when they do have to get a
2303 tent approved, they can come in for a building permit. They've had to come in for a
2304 conditional use permit. Perhaps the applicant can address that. I'm not sure how they have
2305 been addressing the music they do have in the one permanent tent.

2306

2307 Ms. Dwyer - They would just have the music outside the tents.

2308

2309 Mrs. Wade - Okay. Thank you.

2310

2311 Mr. Archer - Okay. Are there any further questions of Ms. News?

2312

2313 Mr. Vanarsdall- I would like to hear from the applicant, Mr. Chairman.

2314

2315 Mr. Archer - All right. Is the applicant present? Sir, would you come forward,
2316 please?

2317

2318 Mr. Waltz - I'm Richard Waltz and I'm director of the physical plant for Lewis
2319 Ginter Botanical Garden.

2320

2321 Mr. Vanarsdall - Dick, I know that Rev. Bob wants to ask some questions and may have
2322 some other things we will have to resolve. Thank you.

2323

2324 Mr. Archer - Are there any other questions? We will now here from the opposition.

2325

2326 Mr. Webb - Mr. Chairman and members of the Commission, my name is Leland
2327 Webb. I am a trustee at Lakeside Baptist Church, which is an adjoining neighbor to Lewis
2328 Ginter Botanical Garden. I'm also a resident of Lockbury Lane. I've come this morning to
2329 raise an important concern on behalf of the church, primarily. I hate to come forward under
2330 the heading of opposition because I'm a fan of Lewis Ginter Botanical Garden. They have
2331 been good neighbors, they have been very responsive, and they have certainly benefited the
2332 area as well as the entire County. My point of concern has to do with No. 9 on the list of
2333 changes, which has to do with composting areas. One of the composting areas, which is very
2334 large, is situated, according to the plat, would be less than 200 feet from the outside play area
2335 for daycare. Lakeside Baptist Church has a day care operation. Providing outside play is a
2336 part of the requirements of the State. The play area has been there for some time and our
2337 concern is whether this size and location of composting can be done without a disagreeable
2338 odor, that would make it difficult for that play to be used as it is now.

2339

2340 In conversation with Mr. Waltz here this morning during the recess, he has assured us that
2341 their method of handling this would reduce odor to be almost non-existing but that is yet to be
2342 seen. So, for the record, and for future reference, I simply come to express a point of concern
2343 about the odor of the two composting areas, which is shown on the plan. It's the one down
2344 near the corner of the property, which is very near to the day care play area and this is our
2345 concern. We would like some assurance or at least something for the record that says "In the
2346 future should this become a problem, if it cannot be reduced in size or relocated somewhere
2347 else on the property, that we could have recourse to find a way to make our property fully
2348 useable as it is now."

2349

2350 Mr. Vanarsdall - Did you say, it's less than 200 feet from the day care?

2351

2352 Mr. Webb - That's my estimate from the plat as it is shown. The composting area is
2353 almost east of the main entrance of the church, the day care play area is very close to that.
2354 So, it's somewhere between, I think, 150 and 200 feet, according to the plan that's shown.

2355 Mr. Vanarsdall - I'm wondering if there is somewhere else on the property it could be
2356 moved.

2357

2358 Mrs. Wade - Where is it now, do you know?

2359

2360 Mr. Webb - If you have a plan, it's down near the southwest corner of the property.
2361 It's down near Lockbury Lane. It's where the fence comes down behind the church property
2362 and comes to Lockbury Lane. Right now there is a large mound of dirt there that's being used
2363 during construction. But, that's essentially where the composting area will be.

2364

2365 Ms. Dwyer - Have you ever noticed a problem with odor with the old one, because
2366 usually vegetable matter that's composted, which doesn't have an offensive odor like garbage
2367 would have?

2368

2369 Mr. Webb - The problem has been noticed, at least, by some neighbors in years past,
2370 concerning odor, when I think of some earlier point, the Garden was using fertilizer and there
2371 was a time or two when there was some over there. This, of course, is different than that and
2372 the management of it, of course, is a part of it. But, as I said, for the future, if this does
2373 become a problem I do want to at least raise the issue here. And, if it can't be relocated I
2374 certainly would want to be assured that it could be managed properly.

2375

2376 Ms. Dwyer - You are not asking that it not be there, but just that it be moved in the
2377 future if it is a problem, is that what you are saying?

2378

2379 Mr. Webb - That would be acceptable, yes, ma'am.

2380

2381 Mr. Vanarsdall - Let me ask Ms. News a question. Ms. News, do you have a suggestion
2382 as to how we could word a condition or if it becomes a problem, maybe is there somewhere
2383 else it could be relocated? I'd better ask Mr. Waltz. Can it be moved further away?

2384

2385 Ms. News - Perhaps Mr. Waltz or his engineer could suggest a location.

2386

2387 Mr. Waltz - Having not heard this concern until today, we haven't looked at an
2388 alternative site. What I explained to Mr. Webb was that the current process used for
2389 composting is a windrow where you continually turn, or turn once a week, the composting pile
2390 to make it deteriorate faster. Also, it doesn't let the moisture content build up in it, and you
2391 don't get the offensive odor. We do turn our composting piles, even the old pile we have, we
2392 turn occasionally, not as frequently as, obviously, the new piles. I have not been able to have
2393 an opportunity to look at an alternate site. But, certainly, we would consider that if it would
2394 be a better solution.

2395

2396 Mr. Vanarsdall - Would you like to defer this for two weeks, until August 13, and look
2397 for an alternative site?

2398

2399 Mr. Waltz - I would prefer to have it as a condition that if it becomes a problem, we
2400 would relocate it, if that's agreeable to the Commission.

2401

2402 Mr. Vanarsdall - Mr. Webb, that will suit you won't it?

2403

2404 Mr. Webb - Yes, sir.

2405

2406 Mr. Vanarsdall - I was just thinking, if they moved it then we wouldn't have to worry
2407 about it. I don't want him to have to be worrying about it and have to be calling somebody.

2408

2409 Mr. Waltz - Excuse me.

2410

2411 Mr. Vanarsdall - I said, I was thinking if you put it somewhere else we wouldn't have to
2412 worry about it, he wouldn't have to worry about it, the church wouldn't have to be calling
2413 anybody.

2414

2415 Mr. Waltz - In talking to our engineer, the composting pile that slated to go in the
2416 area, that they are referring to, is the compost that would be used in our greenhouse operation.
2417 It will probably be a second or third stage composting. It would not be green vegetation, it
2418 will be things that we are getting ready to cycle through our greenhouse so the smell there
2419 would be virtually non-existent at that point. It's not a fresh composting pile.

2420

2421 Mr. Vanarsdall - All right. Then why don't we come up with a condition that you would
2422 agree with?

2423

2424 Mr. Waltz - I think that would be fine.

2425

2426 Mr. Vanarsdall - Have Ms. News word something.

2427

2428 Mrs. Wade - Where is the fresh composting pile?

2429

2430 Ms. Dwyer- There's one up by the retention basin.

2431

2432 Mr. Waltz - There is another one on our site. I don't have my plan with me. Do
2433 you have the plan Chris?

2434

2435 Mr. Chris Schust - The other one shown on the plan is up near the bus parking area, I
2436 believe, near the west entrance.

2437

2438 Mr. Vanarsdall - I didn't hear what you said.

2439

2440 Mr. Schust - The other one is up near the bus parking entrance, between the bus
2441 parking area, rather, and the retention lake, I think. On the map it's shown as a smaller area.
2442

2443 Ms. News - I've got a suggested condition that says: Should objectionable odor with
2444 compost pile occur, compost shall be removed or relocated within 60 days.
2445

2446 Mr. Vanarsdall - Why not 30 days?
2447

2448 Ms. News - Okay.
2449

2450 Mr. Vanarsdall - That will be condition No. 39. Would you like to read it to Mr. Wqltz,
2451 again?
2452

2453 Ms. News - Should objectionable odor with compost pile occur, compost shall be
2454 relocated within 30 days.
2455

2456 Mr. Vanarsdall - Is that satisfactory with the church?
2457

2458 Mr. Webb - Yes.
2459

2460 Mr. Vanarsdall - Thank you.
2461

2462 Mr. Archer - Are there any further questions?
2463

2464 Mr. Vanarsdall - No. I move POD-74-98, Lewis Ginter Botanical Garden Master Plan,
2465 be approved with the standard conditions, annotations on the plans, conditions Nos. 23 through
2466 39 and No. 39 being the condition just added about the compost, as recited by Ms. News
2467 today.
2468

2469 Mr. Zehler - Second.
2470

2471 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler.
2472 All in favor say aye...all oppose say nay. The motion passes.
2473

2474 The Planning Commission approved POD-74-98, Lewis Ginter Botanical Garden Master Plan
2475 (POD-99-96 Revised), subject to the standard conditions attached to these minutes, the
2476 annotations on the plans, and the following additional conditions. Mr. Donati was absent.
2477

2478 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2479 the County in a form acceptable to the County Attorney prior to any occupancy permits
2480 being issued.

2481 24. The developer shall provide fire hydrants as required by the Department of Public
2482 Utilities in its approval of the utility plans and contracts.

- 2483 25. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
2484
2485
- 2486 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
2487
2488
- 2489 27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
2490
2491
- 2492 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
2493
2494
- 2495 29. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
2496
2497
- 2498 30. No means of vehicular ingress or egress shall be provided to Prospect Avenue or Lockbury Lane now on in the future.
2499
- 2500 31. A transitional 50 buffer shall be provided along the entire frontages of Prospect Avenue and Lockbury Lane. The installation of the buffers shall be concurrent with the development of any phase adjacent thereto. There shall be no permitted deviations in buffer width unless specifically requested of and approved by the Planning Commission after a public hearing.
2501
2502
2503
2504
- 2505 32. This approval is for the master plan. The detailed construction plans for each phase of the implementation of this plan shall be submitted for administrative review and approval prior to construction. The Director of Planning shall retain the discretionary authority to require a revised plan of development based upon the findings of reviews of each phase.
2506
2507
2508
2509
- 2510 33. The applicant, if aggrieved by a staff decision during an administrative review, may request that its plan be heard by the Planning Commission as a revised POD.
2511
- 2512 34. The existing conditions element of the master plan shall be updated with each phase of implementation.
2513
- 2514 35. The implementation of the master plan shall be substantially in accordance with the approved plan.
2515
- 2516 36. Adequate fire protection and access routes shall be provided with each phase of development.
2517
- 2518 37. The amphitheater (event seating) phase of this master plan is not part of this approval.
2519 38. The tents shall not be used to house any type of equipment or instrument that produces music.
2520
- 2521 39. Should objectionable odor occur, associated with the compost pile located near the intersection of Lockbury Lane and Margaret Avenue, the compost shall be relocated by the owner within 30 days.
2522
2523
2524

2525 Mr. Archer - Mr. Secretary, I've notice that Mr. Easter and Mr. Bryant are back.
2526 Maybe we can continue with the case we passed by. Mr. McGarry, are we ready with an
2527 answer to that case? Okay.

2528

2529 **AT THIS TIME THE COMMISSION RESUMED WITH ANSLEY GLEN**
2530 **SUBDIVISION (JULY 1998 PLAN) FROM PAGE 51.**

2531

2532 **SUBDIVISION**

2533

**Ansley Glen
Subdivision
(July 1998 Plan)**

Koontz-Bryant, P.C. for Rotunda Corporation: The 5.6-acre site is located at the eastern terminus of Verna Drive, 200 feet from the intersection of Mountain Road and Langley Drive on part of parcels 42-A-62, 63, 106, and 52-A-43. The zoning is R-4, One-Family Residence District. County water and sewer. (Fairfield) 18 Lots

2534

2535 Mr. Archer - Mr. McGarry.

2536

2537 Mr. McGarry - In speaking with the representative for the Rotunda Corporation, they
2538 have been in contact with the corporation and have indicated that they would be willing to
2539 publicly agrees to brick foundations and no more than 25% of the buildings would be one
2540 story.

2541

2542 Mr. Archer - Okay. What about crawl spaces? Are crawl spaces included?

2543

2544 Mr. McGarry - Yes. Brick foundations with crawl space.

2545

2546 Mr. Archer - And no more than 25% will be one story.

2547

2548 Mr. McGarry - That's correct, and they are willing to state that publicly at the meeting.

2549

2550 Mr. Archer- Are you gentlemen in agreement with that?

2551

2552 Mr. Bryant - Yes, sir.

2553

2554 Mr. Archer - Let the record so state.

2555

2556 Ms. Dwyer - Who was it that said yes?

2557

2558 Mr. Archer - I believe that was Mr. Bryant.

2559

2560 Mr. Bryant - Yes, sir.

2561

2562 Mr. McGarry - That was George Bryant of Koontz-Bryant.
2563

2564 Mrs. Wade - And he has the authority to do that?
2565

2566 Mr. Archer - Are there any other questions by the Commission?
2567

2568 Mrs. Wade - So, you are not going to meet with the neighbors then?
2569

2570 Mr. Archer - No. If we did, we would have to defer it.
2571

2572 Mrs. Wade - I just put that note down earlier and just checking.
2573

2574 Mr. Archer - Well, I was going to defer it for that purpose, but I don't if we can't get
2575 much more out of it on this one, to be honest with you.
2576

2577 Mrs. Wade - Okay. I'll just scratch that out.
2578

2579 Mr. Archer - Okay. Mr. McGarry, would you read to us how you are going to state
2580 that in there, or how we are going to state it to make it a part of the record? Or, just state it,
2581 and I guess it will become a part of the record.
2582

2583 Mr. McGarry - Staff can recommend approval of the plan, subject to the standard
2584 conditions served by public utilities, condition No. 11 and an understanding that all dwellings
2585 will have brick foundations with crawl spaces and no more than 25% shall be a one-story
2586 design.
2587

2588 Mr. Archer - Okay. Thank you. With that, I move approval of Ansley Glen
2589 Subdivision subject to the annotations on the plan, the standard conditions for subdivisions
2590 served by public utilities, the addition of condition No. 11 and the information stated into the
2591 record by Mr. McGarry.
2592

2593 Mr. Vanarsdall - Second.
2594

2595 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
2596 All in favor say aye...all oppose say nay. The motion passes.
2597

2598 The Planning Commission approved Ansley Glen Subdivision subject to the standard
2599 conditions attached to these minutes, the annotations on the plans and the following additional
2600 conditions. Mr. Donati was absent.

2601

2602 **11. Prior to requesting final approval, a draft of the covenants and deed restrictions for the**
2603 **maintenance of the common area shall be submitted to the Planning Office for review.**

2604 **Such covenants and restrictions shall be in form and substance satisfactory to the County**
2605 **Attorney and shall be recorded prior to recordation of the subdivision plat.**

2606

2607 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

2608

POD-57-98
Short Pump Mini -
Storage

Foster & Miller, P.C. for Welford A. & Diane Sandridge, Naomi S. Davis, Susan S. Weston, Ray T. and Margaret Bartholomew and Short Pump Associates, LLC: Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct six, one-story mini-storage buildings totaling 72,434 square feet and a one-story, 1,650 square foot office/manager's quarters. The 8.9-acre site is located on the southwest corner of intersection of I-64 and Pouncey Tract Road (State Route 271) on parts of parcels 36-A-13 and 15 and parcels 36-A-14, 16 and 17. The zoning is M-1C- Light Industrial District and WBSO (West Broad Street Overlay District). County water and sewer. (Three Chopt)

2609

2610 **Mr. Archer - Is there anyone in the audience in opposition to POD-57-98, Short Pump**
2611 **Mini - Storage? No opposition. Mr. Whitney.**

2612

2613 **Mr. Whitney - Thank you, Mr. Chairman. Your agenda stated that staff would make**
2614 **its recommendation at the meeting and that recommendation is on your addendum for POD-**
2615 **57-98. You have just been handed an annotated plan for this project, if I could go over that**
2616 **with you at this time, at least the ones that needed comments. Some of them are self-**
2617 **explanatory. In regard, to the fence, it would go around the mini-storage buildings. The**
2618 **applicant has indicated that will be a black vinyl coated chain link fence. The dumpster screen**
2619 **locations have not been provided on this plan. However, when plans come in for final**
2620 **signature, we will be looking at those locations. HVAC screening as noted in annotation No.**
2621 **5. At building permit time, that will be something that staff will look at to see if that it meets**
2622 **the proffered conditions on this site. With respect to the right-of-way for Pouncey Tract Road,**
2623 **we are in a situation here where the widening of Pouncey Tract Road and the bridge crossing**
2624 **I-64 is not in the six-year plan. VDOT is not really sure what is going to happen there. We**
2625 **have a requirement for a 35-foot streetscape buffer as a part of the West Broad Street Overlay.**
2626 **So, the applicant will be providing that. However, where it's going to be provided at this**
2627 **time, we really don't know.**

2628 With the situations of phases 2 and 3 coming back for approval, at least for administrative
2629 approval, and at landscape plan, we would have to look at this issue each time they come to
2630 staff and see if we can get this taken care of as soon as possible. It's a tough situation, until
2631 we know where the ultimate right-of-way will be.

2632

2633 Mrs. Wade - This is basically Phase I, then?

2634

2635 Mr. Whitney - Yes, it is. Staff is recommending that tree protection be provided in
2636 Phase 2 and 3. There is a clouded area on your staff plan that indicates one area that staff has
2637 a concern. During the discussion of this, and some subsequent site visits, it was also a
2638 specimen tree that was located on this property, approximately a 40-inch diameter oak, which
2639 is located down at the southerly end of the property at the ends of the building connecting
2640 Phases 2 and 3. This has been pointed out to the applicant and they are going to try and do
2641 everything they can to design around this tree, to see if we can save it. Certainly, during
2642 Phase 1, it will be protected and they will look at some design considerations to save this tree
2643 in the future. This approval also includes a transitional buffer deviation. They are requesting
2644 a deviation from transitional buffer 50, which would be required adjacent from A-1 zoning.
2645 This A-1 zoning is, however, the right-of-way for I-64. The request is to reduce it to 25 feet,
2646 which would be in line with the Department of Public Works comment that the top contour of
2647 the BMP on the northerly side of the property shall be 25 feet from the right-of-way. In a
2648 discussion for the deviation on your annotated staff plan, staff recommends approval of this
2649 deviation meeting the spirit and intent of the ordinance.

2650

2651 Briefly, what they are trying to do is increase some of the plantings in the 25-foot area, as well
2652 as the quantities that would be not able to be planted here but will be planted at the easterly
2653 end of the BMP, to screen it more from Pouncey Tract Road. With that, staff can recommend
2654 approval of this plan, and I will take any questions you may have at this time.

2655

2656 Mr. Archer - Thank you, Mr. Whitney. Are there any questions of Mr. Whitney by
2657 the Commission?

2658

2659 Mrs. Wade - Basically, from the deviation from the transitional buffer, they have
2660 picked up, what, 25 feet along that property line, twenty-five more feet that they can use?

2661

2662 Mr. Whitney - I'm sorry, I don't understand.

2663

2664 Mrs. Wade - Instead of having the 50-foot buffer, having a 25-foot buffer, they would
2665 pick up 25 feet along that line to include in the development, along the interstate.

2666

2667 Mr. Whitney - Yes, that is true.

2668

2669 Mrs. Wade - So, the dumpster will be considered before final signature.

2670

2671 Mr. Whitney - That's true. The applicant and engineer are here. Maybe they can
2672 answer that question for you now.

2673

2674 Mrs. Wade - I think we asked that in a meeting and it hadn't been determined and
2675 apparently you don't have that yet.

2676

2677 Mr. Whitney - Yes. It was pointed out that it would be located, not to be a problem to
2678 Public Works, which would be anywhere near any inlets for storm drainage.

2679

2680 Mr. Archer - Would you like to hear from the applicant, Mrs. Wade?

2681

2682 Mrs. Wade - Yes. I have a couple of things.

2683

2684 Mr. Archer - Will the applicant please come forward.

2685

2686 Mrs. Wade - We will call this the Short Pump Royal Oak Mini Storage.

2687

2688 Mr. Parker - My name is Phillip Parker with Foster & Miller representing the
2689 applicant and I'd be happy to answer any questions.

2690

2691

2692 Mrs. Wade - And you are in agreement, and you are going to have the dumpster
2693 location provided later.

2694

2695 Mr. Parker - Yes, ma'am. The concern with that was relative to the location drop
2696 inlet leading into the BMP.

2697

2698 Mrs. Wade - So, you are going to do Phase 1, but you are not going to clear the area
2699 that eventually will be Phase 2 and 3 at this time.

2700

2701 Mr. Parker - We are going to strive, as we spoke, we are going to strive to minimize
2702 that. As we discussed in our meeting, we have got a substantial amount of cut coming from
2703 that southeastern area of the property that is being used on the northwestern end of the
2704 property. We will strive to maintain the bulk of that wood and through there as well as work
2705 along that oak tree that we have been discussing, adjacent to the existing well and to the
2706 existing home. The southern end of that tree area, the narrow band of the existing tree area, is
2707 in a cut condition that is needed for this first phase of development. The bulk of it toward the
2708 northeast of north, we can try to work to save those at this phase of development. But, we do
2709 need to work through that southern end of those trees.

2710

2711 Mrs. Wade - So, you think you can cut and move around the big tree, at the moment?

2712 Mr. Parker - Yes, ma'am. The only concern with the big tree is its proximity to the
2713 existing well. It's about 12 feet from the existing well and the existing residences. The
2714 residence is in a fair state of disrepair and they are to be demolished. The well is to be
2715 abandon, according to VDOT, I mean the Department of Health requirements. We won't
2716 allow heavy equipment just to roll through there and do what they typically do. We are going
2717 to control how heavy equipment would remove that house and how the well will be abandon to
2718 preserve that tree as best possible.

2719

2720 Mrs. Wade - I hope you have more influence over heavy equipment operators.

2721

2722 Mr. Parker - Mr. Levey has a fair amount of perseverance, so I don't think we have
2723 any problem to that end.

2724

2725 Mrs. Wade - Thank you.

2726

2727 Mr. Parker - Thank you. Are there any other questions?

2728

2729 Mrs. Wade - I think that's it.

2730

2731 Mr. Archer - All right. Thank you, sir. Mrs. Wade.

2732

2733 Mrs. Wade - All right. With those assurances, I move that POD-57-98, Short Pump
2734 Mini-Storage, basically, Phase I, be approved along with the transitional buffer deviation, now
2735 do we do that or the Director of Planning? We do that. Okay, be allowed. Annotations on
2736 the revised plans, the standard conditions, and conditions Nos. 23 through 32 as they appear
2737 on the addendum.

2738

2739 Mr. Zehler - Second.

2740

2741 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Zehler. All
2742 in favor say aye...all oppose say nay. The motion passes.

2743

2744 Mrs. Wade - Can we just back up a minute?

2745

2746 Mr. Archer - Yes, ma'am.

2747

2748 Mrs. Wade - They have gone, but it is understood that all of the provisions of the
2749 Overlay are going to be included in Phase 2 or 3, for the Mini-Storage? I don't see any details
2750 of that in the conditions, here.

2751

2752 Mr. Whitney - When we get around to doing Phases 2 and 3, hopefully, we will have
2753 more information to be able to decide if they can plant it.

2754

2755

2756 Mrs. Wade - So, the plantings, sidewalks, everything will be discussed?

2757

2758 Mr. Whitney - Exactly.

2759

2760 Mrs. Wade - Okay. Thank you.

2761

2762 The Planning Commission approved POD-57-98, Short Pump Mini-Storage, subject to the
2763 standard conditions attached to these minutes, the annotations on the plans, the transitional
2764 buffer deviation, and the following additional conditions. Mr. Donati was absent.

2765

2766 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2767 the County in a form acceptable to the County Attorney prior to any occupancy permits
2768 being issued.

2769 24. The entrances and drainage facilities on State Route 271 shall be approved by the
2770 Virginia Department of Transportation and the County.

2771 25. A notice of completion form, certifying that the requirements of the Virginia
2772 Department of Transportation entrances permit have been completed, shall be submitted
2773 to the Planning Office prior to any occupancy permits being issued.

2774 26. The developer shall provide fire hydrants as required by the Department of Public
2775 Utilities in its approval of the utility plans and contracts.

2776 27. Outside storage shall not be permitted.

2777 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2778 County Attorney prior to final approval of the construction plans by the Department of
2779 Public Works.

2780 29. Deviations from County standards for pavement, curb or curb and gutter design shall
2781 be approved by the County Engineer prior to final approval of the construction plans by
2782 the Department of Public Works.

2783 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
2784 and contracts and must be approved by the Department of Public Utilities prior to the
2785 issuance of a building permit.

2786 31. Approval of the construction plans by the Department of Public Works does not
2787 establish the curb and gutter elevations along the Virginia Department of Transportation
2788 maintained right-of-way. The elevations will be set by the contractor and approved by
2789 the Virginia Department of Transportation.

2790 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
2791 Planning Office and approved prior to issuance of a certificate of occupancy for this
2792 development.

2793

2794 SUBDIVISION

2795

Park West
(July 1998 Plan)

Balzer & Associates, Inc. for D. O. Allen Homes, Inc.: The
23.21-acre site is located on the south line of Hungary Road

approximately 150 feet east of Lanver Lane on parcels 49-A-19, 20 and part of parcel 49-A-18. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. (Brookland) 93 Lots

2796

2797 Mr. Archer - Is there anyone here in opposition to subdivision Park West? No
2798 opposition. Mr. Wilhite.

2799

2800 Mr. Wilhite - Staff had originally anticipated a revised plan to be submitted for this
2801 development, but at this time feel that it is not necessary. It had been anticipated that an
2802 additional basin would have to be provided along Hungary Road to satisfy some 50-10
2803 stormwater requirements. The design engineer has notified me that that is not the case and the
2804 basin is not needed. Also, the applicant has agreed to providing turn lanes along Hungary
2805 Road at both entrance locations, and he has allowed enough room in the lots that's existing to
2806 provide the proffered buffer along Hungary Road and still meet all lot size requirements for
2807 those lots fronting on Duran Drive. The applicant has confirmed that he is willing to
2808 participate in the cost of a traffic light at the location of Hungary Road and Francistown Road,
2809 that's anticipated that will be needed. Since this is a zero lot line development, a POD will be
2810 necessary. It has been filed and it's anticipated that this will appear on your August agenda.
2811 With those comments and the conditions listed, staff recommends approval of this subdivision
2812 plan.

2813

2814 Mr. Archer - Thank you Mr. Wilhite. Are there any questions of Mr. Wilhite by the
2815 Commission? No questions. Would you like to hear from the applicant, Mr. Vanarsdall?

2816

2817 Mr. Vanarsdall - No. I do not need to hear from the applicant. I recommend subdivision
2818 Park West be approved with the standard conditions for subdivisions, the annotations on the
2819 plan and conditions Nos. 12, 13, 14, and 15.

2820

2821 Mr. Zehler - Second.

2822

2823 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler.
2824 All in favor say aye...all oppose say nay. The motion passes.

2825

2826 The Planning Commission approved subdivision Park West (July 1998 Plan) subject to the
2827 standard conditions attached to the minutes, the annotations on the plan, and the following
2828 additional conditions. Mr. Donati was absent.

2829

2830 12. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan
2831 showing the existing dwelling situated on parcel 49-A-18 to determine if the lot design is
2832 adequate to meet the requirements of Chapter 24, of the Henrico County Code.

2833 13. Detailed construction plans shall be submitted to the Planning Office before the final plats
2834 are submitted for final approval.

2835 14. The detailed plant list and specifications for the landscaping to be provided within the 25-
2836 foot wide planting strip easement along Hungary Road shall be submitted to the Planning
2837 Office for review and approval prior to recordation of the plat.
2838 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
2839 maintenance of the common requesting the first occupancy permit. The area by a
2840 homeowners association shall be submitted to the Planning Office for review. Such
2841 covenants and restrictions shall be in form and substance satisfactory to the County
2842 Attorney and shall be recorded prior to recordation of the subdivision plat.

2843

2844 PLAN OF DEVELOPMENT

2845

POD-71-98
Virginia Press
Association -
The Concourse
At Wyndham

Richard L. Baird, Jr., P.E. for Virginia Press Association
and Loch Levan Land Limited Partnership: Request for
approval of a plan of development as required by Chapter 24,
Section 24-106 of the Henrico County Code to construct a two-
story 17,400 square foot office building. The 3.00-acre site is
located on the south line of Nuckols Road, approximately 1,100
feet east of Shady Grove Road on parcel 10-A-23B and part of 10-
A-23. The zoning is O/SC, Office/Service District (Conditional).
County water and sewer. (Three Chopt)

2846

2847

2848 Mr. Archer - Is there anyone in the audience in opposition to POD-71-98, Virginia
2849 Press Association - The Concourse at Wyndham? No opposition. Mr. Wilhite.

2850

2851 Mr. Wilhite - The revised plan in your packet shows the additional right-of-way that's
2852 requested to be dedicated to the County and adjusts the building slightly so that it will meet
2853 setback requirements. It also shows a changed entrance location to meet the width required by
2854 the traffic engineer. With the annotations referring back to the original annotations on the
2855 plan, staff can recommend approval of this revised plan.

2856

2857 Mr. Archer - Are there any questions of Mr. Wilhite by the Commission?

2858

2859 Mrs. Wade - No.

2860

2861 Mr. Archer - Do you need to hear from the applicant, Mrs. Wade?

2862

2863 Mrs. Wade - No. I don't think so. It looks good. I move POD-71-98, Virginia
2864 Press Association - The Concourse at Wyndham, revised plan be approved, subject to the
2865 annotations, if any on the revised plan, and on the original plan. The standard conditions and
2866 additional conditions Nos. 23 through 32 as they appear on the agenda. I move it be
2867 approved.

2868

2869 Ms. Dwyer - Second.

2870

2871 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All
2872 in favor say aye...all oppose say nay. The motion passes.

2873

2874 The Planning Commission approved POD-71-98, Virginia Press Association – The Concourse
2875 at Wyndham, subject to the standard conditions attached to these minutes, the annotations on
2876 the plans and the following additional conditions. Mr. Donati was absent.

2877

2878 23. The right-of-way for widening of Nuckols Road as shown on approved plans shall be
2879 dedicated to the County prior to any occupancy permits being issued. The right-of-way
2880 dedication plat and any other required information shall be submitted to the County
2881 Real Property Agent at least 60 days prior to requesting occupancy permits.

2882 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2883 the County in a form acceptable to the County Attorney prior to any occupancy permits
2884 being issued.

2885 25. The required building setback shall be measured from the proposed right-of-way line
2886 and the parking shall be located behind the proposed right-of-way line.

2887 26. The developer shall provide fire hydrants as required by the Department of Public
2888 Utilities in its approval of the utility plans and contracts.

2889 27. A standard concrete sidewalk shall be provided along the south side of Nuckols Road.

2890 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2891 County Attorney prior to final approval of the construction plans by the Department of
2892 Public Works.

2893 29. Deviations from County standards for pavement, curb or curb and gutter design shall
2894 be approved by the County Engineer prior to final approval of the construction plans by
2895 the Department of Public Works.

2896 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
2897 and contracts and must be approved by the Department of Public Utilities prior to the
2898 issuance of a building permit

2899 31. Approval of the construction plans by the Department of Public Works does not
2900 establish the curb and gutter elevations along the Henrico County maintained right-of-
2901 way. The elevations will be set by Henrico County.

2902 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
2903 Planning Office and approved prior to issuance of a certificate of occupancy for this
2904 development.

2905 LANDSCAPE PLAN

2906

**LP/POD-21-96
Virginia Center
Apartments**

Castle Development Company for Bengston, DeBell & Elkin, Ltd.: 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 13.4-acre site is located at the southwest corner of the intersection of Brook Road (U.S. Route 1) and Virginia Center Parkway on part of parcel 33-A-10 and 11. The zoning is R-6C, General Residence District (Conditional). (Fairfield)

2907

2908 **Mr. Archer -** Is there anyone in the audience in opposition to landscape plan LP/POD-
2909 **21-96, Virginia Center Apartments? No opposition. Mr. Strauss.**

2910

2911 **Mr. Strauss -** For the record, I would like to make a correction to the agenda. The
2912 **approved name for this project is The Greens at Virginia Center. Staff is distributing an**
2913 **annotated plan, which makes several recommendations for the final approval of landscaping.**
2914 **Staff recommends substitution of shade trees for the ornamentals that were originally proposed**
2915 **in the northern and southern parking lots. We have also suggested some additional evergreen**
2916 **tree planting at the corner of Virginia Center Parkway and Route 1, and also the relocation of**
2917 **several trees that were in utility easements. The applicant has received staff's annotations and**
2918 **we have discussed these at length and he is in agreement. Staff can recommend approval of**
2919 **the landscape plan as annotated. I'll be happy to answer any questions you may have. I**
2920 **believe Tom Cooke of Bengston DeBell is also here.**

2921

2922 **Mr. Archer -** Okay. Are there any questions of Mr. Strauss by Commission
2923 **members?**

2924

2925 **Ms. Dwyer -** There are no magnolias along Route 1?

2926

2927 **Mr. Strauss -** There will be some magnolias. I believe the applicant has discussed the
2928 **use of those trees with Daphane Shiflett of Virginia Center, but they decided that they wanted**
2929 **some additional evergreen buffering at that corner of the two major roads.**

2930

2931 **Ms. Dwyer -** Oh I see them.

2932

2933 **Mr. Strauss -** So we suggested or discussed a number of tree types to use. We sent a
2934 **list of appropriate tree types to the applicant. They have looked at those and they will be**
2935 **picking from that list.**

2936

2937 **Mr. Archer -** Mr. Strauss, do you remember when the zoning case was approved for
2938 **this project?**

2939 Mr. Strauss - I have some information of the zoning with me, but bare with me a
2940 moment and I will try to retrieve that. I show an August 20, 1991, date for conditional
2941 zoning, C-41C-90.

2942

2943 Mr. Archer - Okay. Do you know if a rendering was proffered with this case?

2944

2945 **The tape stopped at this point and picked up in the middle of Jim's next comment.**

2946

2947 Mr. Strauss - ...discussion of that. I did look at the minutes and I thought I brought
2948 those up to the podium with me. Perhaps the applicant could answer that in a more timely
2949 way. I would have to do some additional research here. I don't recall there being a
2950 rendering.

2951

2952 Mr. Archer - That will be fine. Are there any other questions of Mr. Strauss? Could
2953 the applicant come forward, please?

2954

2955 Mr. Cooke - My name is Tom Cooke and I'm with Bengston, DeBell & Elkin,
2956 representing the applicant.

2957

2958 Mr. Archer - Mr. Cooke, do you know if there was a rendering proffer with this case?

2959

2960 Mr. Cooke - Are you speaking about the buildings?

2961

2962 Mr. Archer - Yes.

2963

2964 Mr. Cooke - Yes, there was one.

2965

2966 Mr. Archer - Was there ever a meeting with the neighborhood when that was done?

2967

2968 Mr. Cooke - That I can't answer. I'd have to look back. Since it was done in 1991,
2969 I've been with the firm since 1996, so I would have to research that in order to tell you.

2970

2971 Mr. Archer - But, there was a rendering that was proffered?

2972

2973 Mr. Cooke - Yes.

2974

2975 Mr. Archer - Thank you. I don't have any further questions, unless somebody else
2976 does. Okay. With that, I recommend approval of LP/POD-21-96, Virginia Center
2977 Apartments, subject to the annotations on the plan and the standard conditions for landscape
2978 plans.

2979

2980 Ms. Dwyer - Second.

2981

2982 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All
2983 in favor say aye...all opposed say nay. The motion passes.

2984

2985 The Planning Commission approved the landscape plan for LP/POD-21-96, Virginia Center
2986 Apartments, subject to the standard conditions for landscape plans and the annotations on the
2987 plan. Mr. Donati was absent.

2988

2989 **LANDSCAPE & LIGHTING PLAN**

2990

LP/POD-98-96

Good Shepherd
United Methodist
Church

TIMMONS: Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 9.8-acre site is located on the south line of Hungary Road approximately 850 feet west of West End Drive on parcel 49-A-16. The zoning is A-1, Agricultural District. (Brookland)

2991

2992 Mr. Archer - Is there anyone here in opposition to POD-98-96, Good Shepherd United
2993 Methodist Church? We have opposition. Mr. Strauss.

2994

2995 Mr. Strauss - Thank you, Mr. Chairman. The staff has reviewed the landscape and
2996 lighting plan and has made several recommendations in regards to the landscaping near the
2997 BMP off of Hungary Road. Staff is recommending additional evergreen trees to be planted at
2998 the nose of the BMP where the outfall structure is visible from Hungary Road. We've
2999 discussed the landscaping revisions with the applicant. I believe Mr. Luigi Mignardi of
3000 TIMMONS is here and I'd be happy to answer any other questions you may have.

3001

3002 Mr. Archer - Thank you, Mr. Strauss. Are there any other questions of Mr. Strauss
3003 by the Commission? Mr. Vanarsdall, do you want to hear from the applicant?

3004

3005 Mr. Vanarsdall - Well, I didn't need to until I found out we have opposition.

3006

3007 Mr. Archer - All right. Will the applicant come forward, please?

3008

3009 Mr. Mignardi - My name is Luigi Mignardi and I'm with TIMMONS the landscape
3010 architect.

3011

3012 Mr. Vanarsdall - Well, you don't have any problem until you find out what his is, right?

3013

3014 Mr. Mignardi - No.

3015

3016 Mr. Vanarsdall - Thank you, Luigi.

3017

3018 Mr. Archer - All right, sir.

3019

3020 Mr. Hoover - My name is Mike Hoover. I live at 9200 Crystalwood, which is on the
3021 corner of Crystalwood and Donaldwood. I took a look at the plan at the Planning Office the
3022 other day, and I was concerned about a couple of things that I didn't see on there. The
3023 lighting plan itself I know conforms or has been reviewed by the County, but there is a street
3024 light structure above the existing trailer that there wasn't any indication whether or not that
3025 was to be removed or to remain. Considering they are adding all the lighting to the parking
3026 lot, I didn't see where that was necessary. The other issue was that at the end of Donaldwood
3027 I saw was a fence being extended between the two properties. There wasn't any indication,
3028 and it may be indicated on the POD, which I did not have available or did not see, about what
3029 was going to be put at the end of that street when it was removed. It would seem, because that
3030 road is depressed that there should be some sort of curb or at least grading added to that area
3031 but there is no indication on the landscape plan. I had two other small items, although it
3032 indicates a fence, I just wondered whether or not they could specify what kind of fence was
3033 involved there. I suspect it's a standard 42-inch chain link fence, and whether or not they
3034 could put some street signs at the end of that road to insure there is no parking at the end of
3035 the road, and because of the location of our two driveways, if anyone parks at the end of that
3036 road we would have problems backing out of there. Those are the only concerns that I had
3037 that weren't reflected on the landscaping plan.

3038

3039 Mr. Vanarsdall - I can answer a couple of them for you. So far as the street from the
3040 church property where the fence will be, the fence is supposed to be exactly what's there now
3041 to the extent it will be a chain link fence, the same height, and I believe that's about six feet.

3042

3043 Mr. Hoover - I've got a standard fence in the back and I think it's 42 inches.

3044

3045 Mr. Vanarsdall - Okay. That's what you want.

3046

3047 Mr. Hoover - No. I don't want a six-foot fence.

3048

3049 Mr. Vanarsdall - That's what that will be. And, then, from the church from where that
3050 fence is out to Crystalwood, there will be nothing because the street will be closed. It will be
3051 just like it is right now. You live on the corner, don't you?

3052

3053 Mr. Hoover - Right.

3054

3055 Mr. Vanarsdall - What we could do is ask the Board of Supervisors to vacate that street.
3056 Half of it would go to you and half of it would go to the Shepherd's.

3057

3058 Mr. Hoover - Well, I wouldn't say that I would agree or want that to happen.

3059

3060 Mr. Vanarsdall - I'm just suggesting that. Other than that, the parking signs we will have
3061 to ask traffic to do that, the "No Parking" signs.

3062

3063 Mr. Hoover - Okay.

3064

3065 Mr. Vanarsdall - I believe Jim Strauss or Mr. Mignardi can answer the rest of your

3066 questions.

3067

3068 Mr. Hoover - Okay.

3069

3070 Mr. Strauss- I don't recall seeing the light that's attached to the trailer, but the way I

3071 see it, we are approving lighting today for only those lights that conform to County policy.

3072 Therefore, I would suggest removing the light that's out there today, particularly if it's a

3073 nuisance with glare.

3074

3075 Mr. Vanarsdall - I'm sorry, I didn't hear what you said.

3076

3077 Mr. Strauss - If the light.... I haven't seen the light the gentleman mentioned.....

3078

3079 Mr. Vanarsdall - This came up at a couple of community meetings and so I think we

3080 should address the lighting some time.

3081

3082 Mr. Strauss - I think with the approved lighting plan today, we will be bring the

3083 lighting up to current standards and that light I would suggest be removed with the installation.

3084

3085 Mr. Vanarsdall - So, you do plan to have a separate lighting?

3086

3087 Mr. Strauss - We have all new lighting in the parking area. I think the consultant, Mr.

3088 Mignardi can attest to that. I don't see any reason why the old light should remain.

3089

3090 Mr. Vanarsdall - Thank you.

3091

3092 Mrs. Wade - Mr. Vanarsdall, at zoning time was it determined then that the only

3093 access to this would be from Hungary and they close both those streets.

3094

3095 Mr. Vanarsdall - I'm sorry, I didn't hear you.

3096

3097 Mrs. Wade - I remember a lot of discussion about the access here when they had the

3098 zoning or the POD maybe....

3099

3100 Mr. Vanarsdall - Donaldwood would be closed.

3101

3102 Mrs. Wade - Donaldwood closed and then Danielsdale would be....

3103 Mr. Vanarsdall - Danielsdale would be closed but the church controls a chain along there
3104 and they can put the chain up or take it down, whatever to their liking. Traffic said they had
3105 no objection to it.

3106

3107 Mrs. Wade - Thanks.

3108

3109 Mr. Vanarsdall - Michael, does that take care of it?

3110

3111 Mr. Hoover - I know the chain link is going across and the plan indicates the curb to
3112 the parking will be..... It notes it's been removed but I don't know what's going to be filled in
3113 there. And, because the road is recessed, I don't want any excess soil drainage going back
3114 down Donaldwood. So, if they could, I don't know, maybe an asphalt curb across through
3115 there to control any drainage coming back toward Donaldwood. All of the drainage appears to
3116 be flowing back into the property and back into the detention areas but if they fill that area I'm
3117 just concerned about anything coming back down Donaldwood. I didn't know if maybe they
3118 could add a curb across through there when they cut off their existing structure or what they
3119 are going to do.

3120

3121 Mr. Vanarsdall - Mr. Strauss, can you find that out for him and get back to him? I don't
3122 know the answer to that.

3123

3124 Mr. Strauss - At the moment, I don't either. I would think the construction plans that
3125 were signed would address how that area was to be graded and how the curb and gutter was
3126 being installed. But, I think we can address that adequately. I would imagine, of course, after
3127 the area, after it's been regraded, it would have to be seeded and sodded or something of that
3128 nature.

3129

3130 Mr. Vanarsdall - What is it that you said was over there by that trailer?

3131

3132 Mr. Hoover - They are service poles to the trailer. There is an electric drop line that
3133 comes in and then there is a street light coming off of that pole that's over top of the trailer.
3134 It's the only light that they've got there right now but I don't see any reason for it to stay if
3135 they are going to put all the other lighting in there. If they just stipulate it be removed, that's
3136 fine.

3137

3138 Mr. Archer - All right. Are there any other questions?

3139

3140 Mr. Vanarsdall - Lawrence do you all have anything to add for your landscaping back
3141 there.

3142

3143 Man in Audience - (Unintelligible)

3144 Mr. Vanarsdall - All right. I recommend LP/POD-98-96 be approved with the
3145 annotations on the plans and the standard conditions for landscape and lighting plan....
3146 Conditions for landscape plans. And I think we should have the lighting plans come back and
3147 let the neighbors look at them.

3148

3149 Ms. Dwyer - Second.

3150

3151 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.

3152 All in favor say aye...all oppose say nay. The motion passes.

3153

3154 The Planning Commission approved LP/POD-98-96, Good Shepherd United Methodist

3155 Church, subject to the standard conditions for landscape and lighting plans and the annotations

3156 on the plan. Mr. Donati was absent.

3157

3158 LANDSCAPE & LIGHTING PLAN

3159

LP/POD-118-97
Suburban Lodge

Grattan Associates, P.C.: Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 2.4-acre site is located

3181

3182 Mr. Vanarsdall - I move LP/POD-118-97, Suburban Lodge, be approved with the
3183 standard conditions and the annotations on the plan.

3184

3185 Mr. Zehler - Second.

3186

3187 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler.

3188 All in favor say aye...all oppose say nay. The motion passes.

3189

3190 The Planning Commission approved the landscape and lighting plan for LP/POD-118-97,
3191 Suburban Lodge, subject to the standard conditions attached to these minutes and the
3192 annotations on the plan. Mr. Archer and Mr. Donati were absent.

3193

3194 Mr. Marlles - Mr. Chairman, that does complete our public hearing phase of the
3195 meeting. Staff was going to recommend...We do have a couple of short presentations and
3196 then we were going to recommend that we break for lunch. We will be providing lunch to the
3197 Commission, and we will reconvene upstairs in the Board Room on the 3rd floor for Ms.
3198 Harper's presentation.

3199

3200 Mr. Archer - If that's all right with the Commission, that's fine with me. Okay. It
3201 looks like next we have approval of minutes.

3202

3203 **APPROVAL OF MINUTES: April 24, 1998 and May 26, 1998**

3204

3205 Mr. Zehler - Mr. Chairman, I have not had time to review the minutes, could we
3206 defer the minutes until, typically, August 13, 1998? I haven't had time to read them.

3207

3208 Mrs. Wade - I'm not bringing mine back. I phone mine in and I'm not bringing them
3209 back. Ms. Carver worked so hard to get those minutes to us, and me to read them.

3210

3211 Mr. Zehler - These minutes are like reading books. I move we defer the April 24,
3212 1998 and May 26, 1998, minutes to the August 13, 1998 meeting.

3213

3214 Ms. Dwyer - Second.

3215

3216 Mr. Archer - The motion was made by Mr. Zehler and seconded by Ms. Dwyer to
3217 defer the minutes to the August 13, 1998, meeting. All in favor say aye...all oppose say nay.
3218 The motion passes.

3219

3220 The Planning Commission deferred the April 24, 1998 and the May 2, 1998, minutes to the
3221 August 13, 1998, meeting. Mr. Donati was absent.

3222

3223

**3224 DISCUSSION ITEM: Report on The Keep Henrico Beautiful Committee Request to
3225 Amend POD Conditions.**

3226

3227

3228 Mr. Archer - Mr. O'Kelly.

3229

3230 Mr. O'Kelly- Mr. Chairman, members of the Commission, several months ago, I
3231 believe at your May meeting, the Commission heard a request by Sharon Francisco, who's
3232 with us this morning representing the Keep Henrico Beautiful Committee, to consider
3233 modifications to one of your standard conditions of approval for PODs pertaining to keeping
3234 the site clean of trash and debris and litter. The Commission believes the proposal by Keep
3235 Henrico Beautiful had merit and requested the staff to work on a proposal and report back to
3236 the Planning Commission at today's meeting. Staff has researched the matter. Our major
3237 concern, which we indicated to you at the May meeting, was the enforcement of a condition or
3238 a modified condition. At least through the zoning ordinance that created some problems for
3239 the staff. Since that time, we have met with the Community Maintenance manager and they
3240 have informed us that through Chapter 10 of the County Code that they can enforce such a
3241 condition and enforce it with much more emphasis than we perhaps could do through the
3242 zoning regulations.

3243

3244 Since distributing information to you in your packet last week, I was contacted by Mr.
3245 Vanarsdall who also had a concern that he would like addressed with the condition. We
3246 modified what we sent to you last week and you have an updated copy that was just handed to
3247 you. Primarily, the language change involves the gates on the dumpster enclosures, where
3248 dumpsters are provided, that the gate shall remain closed except when the receptacles are being
3249 filled or serviced and that the gate shall be repaired or replaced as necessary. Many times, as
3250 you may have notice riding around, these particular enclosures are not very well maintained.
3251 This modification to the condition would give us the authority to make sure that they are
3252 maintained and that the gates are closed at all times. I'd be happy to answer any questions.
3253 Again, Babs Cohen with Keep Henrico Beautiful and the Department of Public Utilities and
3254 Sharon Francisco with Keep Henrico Beautiful are here, if you would like to hear from them.
3255 We anticipate, if you are in agreement with the condition, we could add it to those cases that
3256 you will consider at your August 25, 1998, meeting.

3257

3258 Mrs. Wade - I think you had better look at the wording again. It states: The site shall
3259 be kept clean of litter and debris including the parking areas on a daily basis. Maybe it should
3260 say "The site including the parking areas shall be kept clean." I think that would be a little
3261 clearer.

3262

3263 Mr. Archer - I agree with that. It sounds like we want to get rid of the parking area.

3264

3265 Mr. O'Kelly - That will be fine, Mrs. Wade.

3266

3267 Mrs. Wade - Okay. And then trash containers shall be maintained, regular pickups
3268 scheduled and shall be screened properly on all four sides. You took out the “with”. Anyway
3269 I think that could be reworded better.

3270

3271 Ms. Dwyer - How about combining “containers shall be maintained and screened
3272 properly on all four sides and regular pickups shall be scheduled.” Does that make more
3273 sense?

3274

3275 Mrs. Wade - I think so.

3276

3277 Ms. Dwyer - We are lacking parallelism here.

3278

3279 Mr. O’Kelly - Fine. I have no objection to the rewording.

3280

3281 Ms. Dwyer - Or you could say “containers shall be maintained and screened properly
3282 on all four sides, and regular pickups shall be scheduled.”

3283

3284 Mrs. Wade - Work on it.

3285

3286 Ms. Dwyer - What if we required these structures to not be made of wood? Can we
3287 do that? I’m just throwing that out because so often the wooden ones fall apart.

3288

3289 Mrs. Wade - You are taking this to another level, here.

3290

3291 Ms. Dwyer - Maybe this is something we can look at with the zoning.

3292

3293 Mr. O’Kelly - It sounds like we need further study.

3294

3295 Ms. Dwyer - Well, not necessarily. What do you all think about that?

3296

3297 Mr. O’Kelly - I would say this, Ms. Dwyer, there are certain zoning districts where
3298 you can even use landscaping to screen the dumpsters. The alternatives all are spelled out in
3299 the ordinance in some districts and we’d have to look at that. I understand your concern but it
3300 may take more study.

3301

3302 Ms. Dwyer - It will take an ordinance amendment to probably do that.

3303

3304 Mr. Vanarsdall - Ms. Dwyer, about five or six year’s ago we were going to do a study of
3305 the receptacles and they put it on the back burner and then on the back, back burner. What is
3306 happening, the main thing is when the gate falls off, they take it and set it up against the wall.
3307 So, that’s why we have more brick receptacles now, but I don’t think we’ve been able to do
3308 anything with the doors.

3309

3310 Ms. Dwyer - I think we are doing a better job at zoning time of getting more solid
3311 masonry screening.
3312

3313 Mr. Vanarsdall - The other thing is, we will go way out to make sure a development has
3314 the proper number of parking spaces. If they come up with two short, then it's a no, no.
3315 Then we will have a strip shopping center and approve one dumpster in with an enclosure.
3316 After they open the stores, it looks like a pound of coffee in a half pound bag. It is
3317 everywhere. We have talked about all these things but there was never any thing done about
3318 it. We know that the driver, we know that he can get out of that truck because he gets out and
3319 opens the gate. So, we know he can get back out and close it.
3320

3321 Ms. Dwyer - Do all dumpsters have to be screened in the County?
3322

3323 Mr. O'Kelly - Only those that come before the Planning Commission.
3324

3325 Ms. Dwyer - So, there are lots of old ones that we can't do anything about?
3326

3327 Mr. O'Kelly - Right.
3328

3329 Mrs. Wade - Why did you take the "with" out of the second sentence?
3330

3331 Mr. O'Kelly - To me it read better when I added the word "scheduled" "regular pickup
3332 scheduled."
3333

3334 Mrs. Wade - But why not "with regular pickup scheduled"? Then you can fit it in
3335 with the first clause, then you wouldn't have to change the rest of it.
3336

3337 Mr. O'Kelly - If you prefer to leave that, that would be fine.
3338

3339 Mr. Archer - I think you are right, Mrs. Wade.
3340

3341 Mrs. Wade - So, just put that back.
3342

3343 Mr. Archer - Mr. O'Kelly, do we have any enforcement powers as to who can put
3344 trash in a dumpster?
3345

3346 Mr. O'Kelly - I think that may be a Health Department's regulation, Mr. Archer.
3347

3348 Mr. Archer - I guess, what I am referring to, for example. In the office complex that
3349 I'm in, there is an apartment complex across Parham Road and by Wednesday the people in
3350 the apartments have filled up the dumpster and there's nothing left for us to put ours in. I'm
3351 sure that happens at a lot of places.
3352

3353 Mrs. Wade - Yes, I've heard that before too.
3354

3355 Mr. Vanarsdall - That's exactly what I was just talking about. If a business goes out and
3356 gets their own receptacles and puts them behind the building and the inspector comes along
3357 and writes them a ticket as long as that flag pole and everything. They are really defenseless
3358 because they have no where to put their trash.
3359

3360 Ms. Dwyer - What are our standards when we review our PODs for dumpsters? Is
3361 there a square footage or use type that would determine the number of dumpsters we would
3362 require?
3363

3364 Mr. O'Kelly - Actually, we don't have a standard. I think probably the most recent
3365 apartment development where the issue was raised, was the Oakton Apartments proposed on
3366 Audubon Drive. I think maybe they had two or three dumpsters for the entire project and we
3367 recommended that they provide more, it just didn't seem adequate. To answer your question,
3368 there is no standard.
3369

3370 Ms. Dwyer - Staff just reviews it and makes a determination about whether they are
3371 adequate, usually, based on experience.
3372

3373 Mr. O'Kelly - We basically, except where it's just obvious that there's going to be a
3374 problem, we basically leave it up to the applicant.
3375

3376 Mr. Zehler - On a POD they don't even have to show a dumpster.
3377

3378 Mr. O'Kelly - It's not a requirement, but we usually ask how the trash is going to be
3379 handled. And nine times out of ten a dumpster is being provided, and if it is, we try to get the
3380 details on the screening. Many times they don't know at the time of POD where it might be
3381 located or how it's going to be screened. So, that issue is left to the landscape plan review and
3382 we will look at it at that time. But, in any event, there are standard conditions on screening
3383 the dumpsters and the fact that they have to be maintained is still a part of your approval, even
3384 though we may review details later on in the process.
3385

3386 Mr. Archer - Okay. Moving right along. Are there any further questions of Mr.
3387 O'Kelly?
3388

3389 Mr. O'Kelly - As I mentioned, Mr. Chairman, both Babs Cohen and Sharon Francisco
3390 are here if you would like to hear from them.
3391

3392 Mrs. Wade - In theory, the gate staying closed is certainly desirable, in practice
3393 getting that attended to is just one more thing to worry about that's not getting enforced.
3394

3395 Mr. Archer - Would either of you ladies like to add something?

3396

3397 Ms. Cohen - I would like to. I'm Babs Cohen the executive coordinator for Keep
3398 Henrico Beautiful. I am so grateful that we have finally found a Commission that will give us
3399 some support on the litter and debris in the County. And businesses, of course, impact on
3400 that. Sharon, would you like to say something?

3401

3402 Ms. Francisco - I would just like to say the same thing. We are very grateful that you
3403 have listened to us. You have actually come forth with something very positive and that's
3404 what we try to do. We try to approach everything in a positive way. We don't want to be
3405 negative or anti-business in any way. We just want to maintain the quality of life that Henrico
3406 County has and this is a very integral part of the quality of life. It's debris and litter and trash
3407 and it can be a deterrent to residence as well as businesses in developing the future of Henrico.
3408 We really are appreciative.

3409

3410 Ms. Cohen - And now is the time to do it. So, we appreciate your considerations on
3411 the dumpsters, and the maintenance, and particularly the litter and debris in the general area.
3412 So, we thank you for your utmost consideration.

3413

3414 Mr. Vanarsdall - I can say in my behalf, I appreciate you being interested in it because we
3415 do really need to take up some slack in it.

3416

3417 Ms. Cohen - My I just add, I know you want to eat, and that is your priority. Please,
3418 when you leave today notice the Government Center's main administration parking lot area. It
3419 was cleaned over the weekend by your Community Corrections Program and they are doing an
3420 excellent job. The eastern Government Center was also cleaned the weekend prior to this.
3421 So, we are really trying.

3422

3423 Mrs. Wade - We just have to be careful not to put something in here that's not going
3424 to be enforceable. We can't even get to places to keep the doors closed when they are
3425 supposed to be.

3426

3427 Mr. Archer - Thank you, ladies, both of you.

3428

3429 Mr. Vanarsdall - Thank you.

3430

3431 Mr. Archer - Okay. Is any further discussion? Mr. Vanarsdall, you were asking if
3432 we need to make a motion, didn't you? I don't know. Do we, Mr. Secretary?

3433

3434 Mr. Vanarsdall - I don't think it would hurt anything if we adopt what the staff has
3435 suggested and have condition No. 13 added.

3436

3437 Mr. Zehler - Second.

3438

3439 Mr. Vanarsdall - And we can enforce it.

3440

3441 Mr. Archer - You just did, and Mr. Zehler seconded it. All in favor say aye...all

3442 oppose say nay. The motion passes.

3443

3444 The Planning Commission approved the amendment of standard condition No. 13 for plans of

3445 development to state as follows. Mr. Donati was absent.

3446

3447 13. **AMENDED** - The site including the parking areas shall be kept clean of litter and

3448 debris on a daily basis. Trash container units/litter receptacles and recycling containers

3449 shall be maintained with regular pickups scheduled and shall be screened properly on

3450 all four sides. The gate(s) shall remain closed except when the receptacle(s) are being

3451 filled or serviced and shall be repaired or replaced as necessary. (Details shall be

3452 included with the final site plan or required landscape plan for review and approval).

3453

3454

DISCUSSION ITEM: Expediting POD and Zoning Meetings

3455

3456 Mr. Marles - Mr. Chairman, this next item I know there has been considerable
3457 discussion in the past on the part of the Commission as to looking at ways to expedite our
3458 POD and Zoning meetings. Staff was requested several months ago to come back with a
3459 recommendation, and Mr. O'Kelly has done that and has a report on that.

3460

3461 Mr. Archer - Mr. O'Kelly.

3462

3463 Mr. O'Kelly - Yes, Mr. Chairman. Leslie just handed out a revised copy of the
3464 Planning Commission's rules and regulations, which yesterday I attempted to make some
3465 suggested amendments to regarding an expedited agenda. That was the thrust of the
3466 modifications that we worked on yesterday. In your packet last week, I think I sent to the
3467 Planning Commission minutes and the proposal that was before the Commission in December
3468 1994 for what was referred to as a consent agenda. When we last met, the Chairman and
3469 Vice-Chairman's concerns on expediting meetings, one of the topics that we discussed was a
3470 so called Consent Agenda, although, it was evident we did not want to use the word consent.
3471 In my draft I have used the terminology Expedited Meeting. If you look on page 3 of the
3472 handout, I have added, and this is under the heading in your rules and regulations regarding
3473 meetings. I have added, beginning with the second paragraph a section on expediting
3474 meetings. And it reads: Expedited meetings for subdivisions, PODs, and related plans may be
3475 held at the request of the Chairman in order to make the most efficient use of the Planning
3476 Commission's time. To reduce unnecessary waiting by the public and development
3477 community and conserve time for discussion of plans with remaining issues or otherwise, the
3478 staff may at the secretary's or designee's discretion, if the secretary wants to designate another
3479 staff member, he may do so under the rules and regulations. They may place plans meeting all
3480 of the following criteria on an Expedited Agenda. And, then we just simply listed the criteria.

3481

3482 The first is: The staff must be prepared to recommend approval of the applicant's request
3483 subject to the annotations on the plans, standard conditions for the subject development or
3484 plan, if it happens to be a landscaping or lighting plan or and an alternative fence height plan,
3485 and any special conditions or recommendations.

3486

3487 The second criteria would be, the applicant must submit a letter stating their agreement with
3488 the staff's recommendations, annotations, standard conditions and special conditions and the
3489 applicant is unaware of any opposition to the plans. The letter shall be received by the
3490 secretary or designee not later than 4:00 p.m. on the Friday prior to the meeting, except in the
3491 event of a holiday scheduled for that Friday or Monday prior to the meeting, the letter shall
3492 not be received not later than 4:00 p.m. on the Thursday prior to the meeting.

3493

3494 The third criteria would be, there is no known opposition to approval of the plan. There is no
3495 public expression of opposition to approval of the plan presented at the meeting.

3496

3497 The last criteria would be, the plan does not require a special exception, alternative fence
3498 height, conditional use permit, variance, provisional use, or is an appeal. This morning I think
3499 there is another term that should be added to that, Mr. Chairman. I think we should add
3500 transitional buffer deviation. That takes special action by the Planning Commission and under
3501 current policy. So, perhaps, that should be added to the criteria.

3502

3503 Any member of the Planning Commission by request without a motion may remove any item
3504 from the Expedited Agenda whereby it would remain as scheduled on the regular agenda.
3505 Those items placed on the Expedited Agenda, and remaining, shall be addressed individually
3506 with specific motions and votes on each case. That's an overview, Mr. Chairman, and
3507 members of the Commission, of the proposal. I'll be happy to answer any questions. We
3508 have gone through your rules and regulations and suggested some other housekeeping
3509 amendments, but those are not of any substance.

3510

3511 Mr. Vanarsdall - Dave, one thing that came up at recess today, Mr. Zehler and Randy and
3512 I were talking about the transfer of approval. Randy seems to think that the Code requires that
3513 to come before us. I didn't think it was in our rules but it is. We can take it out of the Rules
3514 and Regulations but we can't do anything with the Code.

3515

3516 Mr. O'Kelly - It's not really a Code requirement, Mr. Vanarsdall. It's condition of all
3517 plan of development approvals. It's one of your standard conditions, it's not a Code
3518 requirement.

3519

3520 Mr. Vanarsdall - Many times on a transfer of approval, we are notified about it and then
3521 we go out and look and we see a broken fence and junk and everything and we are always able
3522 to get it cleaned up. So, if we put it on the consent agenda, that wouldn't... We would still
3523 be notified.

3524

3525 Mr. O'Kelly - There is no notice on transfers of approvals to adjoining property owner.
3526 If the applicant and staff are in agreement then certainly that can be placed on the Expedited
3527 Agenda.

3528

3529 Mr. Vanarsdall - You know what I'm saying? When we get our packet, it's in there, if
3530 we want to go and look at the place we can if we want to?

3531

3532 Mr. O'Kelly - Yes, sir. Just let us know by Friday prior to the meeting and we
3533 could certainly put that on the consent agenda.

3534

3535 Mr. Vanarsdall - Another question I have on the consent agenda, do you think 4:00 p.m.
3536 on Friday is.... All of us know how most of the people are that we deal with, do you think
3537 that will turn in to be 9:30 a.m. Monday morning.

3538

3539 Mr. O'Kelly- Probably, Mr. Vanarsdall.
3540

3541 Mr. Vanarsdall - Will you all be able to handle that if it happens?
3542

3543 Mr. O'Kelly - Well, I was trying to be consistent with what you require on revised
3544 plans. Revised plans have to be in by Friday prior to the meeting by 4:00 p.m. So, we were
3545 just trying to be consistent there. Personally, I think it should be earlier, but as you stated,
3546 most of them are going to come in on Monday morning at 9:30 a.m.
3547

3548 Mr. Zehler - There's only one problem with that, Mr. Vanarsdall.
3549

3550 Mr. Vanarsdall - What is that?
3551

3552 Mr. Zehler - I don't receive my packet until after work on Wednesday evening. That
3553 gives me Thursday to review my packet and part of the day on Friday. So, it's going to press
3554 us as Commissioners to review that packet sooner and be able to get to the applicant and try
3555 and address issues.
3556

3557 Mr. Vanarsdall - That's a good point.
3558

3559 Mr. Zehler - We need to take that consideration, unless staff can get the packets to us
3560 a little bit sooner than they have been, as far as the PODs and subdivisions.
3561

3562 Ms. Dwyer - I mean, it's no big deal if a case doesn't get on the Expedited Agenda.
3563 If there is an issue that needs to be resolved then it just doesn't get on there. But, when it
3564 clear like some of them we had today, and there isn't any problem.
3565

3566 Mr. Zehler - But it takes a lot time and work on our behalf to make a lot of them clear
3567 though.
3568

3569 Ms. Dwyer - Right. But, then they would just be on the regular agenda. There's no
3570 change from the way we operating now.
3571

3572 Mr. Archer - If I can clear it up by noon on Monday and get it on the consent agenda,
3573 then that's one less I've got to do on Tuesday.
3574

3575 Ms. Dwyer - Well, I mean, you have to do it on Tuesday but we are doing them all at
3576 one time. It's really for the convenience for the applicants and the public.
3577

3578 Mr. O'Kelly - I would agree. I think those are excellent points and I understand your
3579 concern, Mr. Zehler, and wish there was some way we could get your packet to you earlier.
3580 My recommendation would be, let's try this for a few months, see how it works. You don't
3581 want it to apply to the zoning hearing right now but later on that may be acceptable. But, you

3582 may be reviewing your rules and regulations again in January and we could certainly make
3583 modifications at that time but after we have has some experience to see how it's working or
3584 how we need to adjust it.

3585

3586 Ms. Dwyer - So, you would have an agenda with everything on it just like we have it
3587 now and then you will have a separate agenda that leaves the cases on the regular agenda but
3588 you will have a separate piece of paper that says these items may be considered for expedited
3589 review.

3590

3591 Mr. O'Kelly - That's right.

3592

3593 Ms. Dwyer - Then as we go through those, somebody stands up and say I oppose that,
3594 then you say, scratch that off and then you know it's already going to stay. You see, my only
3595 concern is that something will slip through the cracks and I'll lose track of a case or
3596 something. But, if you leave them on the regular agenda and then when we get to that, we
3597 will know that we have already done that one.

3598

3599 Mr. O'Kelly - Another good point. Probably we would use your, you know, generally
3600 we have an addendum for every meeting, we would probably use that addendum to list the
3601 expedited meeting cases.

3602

3603 Ms. Dwyer - Now, would you need to hear from us in order to put a case on the
3604 expedited list or would you make that decision based on what you know?

3605

3606 Mr. O'Kelly - I think we would be contacting you to see if you have any objections.

3607

3608 Ms. Dwyer - So, you would have a proposed list of expedited cases?

3609

3610 Mr. Zehler - It would be the consent agenda. We just call it the consent agenda.

3611

3612 Mrs. Wade - We are not using that word anymore.

3613

3614 Mr. Zehler - Why?

3615

3616 Ms. Dwyer - It bothers people. It makes people think that the case is not going to
3617 come up for review in the meeting.

3618

3619 Mrs. Wade - Now, some of those revised plans we get are done by the staff.

3620

3621 Mr. O'Kelly - Under your rules, you should make a motion to accept that plan
3622 after 4:00 p.m. on Friday.

3623

3624 Mrs. Wade - So, those are all ones that happen after 4:00 p.m. on Friday.

3625

3626 Mr. O'Kelly - You make a special motion to accept that plan after the deadline.

3627

3628 Mr. Archer - Mr. O'Kelly, I certainly think that the right approach is there, that you
3629 suggested, we do it on a trial basis and, of course, we can tweak it as we go along. That way
3630 we are not casting anything in concrete and if it doesn't work we scrap it and go back to the
3631 drawing board. I certainly think we need to do something and I think this approach is
3632 certainly a step in the right direction.

3633

3634 Mrs. Wade - Then you have got to get the word out to all of these people.

3635

3636 Mr. Zehler - Mr. Chairman, that's one issue that would concern me is that an
3637 applicant thinks he is on whatever we call it, the consent agenda, whatever. He needs to be
3638 aware that we have the right to pull that case that very day. So, he needs to come here
3639 whether he's on it or not. If we pull it and he's not here, he's got a problem. So, we need to
3640 make them aware that just because it's there doesn't mean it's an automatic go thing. An issue
3641 could come up at the last minute. A citizen could walk in and make an issue that we are not
3642 aware of and then we are going to pull it. So, they need to be aware of that too.

3643

3644 Mr. O'Kelly - That's an excellent point. I think what we would do is prepare a letter,
3645 probably for the Chairman's signature, as we did for your 48-hour rule and send it out to the
3646 development community so that they will be fully aware of that.

3647

3648 Mrs. Wade - Well, there are probably all kinds of pitfalls, but....

3649

3650 Mr. Vanarsdall - Are we going to notify the applicants of what we are doing, or are we
3651 not?

3652

3653 Mr. Zehler - I think we ought to notify all parties.

3654

3655 Mr. O'Kelly - Right.

3656

3657 Mr. Archer - If we are going to maintain the two agendas, we keep the same agenda
3658 that we have now and just pull this out, then the applicant should just understand it that the
3659 main agenda is the one that you go by.

3660

3661 Mrs. Wade - And if you are lucky, you will get out early.

3662

3663 Mr. Archer - I don't think we should mislead them to thinking that because something
3664 is on the expedited agenda that they don't have to show up, and I think that's why we should
3665 maintain the idea of having the two agendas, because the main agenda is the agenda.

3666

3667 Ms. Dwyer - The point is, it is still the same review, it's just the timing is different.
3668 We are timing the easy ones up front.
3669
3670 Mr. Archer - And if we do that, we can eliminate that step of having to notify
3671 anybody that you may have a problem. We will just keep the regular agenda, pull the
3672 expedited agenda from it and we will proceed in that manner. I think that will work.
3673
3674 Mr. Vanarsdall - When do plan to start this?
3675
3676 Mr. O'Kelly - That was the last discussion item I have on my list. The Commission
3677 would actually have to take a vote on the amended rules and regulations. We can bring that
3678 back to you at your next POD meeting and start with the new cases in September.
3679
3680 Mr. Archer - I think we should jump on into it.
3681
3682 Mrs. Wade - Do you all who have come from other places ever have experience with
3683 this?
3684
3685 Mr. Marlles - Well, what I was going to suggest was, since we have to bring this back
3686 any way, right, Mr. O'Kelly? Why don't we bring back to you physically what the agenda
3687 would look like so you would have an idea. I think there are some alternatives here in terms
3688 of how those cases are presented. Whether there are two separate agendas or whether they are
3689 marked differently on one agenda, there are options. I would like to be able to bring them
3690 back to you and let you take a look at them and see which one you like, among the
3691 alternatives.
3692
3693 Mrs. Wade - Did you do this in Roanoke?
3694
3695 Mr. Marlles - Well, we actually did not do this. We did it...development plans, they
3696 were handled administratively. A great majority of them were handled administratively. So,
3697 it wasn't an issue in Roanoke.
3698
3699 Ms. Dwyer - How about rezoning?
3700
3701 Mr. Marlles - Rezoning, the same thing. Zoning cases were handled by the
3702 Commission just like they are here.
3703
3704 Ms. Dwyer - No expedited agenda?
3705
3706 Mr. Marlles - No. Which we didn't have as many as you have here.
3707
3708 Mr. Archer - How much trouble would it be, if even, by, say our next meeting, we
3709 just do a dry run, not actually do it, just pull out the cases that should be put on the expedited

3710 agenda and give them to us?

3711

3712 Mr. O'Kelly - I would say, the August agenda is not a good agenda because it is a
3713 fairly light agenda compared to what you have been used to seeing.

3714

3715 Mr. Archer - That would give us an opportunity just to see what it looks like without
3716 us having actually to do it.

3717

3718 Mrs. Wade - Of course, you can't put in any different times when you do it this way.

3719

3720 Mr. Zehler - But, in the same essence, that's going to make the staff have a better
3721 contact with us because they are going to have to get our input on the POD or subdivision to
3722 find out whether if we feel the same as they do about a particular case and whether it can be
3723 expedited or not.

3724

3725 Mr. Vanarsdall - Well, I do that all of the time now.

3726

3727 Mr. Archer - Okay. Is there any more discussion?

3728

3729 Ms. Dwyer - So, we are not going to change anything next month, we are just going
3730 to look at the list.

3731

3732 Mr. O'Kelly - We could do this, Ms. Dwyer. We could have your rules and
3733 regulations amended and the Commission can call me during the month if you have some
3734 changes to the language. We could have those ready for you and if you feel comfortable with
3735 a dry run at the August meeting you can adopt these and then we can implement them for
3736 September.

3737

3738 Mr. Zehler - Why couldn't we dry run at the August meeting what we did today? Just
3739 to see what it would look like.

3740

3741 Mr. Vanarsdall - We have heard enough about it. We don't need to hear no more than
3742 what we just heard.

3743

3744 Mr. Zehler - We had a pretty good case load today. Let's dry run that. We can redo
3745 it, but we know what the end results were.

3746

3747 Ms. Dwyer - Do you mean relive today's meeting?

3748

3749 Mr. Zehler - Yes.

3750

3751 Mr. Archer - All right. Mr. O'Kelly, is that it?

3752

3753 Mr. O'Kelly - Yes, sir.

3754

3755 **AT THIS TIME THE COMMISSION DISMISSED AND RECONVENED TO THE**
3756 **COUNTY MANAGERS CONFERENCE ROOM FOR LUNCH AND A WORK**
3757 **SESSION.**

3758

WORK SESSION
Development Timetables Project
(County Manager's Conference Room)

3759

3760

3761

3762

3763

3764 Mr. Archer - All right. We will now reconvene and we can continue to eat. I would
3765 also like to welcome to the meeting Mr. Hazelett and his deputy managers. At this point I will
3766 turn it over to you, Mr. Hazelett.

3767

3768 Mr. Hazelett - We are here this afternoon, of course, to give you an update briefing on
3769 The Development Timetables Project that my newest deputy county manager, Angela Harper
3770 is work on. This is a project that you may know and Angela will tell you more about it. It has
3771 been underway for quite a while. Angela came up, I had given her certain specific
3772 responsibilities as we discussed the job but I don't think she knew that this one was going to
3773 involve so much. She has done a tremendous task on this and continues to do it. It is a
3774 project that she thinks has an ending, but I'm not sure. She is doing an extremely good job
3775 and of course this does involve the Planning Commission. The Planning Commission is an
3776 integral part of all of this. We need to update the Planning Commission and at the end of this
3777 day you will probably have more information than the supervisors. But, we have no way to
3778 continue to brief the Board and the Planning Commission (unintelligible) does involve the
3779 Planning Commission before we go back to the Board. As a note, we did write the Board
3780 yesterday and I simply let them know that as of today the Planning Commission will probably
3781 receive more information then they concerning this project. All right. Angela, let's go.

3782

3783 Ms. Harper - Today we are going to talk about the development timetables project,
3784 and I have handouts for you, so you don't have to take notes, unless there's something you
3785 want to write in the margin. In front of you is a black and white version of this power point
3786 presentation. So you are welcome to take it with you and look through it and, of course, I'm
3787 glad to see staff here in order to have this information so that they will also have the latest
3788 information of what's going on with this project.

3789

3790 Why is there a development timetables project? Well, the Manager, when he decided this
3791 needed to be done, it was to substantially improve the development plan review process. This
3792 is both subdivision and plan of development. It was in response to suggestions and, yes,
3793 complaints by the development community about the current process. And, also, to continue
3794 attract major economic development and to assure that our economic development tool that we
3795 have used as in sewer we used in White Oak, will be maintained and our reputation could be
3796 upheld in the future.

3797

3798 The project has several milestones of which you will see these displayed. You are going to be
3799 hearing me talk about some of them in the rest of the presentation. But, I thought you would
3800 like to know that approximately a year ago, September and October is when I began the
3801 project, doing interviews and then prepared an Issue Identification Report. And so much of

3802 what we are doing on this project is because of the issues that were identified in that January
3803 report. Copies of that report are available but I'm going to be summarizing for you the major
3804 issues. You will also see on this Milestones list that one retreat was held in February also a
3805 work session with the Board and then later in March another retreat was held and a luncheon
3806 was held with engineering, principles of engineering firms. Also, the County Manager has
3807 appointed numerous steering committees and several working groups, which you will be
3808 hearing about. And today's meeting we consider a milestone because you will find that the
3809 Planning Commission is, of course, the designated agent of the Board and the Board
3810 specifically has asked the Manager and the staff to work with you on this project.

3811

3812 The sources of information for these issues are varied, they are listed here, everyone from
3813 you, as the Commissioner, remember when I talked with each of you, to also lawyers, and the
3814 homebuilders associations. So there are numerous people that were involved, also staff. Staff
3815 revealed their concerns and those are compiled in the issues.

3816

3817 I'm going to talk to you now about what are these major issues. The major issues deal with
3818 various categories. The first category is technology and I will be detailing for you what issues
3819 exist in these areas (referring to slides). Training is another issue. The process, process
3820 related concerns. Management related concerns. The applicant, who would be the owner, the
3821 engineer, the landscape architect and also the Planning Commission related concerns. So, I'm
3822 going to start by talking about the technology concerns. We lack, in Henrico County, a
3823 County-wide automated plan tracking system. We have recognized that we do not have one
3824 for a while. It is planned, and you will hear that it is now being actively worked on.
3825 Training. Where do we lack? We lack training sessions in an organized way to help our
3826 development community know the Henrico County rules and regulations, the requirements, the
3827 process. And, also, we do not have a formal training program for our staff. New staff
3828 members are brought on and they are trained one on one as they come, perhaps by their
3829 supervisor or perhaps by their colleagues.

3830

3831 Next we will look at the process, related, issues that we found, and there are several. I will go
3832 through these quickly because I know that there are several and our time is limited. The
3833 complaints we received were that we have an unacceptable plan review and approval time
3834 period. That we have a lack of commitment to actually suggesting a plan review schedule. In
3835 other words, we don't say it will take "x" weeks to do this. Of course, what the applicant
3836 say, which is our customers, they said that other localities do suggest a schedule. There is also
3837 a lot of frustration with our staff/development conference process, which began in 1996 and
3838 has been going on for over two decades. But, there has been a lot of frustration but on staff's
3839 part and the private sector. There is also lack of a schematic plan review process, which
3840 would give a fast turnaround. This would be something like a master plan review. Something
3841 that our County, a developer, could come in and layout and get initial response. We do not do
3842 that fast, we do it in six weeks, similar to the POD review process. We do not do it within
3843 two weeks such as other localities may do.

3844

3845 There is also a lack of a well, understood “fast track” process. Now “fast track” is a phrase
3846 that is used a lot in the economic development world and also by localities. It’s sort of a
3847 badge of courage. You know, with the old program “Name That Tune” I’ll do it in three
3848 notes, I’ll do it in two notes, I’ll do it in one note. Well, this whole project is not about being
3849 the fastest reviewer plans or the fastest processor of plans. It’s about doing good quality,
3850 having good quality plans results and good quality development results from the plan process.
3851 But this “fast track” process is not understood about who qualifies for good criteria, how is it
3852 determined, and, in fact, staff is in many times confused about what is being fast track and
3853 why.

3854

3855 There is also a lack of the water and water and sewer plans being processed with the POD and
3856 the County’s agreement procedure. We do not, Public Utilities is an enterprise (unintelligible)
3857 and they do operate, usually, outside of the POD and subdivision process. Some engineering
3858 firms do choose to include their plans but it is not required. And the County’s agreement
3859 procedure is that it occurs earlier in the process and that is very frustrating to the development
3860 that they have to have that much detail and that many signatures early in the process.

3861

3862 Now, we will move to the management related issues, and there are four of these. Of course,
3863 these vary by agencies. Generally, this is a part of the process that the Planning Commission
3864 would never see. The criticism we have is that it is evident that there is not enough
3865 delegation within a (unintelligible) of the authority and because decisions aren’t being made at
3866 low enough levels, according to our customers. There is also a lack of reference materials to
3867 assist the engineers on the outside and also our own staff to make as many decisions as they
3868 possibly could make. Plans cannot be constructed, generally, as approved causing additional
3869 costs and delays. Some of this is due to the fact that the engineers when the submit plans do
3870 not have the field ready. Some of them don’t even go to the site and check it out prior to
3871 submitting a plan on the site. There are numerous examples of problems with the construction
3872 plans once they are bid by a contractor and then when they try to make them work in the field.
3873 So, we need to be, obviously, the management problem here is that we need to try and pick
3874 up on that in the County.

3875

3876 Environmental regulations, and you were caught in the environmental maze with the BMPs for
3877 a while. It causes longer review times and more plan re-submittals. And, of course, this is a
3878 frustration for staff and you will also see that it is a similar frustration for the applicant. Now,
3879 what I would say, the applicant related issues deal with an applicant who could be an engineer,
3880 it could be the owner, it could be the developer, the site designer, it’s whoever signs that paper
3881 that submitted the plan. Of course, we do require the engineer’s seal but the applicant, as you
3882 know, from attending staff/developer meetings it could be a variety of people, that could wear
3883 a variety of hats. In many cases it’s a lawyer representing them.

3884

3885 The plans submitted to the County definitely illustrates a lack of quality control by the
3886 applicant. Usually, they do not address all requirements of our code. They do not address the
3887 proffers. They do not include minimum code requirements for submittal. I know that Mrs.

3888 Wade used to always become very upset over the fact that they wouldn't have the architectural
3889 renderings with the plans when they file it. So, we are still waiting for those sometimes on the
3890 day of the meeting. I believe that's being substantially improved. But, these missing items
3891 are what we are talking about, a lack of quality control. Although, the engineers do sign the
3892 statement that they have submitted all information. Again, the environmental regulations are
3893 causing longer preparation time by these firms and they are submitting more plan re-
3894 submittals. They are also asking for more waivers and exceptions. You found that out when
3895 you were dealing with the BMPs and we know the process of dealing with transitional buffers
3896 they ask for more waivers and exceptions.

3897

3898 Plans cannot be constructed as approved causing additional costs and delays. This is an issue
3899 that is applicant related. They are not getting enough information. They are not reviewing the
3900 as built information for adjoining sites. In some cases, they are not using information for the
3901 plans staff maybe provides or the County information that's located here in the County offices
3902 to determine the pipe size, perhaps, or the base of the structure of a road, to be sure that there
3903 is a transition between types of specifications.

3904

3905 The next related items would be one of your most interesting, probably, and those are the
3906 Planning Commission related items. These are the ones that I want you to understand that
3907 were expressed by the applicants. Almost all of these concerns were raised by the applicants
3908 who are working with the Commission. They feel that Henrico, being different, which is that
3909 the County Code requires all new plans to go to the Planning Commission is a problem for
3910 them. They feel that there are other places that have more administrative delegation and they
3911 would like to see that happen in Henrico County. Because of that, they perceive that Henrico
3912 County takes longer to review plans, perhaps as much as six weeks, the same six weeks from
3913 the filing date to the time the Planning Commission hears it. They see that as being a part of
3914 the length of time, that is a perception. In fact, there is a lot of good review that goes on
3915 during that time, but that is their perception. Having a monthly submittal, one submittal
3916 deadline per month, for PODs and subdivisions, cause peak workloads, not only with our staff
3917 but also with engineering staff's. Many times this is part of the reason why there is the poor
3918 quality of submittals. They are rushing to get several plans in by the cut off Friday and so
3919 therefore they leave out parts and pieces and try to get by with it for a few days. But, this
3920 monthly peak deadline, and many of our competitors, they don't have that because submittals
3921 can be made weekly or daily and they are reviewed on a cycle of whenever the plan comes in
3922 then that begins the plan review process.

3923

3924 They also expressed concerns about deferrals. In what they consider, it very difficult for them
3925 to have sufficient time to respond. When you get your comments, you usually get your
3926 comments from the staff on your agenda, for like today's meeting, you probably got them last
3927 Wednesday or Thursday. Perhaps, each of you had been involved in your controversial issues
3928 already so you sort of knew what they were. Maybe you had already talked to the engineers
3929 involved, or the owners, or the neighbors, but in some cases that doesn't happen. There is a
3930 sneaker. There is one that sneaks in there, that you didn't know was going to be a controversy

3931 and you really need more time to look at it. Well, that four-week deferral that you ask the
3932 applicant to take, they consider to be costing them time and money. And, actually, it's part of
3933 these requested changes that are made. The Planning Commission requested changes that
3934 affect the feasibility of their projects. And this feasibility of their projects is what they are
3935 concerned about, whether it be a time.... In other words, if we can beat this hardware provider
3936 open, we will open our store, if not, we won't try to do it. I mean, this was the issue that
3937 came out with Home Depot and Lowe's in the West End. We are trying to beat our
3938 competitor to being built so time is sensitive. The cost of architectural changes sometimes is a
3939 problem. So, they have expressed themselves with these five items. They have expressed
3940 these are the key reasons that they have concerns with the Planning Commission being
3941 involved in the process.

3942

3943 I mentioned to you that we had a variety of people that had participated in the process and I
3944 know that it's going to be important to you to know who they are. We had two retreats and
3945 these were the participants in those retreats. Now, you may notice that everyone is internal
3946 except for the Homebuilders Association of Richmond. And for those of you who are familiar
3947 with Homebuilders, you know that Bambi Davidson is the liaison between us, or has been, and
3948 a week she will be going to the Chamber of Commerce to be their inter-governmental relations
3949 vice president, I believe. But she has participated in our retreats actively to help us understand
3950 what were the true issues.

3951

3952 Another thing I mentioned was that the Board of Supervisors had had a work session on this
3953 topic. At this work session they gave directions to the Manager and to the staff. And those
3954 directions were that we were to begin evaluating our process internally. That's within the
3955 departments of how we work and to make improvements. Then we were to work with the
3956 Planning Commission on their role and responsibilities. So, we have, and I will began to list
3957 for you what is happening on the project so you can understand what has been going on during
3958 this time period, since February when we did the presentation for the Board of Supervisors.

3959

3960 In the area of technology that we talked about, that was a real issue for us, we have now a
3961 signed agreement with a consulting firm, MCG, Inc. and that is to prepare an RFP, not only
3962 the tracking system for subdivisions and site plans but also for the permits and inspections
3963 system. Our goal is to have a seamless process, from the time, for instance, a subdivision
3964 comes in all the way to the occupancy permit that would go on and allow that subdivision. It
3965 would be an easy to use user friendly process. And, our hope is that it would so that it is off
3966 the self and our hope is that that will be in place or at least selected and the decision will be to
3967 when to install it as of March of next year.

3968

3969 Next, we look at the departments that are involved. There are five departments that are
3970 involved right now in making improvements and preparing responses to the various issues that
3971 we have in this project. First we start with the Planning Office, which of course is near and
3972 dear to your heart. We will first look at the draft zoning concept plan. This draft zoning
3973 concept plan was actually a concept that resulted from a retreat. At that retreat it was prepared

3974 and later was presented to the Board of Supervisors. They felt it had merit but it needed more
3975 work. That work has been going on. In fact, John Merrithew was the staff member that was
3976 assigned this task and has prepared a draft of a zoning concept plan district. It's a voluntary
3977 optional district and it's now going through inter departmental review, in fact, tomorrow we
3978 have a review meeting. We are hoping we can provide this to for review later. In addition,
3979 there are three other tasks that are going to be similar throughout Utilities and Works.
3980 Because we will not have the technology software in place immediately, we have asked that
3981 Planning, Public Works, and Utilities establish within each department a phone number that
3982 will be the central tracking telephone number and that number can be called and from that
3983 number you will be able to find out where your plan is in the process. You will not find out
3984 all of the details about the plan at that point but you will at least be able to know where it is
3985 who has it at the stage of the process it is in. We are also updating in order to provide more
3986 reference information, a landscape design manual and also the interpretations manual in
3987 Planning. Those are on-going and all that is to be done by October 1, 1998.

3988

3989 In the Public Utilities Department, they will be in the future, participating in the
3990 POD/Subdivision review process. The Manager notified the Director of Public Utilities
3991 approximately two months ago that this would be a change. So, all the planning and working
3992 in the future on changes to this program will incorporate Public Utilities in the review
3993 process. That is the major change for Public Utilities, but also they are going to be changing
3994 when agreements are going to be allowed for water and sewer to be required. This is a very
3995 important, I don't know, but this may be an unknown problem to you that is involved with the
3996 process. That is being resolved. Also, there were numerous problems that were pointed out
3997 to us between the plan reviewers and the field staff. Currently, the management is working
3998 with that. They are having retreats and sessions in trying to resolve conflicts between their,
3999 internal conflicts between their two staffs that work with plans.

4000

4001 In addition, the updating of standards manual, determining if they need an interpretations
4002 manual and also setting up the central tracking telephone system is going on in Public Utilities.
4003 Public Works. The thing that has already occurred in Public Works that was irritating the
4004 development community was the change of the process used for the letter of credit procedure.
4005 It required several steps that are now being eliminated and hopefully it will be time savers.
4006 The next three items are very similar to what you have seen on Planning and Public Utilities,
4007 except they have not had a design manual. They had a cross section chart of all the roads
4008 cross sections but they do not actually have a design manual. They are in the process of
4009 preparing one, and they also have three years of interpretations, but they are in the process of
4010 indexing. They are also establishing a central tracking telephone number for information. In
4011 addition to this, there are miscellaneous management issues that are being addressed in Public
4012 Works. Fortunately, for me, the Deputy County Management for Community Operations is
4013 doing that, Bob Pinkerton, for those of you who have not met Bob. He's here with us today
4014 and he will be working with those. So, I do have a partner in that particular aspect of the
4015 task.

4016

4017 In Fire and Police, they have a lot less involvement in the day to day work on plan review.
4018 They are in the process now preparing review guidelines. Those are due within a couple of
4019 weeks. The County Manager, in order to deal with those inter-departmental, we've talked
4020 about the departments, now we have a lot of inter-departmental issues that you may have
4021 realized. One steering committee, which is composed of three deputies, and four working
4022 groups that have been appointed. I'll talk to you about these four working groups in a
4023 moment, about what each of them have to do. Each was charged to improve service to our
4024 customers, to effectively utilize staff resources, and to enhance economic development. So,
4025 all four of these groups, and two to be appointed later, have those overall goals.

4026

4027 The Benchmarking Committee was to prepare a list of plan review data that most be collected
4028 by all agencies to measure performance. In other words, it's performance measurement. We
4029 looked into whether or not we should have a benchmark. Is there another community
4030 somewhere that we should be rating ourselves against? The report was presented to the
4031 Manager on July 14, 1998, and the finding of this working group was, no. There shall not be
4032 a benchmark to another community and that over time we should set our own target
4033 benchmarks against ourselves. The next working group is the POD/Subdivision Criteria
4034 Group. This is Chaired by Harvey Hinson, Deputy County Manger for Community
4035 Development. They are charged to review County and State Code requirements to see what
4036 flexibility there might be in using these codes to look at potential improvements to the plan
4037 review process. Also, they are to identify alternative criteria of the Code, such as the
4038 definition of the POD or subdivision. The type of road frontage or maybe the minimum
4039 square footage is involved. Their work is in progress. In fact, the report is due tomorrow.
4040 The staff/development conference is another working group that is in progress. Now, this
4041 particular working group has members who are from the outside, from our customers, in
4042 addition to staff members. The Chair of this group is Dave O'Kelly. They need to look at, at
4043 a minimum, these five purposes. There are five items that are the responsibilities of the
4044 staff/developer conference, working group. Everything from looking at the purpose, it should
4045 continue to serve the same purpose, to whether how much staff empowerment is needed, what
4046 to do about that, the timing of the staff/developer meetings. Maybe, it needs to be earlier in
4047 the process. Maybe, it needs to be later in the process. Also looking at water and sewer
4048 plans, now that they are going to be added and also what type of staff preparation needs to
4049 occur prior to coming in, and any other related items that they feel is necessary. The deadline
4050 for this is August 6, 1998.

4051

4052 The next working group is the Plan Submittal Alternatives working group. Again, this also
4053 have staffs from the various departments and from the outside applicants. They are to look at
4054 a variety of items. Specifically, they are to look at alternative to the curve process. For
4055 instance: Under the Planning Commission review item, they will be looking at when, in the
4056 time line, and at what level of detail is perhaps needed for the Planning Commission's review.
4057 The other five topics deals with different types of plans that perhaps should be considered that
4058 we have in the County. Perhaps there should be different criteria or a different time period
4059 established for fast tracks, schematic plans, a table review, which is a type of process used in

4060 another locality, re-submittals, to save time. And, also, to look at what things, perhaps, can
4061 be done administratively. The deadline for their recommendations is September 10, 1998.

4062

4063 The Manager will be receiving all of this information around mid September. And, of course,
4064 the Steering Committee will be looking at all of this and compiling it. And, as of a result of
4065 this, there will be a need to appoint two more working groups. The Plan Review Timeline to
4066 take the recommendations that the Manager wants to go forward with and the Training
4067 Program working group. This will be the time in which all the recommendations will come
4068 together and be prepared into an overall flow of the process. Of course, these will result in
4069 the recommendation, eventually, that the Manager will present to the Board of Supervisors.
4070 We feel that the Planning Commission has already been involved as an active participants in
4071 the improvement of the process by the two items listed here. One deals with requiring the
4072 rules for revising plans to be followed. This is your requirement that you are going to have
4073 that plans be submitted in advance and a certain minimum time or otherwise they will not be
4074 heard. We feel that is important. Also, you are considering changes to expedite the agendas
4075 at your meetings. We feel both of these would be an improvement to the process, and any
4076 other things that you would like to suggest, we are welcomed to hear, love to hear.

4077

4078 Other project related activities that you may not know about deals with the BMP Committee, a
4079 10-day review/signature process, and the applicant's assistance, applicant, again, being the
4080 engineer, predominantly. I'll briefly tell you what these are. The BMP Committee Progress
4081 is the result of the work of Bob Pinkerton, Deputy Community Manager for Community
4082 Operations. He is responsible for coordinating two committees with both staff and outside
4083 developer/engineers to address the issues of stormwater quality guidelines and how they affect
4084 the appearance and location of BMPs. You are probably aware that the Board of Supervisors
4085 did approve an ordinance which now gives the authority to the County's engineer, through the
4086 use of a stormwater guidelines, to regulate the location and the look and the functioning of the
4087 BMPs.

4088

4089 Another item that going on, the staff of Public Works is working with the development
4090 community also to try to see what changes, what alternatives, were available for BMPs in
4091 residential subdivisions. Also they will be looking at regional BMPs in some portions of the
4092 County. In the future it is our hope that they will be able to look at alternatives for
4093 stormwater quality in our redevelopment areas, so that stromwater quality rules will not
4094 actually be a limiting factor to our being able to redevelop industrial, commercial, and
4095 residential areas.

4096

4097 Another process that began approximately in November of last year, a mailing was sent to
4098 engineers under the signature of Harvey Hinson regarding the initiation of a process, which is
4099 called a 10-Day Review/Signature Process. This process is ten working days. It gives the
4100 opportunity to the applicants to submit the first submittal after the Planning Commission
4101 approval, for what we have termed, pretty much, our internal fast track process for signature.
4102 If they have all their permits, which means CORPS permits, the variety of things that they

4103 response to all the proffer requirements, Planning Commission conditions, annotations on the
4104 plan. They submit their plans with a letter requesting that type of review. Since this, we have
4105 also sent out another mailing, in February, actually that was under my signature. That
4106 proposal was for some revisions to the process to hopefully make it clearer. Since then, the
4107 information that Dave was so kind to provide to me, there have been 84 plans submitted for
4108 signature of which 55 came with a request for this 10-day review process. Of this, 16 plans
4109 ,or 30%, actually, were able to be signed in 10 days. You wonder why? It goes back to that
4110 quality control. They did not come in with complete information. They were substantially not
4111 complete. Meaning, they did not address the critical comments, perhaps they didn't have all
4112 of the permits. We are continuing to work on this process, and, of course, it will be a part of
4113 the improvements that we look into as far as the overall site plan review process.

4114

4115 What do we need the applicant's assistance to? You may remember on that milestone list that
4116 the Manager had a luncheon. That luncheon was for the engineers. He invited 40 principles
4117 of the various engineering firms that do business with us a lot and we had approximately 23
4118 attendants. At that time, I made a presentation which went into detail about our concerns that
4119 we had with the application. We told them about the project and then we told them about
4120 some of the positive things that we would like to see changed. We pointed out to them that
4121 they were submitting predominantly incomplete application packages, and that we had
4122 discovered that that was one of the major problems with the process. We also noted that they
4123 were asking for a lot of exceptions and waivers, verily rarely, with the proposed or necessary
4124 justification for those. So, in other words, they were submitting them and they didn't even
4125 sometimes try to work things out without having to have an exception or waiver. They also
4126 were submitting plans that did not comply with proffered conditions, maybe it was an
4127 architectural feature, maybe it was the location of a setback, whatever it was, they didn't
4128 comply. Also, if they had a problem at any time, they weren't going to the department head
4129 or division head within the department that they had trouble with, they were going to the
4130 County Manager or to a Deputy or to a IDA member, a Board member, a Planning
4131 Commission member. They were not following any form of chain of command to try to
4132 resolve their problem. In many cases, they just didn't have the adequate justification that a
4133 technical person would request for them to have.

4134

4135 Also, they had a lack of coordination with the architect. A lot of this goes back to the fact that
4136 they weren't submitting architectural plans that comply with proffers or, in many cases, we
4137 only got the front of the building, we didn't get the sides or the back of the building. So, we
4138 did ask for their help with that. And, after that meeting I did receive calls from several of the
4139 engineering firms and many of them are actively participating in the process.

4140

4141 Now, we are going to look at "How Can the Planning Commission Be Involved in the
4142 Project?" I don't think any of this will surprise you. We feel that you can continue to hold
4143 work sessions to share ideas and concerns with the staff. Hopefully, this particular work
4144 session will lead to your desire to have others. You can continue to pursue meeting
4145 improvement ideas of what you are already doing about anything that you feel that you needed

4146 to expedite your own meetings. You can provide comments on the proposed code
4147 amendments. We are going to bringing you and asking you to consider a variety of code
4148 amendments, at least the initial zoning concept plan. You can hold public hearings as needed.
4149 The Board and Manager maybe requesting that you consider various public hearings so that
4150 we will know how the development community feels about our proposals. Also, direct
4151 recommendations to the Board, which of course is your charge by the State Code. We are also
4152 expecting that you will need to attend a variety of Board work sessions to share whatever
4153 thoughts and feelings that you have about the process.

4154

4155 We are anticipating a schedule in late August or September to present the draft of the concept
4156 plan to you. A lot of it depends on your schedule. Also, in September or October, we are
4157 looking at a work session on the zoning concept plan. So, we will just be presenting it to you
4158 and explaining what it is and then later we would, hopefully, have a work session to go over
4159 any details. We can invite people from the development community or not, whatever your
4160 preference is. Then we would be, also, in September or October, hopefully, be ready, plan to
4161 be ready on the report of the four working groups.

4162

4163 The next step of the process would be to, by the Manager, to appoint the two additional
4164 working groups in mid September. The report will be prepared of the four working groups
4165 and then to set up work sessions with the Planning Commission. We feel that what will
4166 happen at the end of this, the Manager will be presenting his recommendations to a joint
4167 meeting on the Planning Commission and Board, and perhaps a work session. We will,
4168 hopefully, expect that, based on this project, there will be implementation of whatever the
4169 Boards decisions are. I know that many of the items are ones that the Board expects the
4170 Manager to implement base on his prerogative and discretionary powers. Also the provision
4171 of a training program for staff and the development community will be needed.

4172

4173 The reason we are here today is, of course, to ask what are your comments, if you have any.
4174 And, of course, I'll be available at any time to hear your comments either individually or as a
4175 Commission. I appreciate the role you play and I know how important it is that we really
4176 improve this process. Do you have any questions? And, of course, all three Deputies are here
4177 and the Manager.

4178

4179 Mr. Archer - Thank you, Ms. Harper, for that enlightening presentation. Are there
4180 any questions by Commission members?

4181

4182 Mr. Vanarsdall - I have a kind of an overall general question. When talking to the
4183 developers, the engineers, and so forth, most of them deal with Chesterfield, Richmond, and
4184 Hanover. Do they feel like we take up too much time or have too many community meetings
4185 or have too many, not grips, but quirks?

4186

4187 Ms. Harper - They actually did not specify any particular quirks or any
4188 Commissioners that hey specifically had..... It was simply a matter that the process in Henrico

4189 involves this extra step that they viewed as six weeks of extra time. That's just the way they
4190 view it. Most of the plans in other jurisdictions, there are a few plans in other jurisdictions
4191 that go to the Planning Commission. They may be appeals or they may be plans in which the
4192 applicant specifically asked for, or maybe it's been proffered that it will specifically go back to
4193 the Planning Commission. So, you see, in some of these areas, 10 to 20% that go to the
4194 Planning Commission, it's just that 100% go here.

4195

4196 Mr. Hazelett - Mr. Chairman, I think one of the dilemmas that we face here is that it
4197 been so very long that Henrico County's Planning Commissions efforts, staff review and so
4198 forth was purely second to none. It was something that everyone tried to match. And they
4199 did, as always, when you are in that leading position, people also try to do a little bit about it.
4200 I think that's exactly what we have not, we have made some improvements in areas that we
4201 can learn from. If you put it in the vernacular from one developer, Chesterfield cleans your
4202 clock now. That was his comment to me. That's unsettling, because I think quite frankly
4203 think we do, a far better job than Chesterfield, in reference to review, in reference to
4204 commitment by the Planning Commission and so forth. But, when you look back at where we
4205 have been, and Angela has been on both sides of this issue. She has been with the Planning
4206 Commission. She has been with the Planning Department. She has gone out, and now she is
4207 seeing the other side of the coin, so she is extremely familiar with the dilemma that we face
4208 and that dilemma is there probably is a reasonable need to change part of the process we are
4209 doing. Now, what that involves, we are still in the processing of learning that. But, I think,
4210 in essence, we've had something that has been very good, but it's been surpassed by those
4211 people who wanted to surpass us and we just simply need to pick up the charge and move back
4212 to the front of the pack, which I think we do so very well.

4213

4214 Ms. Dwyer - In your discussions and work sessions, particularly with the Board, has
4215 there been indication that they would like to have more administrative review and less
4216 Planning Commission review of PODs, transfer of approvals, that sort of thing.

4217

4218 Ms. Harper - I believe that we've only had one work session with the Board on this.
4219 Virgil, would you feel comfortable answering that?

4220

4221 Mr. Hazelett - It's a general reaction. They see or feel that there are possibly more
4222 problems internal than with the Planning Commission, but they are open to review and
4223 discussion. A lot of the things that you see there we are doing internally because there is a
4224 need to do that. But, I think we also need to recognize, based on the information that we
4225 have, there are other areas, what comes to the Planning Commission and what should be
4226 reviewed. But I think we have a general initial reaction that in essence, Well, Mr. Manager,
4227 review this approval process make your improvements internal while you are reviewing with
4228 the Planning Commission and so forth.

4229

4230 Ms. Dwyer - So, there is no indication at this point?

4231

4232 Mr. Hazelett - No. None at all, at this point.

4233

4234 Ms. Harper - And I don't have my mind made up either.

4235

4236 Mrs. Wade - What's the Zoning Concept Plan?

4237

4238 Ms. Harper - What a Zoning Concept Plan is, the concept of it. Right, now, the
4239 details are being reviewed that we are going to present to you. It is ability for an applicant to
4240 come forward at the time of zoning and request a rezoning for two uses. It could be multiple
4241 types of uses in a geographical area that would be outlined. In other words, it would have
4242 business, industry, residential, or similar to a Wyndham or Wellesley. It could be any size
4243 piece of property. With that proposal, they would bring in a site plan, a layout plan, and that
4244 site plan, the level of detail that would be submitted at that point, is totally under debate and
4245 discussion. But, could be everything from something as detailed as a POD, although that's not
4246 what we would recommend, all the way back to just a master plan that would show access
4247 points and general overall square footage. That plan would be used, go through the Planning
4248 Commission process, the neighbor input process, it would have to be a proffered case, that
4249 would be one of the requirements. With those proffers, it would go all the way. With your
4250 recommendation to the Board. The Board would act and after the Board acted, the applicant's
4251 approved zoning case with the plan would not go back to the Planning Commission for a POD.
4252 It would go for administrative process. Now, if there were substantial changes, then it would
4253 obviously have to come back. That's the concept. Now, we will hopefully, is in the process
4254 of inter-departmental review, right now, this idea. There are mixed feelings of the
4255 development community of whether anybody would go to the expense, the engineering
4256 companies, whether a developer would go through the expense. But, yet I can see, and I
4257 believe there is a lot of arguments for companies such as Highwoods or Snyder Hunt, which is
4258 called H. H. Hunt. They are in a hurry to have something done to proceed this. This would
4259 perhaps save them time. It would be a bond hearing. This is not something that wouldn't
4260 require a map.

4261

4262 I do remember in my interviews with you, that there were several comments about different
4263 members of the Planning Commission where you would like to have more information about
4264 the site plan at the time of the Planning Commission review. So, it's somewhere an outgrowth
4265 of that along with some of the processes that are permitted in other communities.

4266 Mr. Hazelett - Within the zoning concept plan, which is approved with the proffered
4267 zoning case, all of the setbacks would be determined, some type of schematic layout as well as
4268 some of the elevations, would be determined so that, in general, the community, the Planning
4269 Commission and Board members would know the product they are getting. It would simply be
4270 an administrative process of approving that product. Now, it doesn't say you build a six-story
4271 office building and show that there are three, but it does say you can build a three story office
4272 building the way you indicated, and if they move a little bit on site, as long as they are not
4273 impacting buffers, that were approved, then that would be left to the administrative process.

4274 They could get those done faster. The Commission may recall the approval of the overall
4275 master plan approval for White Oak; they went through the Planning Commission, they
4276 literally could come back on administrative approval at this point using all of those same
4277 conditions for White Oak.

4278 Ms. Harper - That property was already zoned. But there are examples in each of
4279 your districts where you could have an applicant come in and perhaps is in a hurry. They
4280 want to get that edge on the market. So, they come in for rezoning, perhaps it's in compliance
4281 with the Land Use Plan, it doesn't effect any changes in the Land Use Plan. The Land Use
4282 Plan itself, the recommendations for the site, would still be used as a part of the original case,
4283 as would the goals, objectives, and all that information. This is simply allowing the applicant,
4284 as a matter of course, to be able to include it and then later save time by not having to come
4285 by to the Planning Commission.

4286 Mr. Hazelett - Essentially, it goes a long way. Right before lunch, there was a very
4287 large real estate developer that came to see me. He had all these sheets concerning property in
4288 Varina and the values of what they are being sold for. His question was, how do I get on the
4289 front edge of all of this? How do I get a product that I can sell that will attract people to other
4290 than all of this? It's very simple, zoning, master plan, environmental approval and
4291 infrastructure. Exactly what we are talking about. Get it all out front, very similar to what
4292 White Oak has done. Very similar to what Rick (?) is doing, and we will have something,
4293 quite frankly, that no one can touch from a time standpoint. Economic development is a
4294 timing game. It is who is there first with the most. That's what we are all about.

4295 Mr. Archer - Ms. Harper, you mentioned, in your presentation, that we would not be
4296 using any other locality as a benchmark, but we would instead develop our own benchmark.
4297 And we hear so much about fast tracking things nowadays, did you see in your presentation
4298 that the applicants were giving you any instances where you think we would sacrifice quality in
4299 order to fast track something?

4300 Ms. Harper - I think there's always that chance. The Manager has made it very clear
4301 from the beginning, to all the staff, that we make it clear to the development community that
4302 the purpose of this project is not at all to sacrifice quality. If anything, quality development
4303 and quality plans result in quality development in the field. It's what we want to have is the
4304 end product. We just want to do it as efficiently and as expeditiously as we can in our
4305 processing of those plans. There are many suggestions that have been put on the table for all
4306 of the deputies to consider, and we are taking the time now to consider them. I've never been
4307 to a meeting where the Manager said I want the fastest review process in the west. I mean, I
4308 want it to be the fastest in Virginia. That word "fastest" is not a part of our vocabulary.

4309 Mr. Hazelett - What we found in the benchmarking process, is something that we've
4310 found out before, even including the budget process performance measurements, and that is be
4311 able to compare apples with apples and oranges with oranges. Just because another locality
4312 can say "We can process a plan in three weeks." It doesn't mean that they processed it with

4313 the same degree, the same conditions, the same involvement and the same review that we do.
4314 And we found it, quite frankly, you can't make that adjustment. So, we have to establish our
4315 own benchmarks to determine whether we are performing as expected and revise it on a
4316 reoccurring basis. It sounds good to compare and make benchmarks, but unless you are
4317 comparing exactly the same process, you are not doing anything. In reality, you are probably
4318 doing disservice to the community.

4319 Ms. Harper - Our hope is to be able to have goals and targets that staff will work
4320 toward. In other words, when we began a change, when we change the process, or began the
4321 new process, we would hopefully be able to set some parameters. So, in other words, two
4322 weeks, three weeks, and then we will be able to test it on a period of six months or a year and
4323 see how effective we are in doing that until we set specific schedules, a commit to a schedule.
4324 I think the development community would really like the commit to some sort of schedule,
4325 but we have to realize they don't commit to a schedule themselves. We have noticed that if
4326 you were to say, well if you have a site plan for a service station, you can get through the
4327 County in 60 days. That's impossible because that requires the inter exchange of plans. Now
4328 we can count on how long we will take to review plans. We feel pretty comfortable that we
4329 could do that, once we commit to it and the staff and whatever it is. But, what we can't do is
4330 say how long that engineering firm is going to take to resubmit the plans. And if we assume a
4331 week and he takes three weeks then he whole system is gone. And the County, generally, it
4332 appears, is getting the blame for that or we are losing our reputation because of that. That's
4333 the vulnerability we have of assuring a time period.

4334 Mr. Archer - Ms. Harper, is there any one particular facet that you could identify that
4335 we get most criticism?

4336 Ms. Harper - Do you mean the Commission or the County?

4337 Mr. Archer - Just the County in general, in our process.

4338 Ms. Harper - Probably not being able to identify where a plan is at any particular
4339 moment in the process.

4340 Mr. Archer - So, they just think we are bad all over.

4341 Ms. Harper- No. I don't think that is true. In fact, I will say this, that there are
4342 definitely a lot of good points that are pointed out by the various engineers and developers
4343 first. They definitely do not want us to become all like another county or another city. There
4344 is no perfect community out there according to them. But, they would like for Henrico to be
4345 the perfect community. I do believe that most frustration occurs to them when they, either
4346 their owner or the developer call over to the County and they can't find their plan. It's
4347 somewhere in this black box and they don't know where it is. Now, I will say, the Planning
4348 Staff is very seldom criticized for that. It is because it is at the County, and when it's at the
4349 County for six weeks or eight weeks, they believe that we have forgotten about them. So, we

4350 really need to be able to more easily, that's the purpose of this Central Telephone Tracking,
4351 until we are able to have this computer system available, that we will be able to answer their
4352 questions of where the plan is, at least, department by department more exactly.

4353 Mr. Hazelett - I can tell you war stories where developers are actually told that their
4354 plans are at the County and in reality they are not at the County. They call over here and the
4355 County can't find them, it's because they are not here. But, we are used at the scapegoat on a
4356 number of occasions.

4357 Mr. O'Kelly - Angela, if I might.

4358 Ms. Harper - Sure, go ahead.

4359 Mr. O'Kelly - The biggest criticism I hear, is not so much as where is the plan, but
4360 when can I expect it to be signed. That, to me, is by far the most criticism that we get, the
4361 unpredictability of when they can expect their plans to be signed.

4362 Mr. Zehler - Why can't we answer their question, I don't think that's a difficult
4363 question to be able to answer.

4364 Mr. Hazelett - I think part of the problem, is it approved, obviously if it is approved
4365 and ready for signature, that's one thing. If it's in the review process and he simply wants to
4366 know when it's coming out of review process or when he can pick it up, that's a different
4367 question. And that has to deal with where it is in the process, who do we serve first, first and
4368 last in first out, pick one in the middle or what. I think that a lot of people, I even surprised
4369 Angela one day, when I took her down to Public Works, to realize the magnitude of the
4370 number of plans that were left there at one time, that they are trying to review. It's a huge
4371 amount of plans. If there is anything wrong, what do they do with that one set of plans? Do
4372 they stop? Do they set it aside? What do they do? They have been trying to make
4373 communications to that issue to find out. That doesn't always happen in a half hour,
4374 sometimes it takes days, sometimes it takes weeks. Where it is in the process and the
4375 signature are two different things. Now, we are looking internally, in one aspect, and that
4376 simple is the backing up of approved plans that are ready for signature. Now, that is
4377 occurring and should not be occurring and will not continue to occur. If they are ready for
4378 signature they are going to be signed. There are other issues that make that question
4379 undetermined.

4380 Mr. Vanarsdall - Angela, are deferrals results of lack of response of applicants to address
4381 Planning Commission concerns. I assume that's when we have a deferral, say for 30 days,
4382 where there is a lack of response of the applicant to do whatever we ask them to do?

4383 Ms. Harper - Let me explain that. They realize when they call you many times, that
4384 you have not received the staff's recommendation. You don't get it until Wednesday or
4385 Thursday and the meeting is on Tuesday. So, in order to, perhaps there's been an unexpected

4386 new question that has been raised during that period, they usually don't have time to sit down
4387 and talk with you and resolve it with staff by Tuesday. So, what staff typically recommends,
4388 or the Planning Commissioner requests, is a deferral, depending on the level of it. They feel
4389 they are caught in a trap because they really just can't respond in time. They don't know
4390 about the issue until the last minute and therefore they can't get all of the meetings set up to
4391 respond to it effectively, if they want to respond to it. So, they, actually, would like for you to
4392 have the information sooner. They would like to have the information sooner. They want to
4393 prevent that deferral.

4394 Mr. Vanarsdall - This is an issue that they have never heard of before, from the staff, that
4395 this is something that I might spring on them myself. Is that what you are saying?

4396 Ms. Harper - Yes, sir.

4397 Mr. Vanarsdall - That doesn't happen too often, doesn't it?

4398 Ms. Harper - Perhaps it does. I think in many cases, they don't take it seriously.
4399 Sometimes the comment may be mentioned by Public Works comment, but not until it shows
4400 up in the staff's recommendation and perhaps one of the plan reviewers puts in there we
4401 recommend deferral because this has not been addressed. They don't really take it seriously
4402 until they see it on that staff report and realize that that's the level of importance that staff has
4403 given.

4404 Mrs. Wade - When you have 12 or more cases on the POD agenda, you can't wait
4405 until the Wednesday before to look into it. Oftentimes, there's not information available from
4406 the staff until Friday.

Ms. Harper - I know that most of you, specifically, look at the cases in your district

4421 Ms. Harper - Engineers that submit plans that are responsive to all comments, yes, are
4422 definitely those 30% that are getting their plans signed. And, as Dave O'Kelly pointed out to
4423 me, in reviewing them, it doesn't mean that they are little small simple plans, necessarily, they
4424 could be a whole set of plans. But, if the engineer has been careful in going through it, it
4425 could get signed and out of here within that ten days.

4426 Mrs. Wade - Sometimes you get plans and you think have they have not even looked
4427 at the zoning case.

4428 Ms. Harper - Yes, that's correct. I've had numerous examples shown to me.

4429 Mr. Archer - Okay. Do we have any further questions or comments?

4430 Mrs. Wade - What is the interpretations manual... there were a couple of references to
4431 it?

4432 Ms. Harper - It depends on the office. The interpretation manual in the Planning
4433 Office was developed for internal use. It takes the zoning ordinance and it....it's not printed or
4434 published, it's used for internal staff use. What we did is take each section of the Code at
4435 which there has had to be an interpretation by the Director, the Zoning Conformance Officer,
4436 and it details what that interpretation is. In this particular case, we'd be focusing on those that
4437 deal with site plans in subdivisions. Any of those that are needed or any conflicts that staff is
4438 aware of, any interpretations they need, they could make it easier. In Public Works and
4439 Utilities it would be similar items. Things that come up to keep them from having to go, for
4440 instance, in the Planning Office to go to Dave or Randy or John. It would try to keep those to
4441 a minimum by having a pretty standard way that that area is interpreted. It might involve,
4442 say, a site plan for a service station. Are there any other questions? Well, I certainly thank
4443 you for time and I'll be communicating with John regarding, when we are ready for those
4444 work sessions to see when you will be able to set them, when it's convenient for you to put
4445 them on your agenda. Please give me a call at any time. I'm at your disposal, especially on
4446 this project.

4447 Mr. Archer - Thank you, very much, Mr. Hazelett, Ms. Harper, and the rest of the
4448 Deputy Managers. Thank you for being here, we enjoyed you having lunch with us. Have us
4449 again whenever you like. We have one more discussion item, a presentation by Mr. Yolton.
4450 We invite you to stay. Mr. Yolton.

DISCUSSION ITEM: BRIEFING ON TOWERS

4452 Mr. Yolton - Thank you, Mr. Chairman. The purpose of my presentation today is to
4453 make sure that the Planning Commission is aware of, brought up to speed, with everything
4454 that the Board of Supervisors has heard so far on communication towers. We did have a work
4455 session with the Board of Supervisors on June 24, 1998, to cover communication towers and
4456 I'm sure that a lot of this information is not going to be any kind of revelation to you. I think
4457 you already know most of the information that I have for you today, but this is for the sake of
4458 making sure that the Planning Commission is at an equal level with the Board of Supervisors
4459 in terms of what staff has presented to them. So, in the interest of doing that, and also in the
4460 interest of being as brief as possible, I'll will try to be brief.

4461 I'm trying to train myself to use the term wireless communications instead of cellular
4462 telephone towers, but if I happen to slip, I'm trying to use wireless communications as a
4463 generic reference to all of these systems, which I think most of us have become accustomed to
4464 calling cellular telephone towers. The industry likes to call them wireless communication
4465 towers, which is more of a mouth full that I'm trying to get used to. So, what I would like to
4466 do is just provide an overview of the existing County Ordinance regarding wireless
4467 communication towers and that would include a brief discussion of the history of the towers in
4468 Henrico County, and a brief review of the current inventory of wireless communication
4469 towers. Then, to discuss a little bit about how jurisdictions regulate wireless communication
4470 towers within their jurisdictions. I'll conclude by suggesting, which is the same thing we
4471 suggested to the Board, a work program of what staff feels we need to do to improve our
4472 regulations of wireless communication towers in Henrico County.

4473 To start with, and this is something that probably the Planning Commission is fully aware of,
4474 but prior to 1990, all of the tall structures that exceeded a certain height limit were regulated by
4475 the Board of Zoning Appeals. That included church spires, belfries, silos, water tanks and
4476 communication towers and antennas, such as radio stations. The ordinance was changed with
4477 regard to communication towers in 1990. Communication towers, which include cellular
4478 telephone towers, are allowed, by right, up to 100 feet in industrial districts and up to 50 feet
4479 in all other districts. And, when I say by right, that means that all they have to do is submit a
4480 building permit and they can put one up. They don't need any special zoning permits, or
4481 public hearings are not involved. There are, of course, setback requirements. So, when you
4482 decide you are going to put up a 50-foot tower in your backyard, you still have to meet
4483 setback requirements for an accessory structure.

4484 A provisional use permit is required for a communication tower to exceed the height
4485 restrictions. In other words, if you want to put up a tower that's higher than 100 feet in an
4486 industrial district, or higher than 50 feet in any other district, you would have to get a
4487 provisional use permit to do that. Communication towers are not excluded anywhere in
4488 Henrico County. In other words, they can go in any zoning district. If they are higher than
4489 those height limits, then you need to get a provisional use permit. So, if you flip open the

4490 zoning ordinance, it doesn't prohibit communication towers anywhere in Henrico County.
4491 But, you do have to come and get a provisional use permit, which as we know, requires a
4492 public hearing with the Planning Commission and the Board of Supervisors. So, all requests,
4493 basically, for communication towers of the wireless type that we are seeing, virtually all of
4494 them require a provisional use permit to be granted by the Board of Supervisors. And, as you
4495 know, the Board can attach reasonable conditions to the issuance of a provisional use permit
4496 that further regulates the communication tower. Yes, ma'am.

4497 Ms. Dwyer - I'm just puzzling over one of your earlier statements that towers can go
4498 anywhere. This came up in the cemetery case. We considered originally a tower site in the
4499 rear of the cemetery that was actually an "R" zone. The applicants were afraid of putting a
4500 tower in an R zone. But, we do have a setback from an "R" zone.

4501 Mr. Yolton - That's correct.

4502 Ms. Dwyer - So, really they couldn't put it in an "R" zone because of the setback
4503 requirements.

4504 Mr. Yolton - The setback refers to what's adjacent to the subject property. So, in
4505 other words, if you have a piece of property where you want to put a communication tower,
4506 you have got to look over there on what's adjacent to you. If it's an "R" district then a certain
4507 setback applies. In other words, it has to be 110% of the tower height away from any lot
4508 that's in an "R" district. That applies to what surrounds your property.

4509 Ms. Dwyer - So, you could put it in an "R" district, but if you are adjacent to an "R"
4510 district you have to have a 110% setback. It just sounds kind of odd.

4511 Mr. Yolton - If you have a 10-acre lot that's zoned "R" you could probably meet the
4512 setback requirement and put it in the middle of your lot somewhere and be far enough away
4513 from the adjacent "R" district so that you can meet your setback. It does not prohibit you
4514 from any district, even a C-1 district you can put a tower in, if you get a provisional use
4515 permit.

4516 Mr. Zehler - But, Lee, also in essence, if it does not meet the required setback, they
4517 can go to the BZA for a variance.

4518 Mr. Yolton - That's right. The BZA can waive the setback requirements. That's one
4519 of their powers that they have, which has been done.

4520 Mr. Zehler - It doesn't make sense that if they don't meet those requirements, how
4521 they can go to the BZA and be granted.

4522 Mr. Yolton - Well, it's just the same way they can go to the BZA and get a variance
4523 for setback for building porches and additions to people's homes and so forth. That's one of
4524 the powers of the BZA is to waive setback requirements.

4525 Mrs. Wade - And they refuse to do that?

4526 Mr. Yolton - Well, they are supposed to have a hardship.

4527 Mrs. Wade - Can they, in fact, turn those down?

4528 Mr. Yolton - Can the BZA turn it down? Yes, certainly. I think that sort of goes
4529 back, a sort of a policy of the BZA, whether they are going to take a hard line or not. I think
4530 our BZA does not take a hard line as far as waving setback requirements are concerned. At
4531 least, that's my opinion, anyway.

4532 Mrs. Wade - In terms of the towers (unintelligible).

4533 Mr. Yolton - If it does not meet the setback requirements, yes. Let's see. Some of
4534 you may recall in 1992, with the Planning Commission's approval, we added some extra
4535 measures to the application process for provisional use permits. With the objective being, that
4536 we would get a little bit tougher as far as co-location is concern. We would require every
4537 applicant to verify why you can't locate on an existing tower. The whole idea here was to
4538 minimize the number of towers that are in Henrico County. That was little bit of tweak to our
4539 process that we did back in 1992. And, to this day, that process is essentially the same one
4540 that's in affect today. We have a packet of information that we give to the cellular telephone
4541 companies that more or less describes everything that's involved in getting a provisional use
4542 permit. This really, essentially, has not changed since 1992. As I mentioned, because of
4543 these heights that are desired by the wireless communication providers, virtually all proposed
4544 wireless communication towers go to the BOS eventually for a provisional use permit. So, it's
4545 not like we are saying certain areas of the County are okay to put towers. We look at every
4546 single tower application on a case by case basis, apply conditions to it, and it is a decision that
4547 has to be made by the Board of Supervisors.

4548 Now, at the time our current ordinance was adopted, back in 1990, there were less than 10
4549 cellular towers in Henrico County. In your packet that I have provided to you today, there is a
4550 chart that shows the cumulative number of towers that have been approved over the years. It's
4551 pretty obvious that it has grown quite considerably over the years, but back when this
4552 ordinance was adopted there were seven cellular towers in Henrico County. So, we've come a
4553 long way since then. As we will note now, as of the end of June, and I haven't updated this
4554 for July, but there were a total of 48 wireless communication companies that have received
4555 permits from Henrico County. These are freestanding wireless communication towers. We
4556 have a map of where they are all located, and they are pretty much spread all over the place.
4557 Back at that time, there were only two wireless communication towers, of course, they called
4558 themselves cellular providers back then, but there were only two providers that were licensed
4559 to do business in the Richmond region. Those two companies, which were the original
4560 cellular telephone companies, were able to provide service throughout Henrico County and
4561 they each built about a dozen towers. Most of these towers were located along the Interstate
4562 highways, because the market really was for those people who wanted to have a cellular phone

4563 in their car. So, most of the towers were located along the Interstate highways.

4564 Then, back at that time, the staff's position was that we wanted to keep these towers as low as
4565 possible, and minimize the number of them, and so we ended up with a lot of 150-foot
4566 monopole towers scattered along the Interstate highways. We later realized that many of those
4567 towers were not designed to support a lot of additional antennas. Usually, only one or perhaps
4568 two additional users could co-locate onto this 150-foot monopole tower. Oftentimes, the only
4569 space available was really too low to meet the needs of the new companies.

4570 Now, in the early 1990s is when this new digital phone service, called PCS was invented and
4571 it uses a different frequency than the old fashioned cellular phones do. You get better
4572 reception. You can communicate more data in the same amount of time. So, these are higher
4573 capability type of phones. The Federal Communication Commission realized that there is a lot
4574 of interest in this, and there is a lot of revenue to be made, so they auctioned off the new
4575 frequencies across the country in different market areas, and they encouraged companies to
4576 compete for these different markets and to provide the new service. Primeco Company was
4577 the very first PCS provider in the Richmond area. The Federal Government, by the way,
4578 made over twenty-three billion dollars from the sale of these franchises nationwide.

4579 So, the realization came that, hey, there's not going to be two cellular companies in Richmond
4580 any more, there's going to be a lot more of these companies, a substantial number of these
4581 companies. So, we changed our philosophy. We said, gee, if there is an unlimited number of
4582 these companies that are coming to the Richmond area, we had better start changing our
4583 philosophy. No longer should we have 150-foot monopole towers that can really only hold
4584 one or two users. We should get each of these companies to build the highest tower they
4585 possibly can, the steel lattice design that can hold more co-locator antennas. So, we kind of
4586 changed our philosophy. Instead of trying to build a lot of 150-foot monopoles let's build
4587 199-foot towers, make them strong as possible so that they can hold as many co-locators as
4588 possible, and we have also tried to emphasize co-location even more. In order to do that, if
4589 you are going to be the coordinator for these companies, and you are trying to get them to co-
4590 locate on each other's towers, staff will have to keep pretty accurate information about where
4591 are these towers located, how many users are on them, how much can they support? We are
4592 the ones that will have to bear the responsibility of trying to get these competing companies to
4593 co-locate their equipment.

4594 You might see in your packets, and you have been seeing with your staff reports, we have
4595 started using this little microsoft trip planner, mapping system, to map all of the existing
4596 towers. I have also included a chart in this packet which is an inventory of all of the
4597 communication towers in Henrico County. So, when a company comes in and applies for a
4598 permit for a communication tower, we have these maps and charts available and we tell them,
4599 "you show us why can't you locate on one of these existing towers?" But, what we are
4600 finding out is that, "this is an old 150-foot monopole; it's not going to hold my equipment."
4601 Or "I'd be glad to put my equipment on that monopole but I'm going to have to locate two
4602 more towers somewhere." That's a lot of technical type information. So, what we have done

4603 recently is to hire ourselves a technical consultant, an RF engineer, which means Radio
4604 Frequency engineer. A radio frequency engineer is licensed by the state they practice in and
4605 so forth, just like a professional engineer. What I have up here on the wall, what an RF
4606 engineer will do is create a map like this, which shows the propagation area around each tower
4607 that they have proposed. This happens to be the Triton system. They have proposed all these
4608 different towers in Henrico County and figured out what areas they can service with each
4609 tower and so forth. I look at that map and quite frankly I don't have the expertise to analyze
4610 that, so that's why we needed to bring in some experts, some RF engineers, to tell us what
4611 does this map mean and what kind of alternatives might be available? Do they really need to
4612 have this tower here? Could it be moved a half a mile away and so forth? So, once again,
4613 staff, really is in a position of trying to coordinate, trying to take more of a proactive role in
4614 planning and coordinating these wireless communication systems.

4615 The other thing that we have been doing, is looking closely at how we regulate our wireless
4616 communication towers. As part of that, we have done a lot of research on other jurisdictions'
4617 zoning ordinances. This book, here, just represents some of the zoning ordinances that I've
4618 been taking a look at from other jurisdictions. The bottom line is that, without going into a
4619 whole lot of detail, is that our zoning ordinance is pretty similar to what we would find in
4620 most of the other jurisdictions. It talks about our setbacks. Some jurisdictions might have 120
4621 % of the tower height setback, we have 110%. Some jurisdictions, you know, have different
4622 setbacks, but most of what I have found, is that ours is very similar to a lot of the
4623 jurisdictions. But, also, in talking to our consultants that we have hired, a lot of the
4624 jurisdictions in the country are going through the same thing that we are. They are looking at
4625 their ordinances, they are trying to beef up their regulations, they are trying to get tougher on
4626 these wireless communication providers.

4627 That brings us, basically, to the work program we have proposed. That is included in your
4628 packet, I think it is the last page here. One of the things that we did notice that some
4629 jurisdictions do, that we don't do, they use their land use plan or their comprehensive plan as
4630 an extra regulatory means for wireless communications. In other words, they have goals and
4631 objectives and policies within their land use plan that state something about where we would
4632 like to have wireless communication towers, or probably, more accurately, where we don't
4633 want wireless communication towers. And, some other goals like trying to keep them away
4634 from residential areas, trying to minimize the number that are needed, trying to maximize co-
4635 location. Up until this point in time, the staff has really gotten only one policy direction that
4636 we have been working under and that is just to minimize the number of towers in Henrico
4637 County. However you do it, just minimize the number of towers that are needed. We don't
4638 have anything in our plan that says restrict towers here, try to steer them here. So, as Harvey
4639 mentioned, many times we do not really treat it as a typical type of land use. I mean, we've
4640 got a land use map that recommends where commercial, industrial, and residential should go.
4641 I look at the land use plan and it doesn't say a single word in there about wireless
4642 communication towers. So, I think one of the things we need to do is bring our land use or
4643 comprehensive plan into the picture here. And, one way we suggest we might do that, is to
4644 develop some goals, objectives, and policies for wireless communication towers and include

4645 those in our land use plan and to give us some more guidance about where we want these
4646 towers and probably more importantly, where we don't want the towers.

4647 The other aspect of this work program, which I've mentioned, and we have already kind of
4648 embarked upon, is to develop a model with the help of an RF consultant to help us better
4649 evaluate the technical aspects of where these towers are supposed to be located. We have
4650 heard, any number of times from wireless providers that, "if you make me locate on that
4651 tower at 120 feet over there, I'm going to have to build more towers to provide the coverage I
4652 need." Well, how do I know, how do we know that's what the situation is. Well, we've got
4653 ourselves a RF consultant right now that can help us answer those types of questions. One of
4654 the things that they can do is to take a look at Triton's entire grid system, and what they have
4655 proposed for Henrico County, and I think there are like 30 sites on there, and help us steer
4656 these companies to the right location without degrading their service. We realize that they
4657 have to provide coverage for the entire County. They don't want to drop phone calls. They
4658 don't want people to be driving I-295 and then suddenly lose their phone call. We realize that.
4659 We want to help them provide that type of coverage, but we also want to take a more
4660 proactive role in determining where is the best location for these towers. And, also, to
4661 maximize the co-location potential.

4662 Then, lastly, this is somewhat conceptual, but, let's take a look at our application requirements
4663 for a provisional use permit and think about perhaps what other kinds of conditions might be
4664 appropriate on there. One thing that we haven't gotten into much is the stealth tower. In
4665 many other jurisdictions they are much more into the stealth applications. And what do I
4666 mean by stealth application? That's where a wireless communication tower is disguised to
4667 look like something other than what it is. It is disguised to look like a flagpole or it could be
4668 placed in a church steeple or it could be a structure like a bell tower, a tree, like at Mount
4669 Vernon, George Washington's home, they put up a tree. I guess it's a 200-foot pine tree

4670 And one of the other things that I know the County Manager was concerned about, and he
4671 discussed this with the Board, is this Star 1, 2, 3 (*123). With the advent of wireless
4672 communications, you can have your phone in your pocket at all times, but if you have an
4673 emergency and you call 911, they don't know where the heck you are. Your wireless phone is
4674 not doing any good as far as the tracking system. You call from your home and when you call
4675 911.... I think you know that the people that work down here in the Emergency
4676 Communication Center, they know exactly where you are when you make that phone call on
4677 911. They don't know where you are when you make that emergency phone call on your
4678 wireless phone. One of the initiatives is to include *123, which would allow through various
4679 technological processes, allow an emergency dispatch operator to know where you are when
4680 you make that emergency call on your wireless phone. So, we want to work with the industry
4681 to try to get that into effect.

4682 We promised the BOS that we would come back to them with some specifics about where we
4683 think, you know, how we should change our ordinance, what type of new requirements and
4684 conditions we should place on the provisional use permits. How we are going to be using our

4685 consultant, the RF engineer, to improve the process. Make some recommendation about, and
4686 I think this is kind of interesting, because I think we need more time to review these requests
4687 for wireless communication towers. So, we might think about a 60-day period instead of a 30-
4688 day period for the review of these applications, to give us some more time. Our RF engineer
4689 consultant is located in New Jersey, so just getting stuff back and forth takes time. So, that's
4690 one of the other things. Yes, Ms. Dwyer.

4691 Ms. Dwyer - Speaking of the consultant, and the fact that we have a lot of towers that
4692 we wish now were kind of (unintelligible). Have you had any conversations with them to
4693 communicate whether these towers could be rebuilt? Such as the Columbia Center tower,
4694 which is a very old tower. It has a lot of stuff on it. The structure is not very sound, but it's
4695 above 200 feet and if we could rebuild that one, and make it strong as possible, so we can get
4696 more users on it. Everybody is saying that's impossible and I don't know if it is impossible or
4697 if it's just inconvenient.

4698 Mr. Yolton - It's not impossible, I know that. As a matter of fact, the tower at the
4699 RFP Park, along I-295, that was taken down and rebuilt several years ago. I forgot which
4700 company rebuilt it, I think it was Primeco. They came in and said "we would really like to
4701 relocate on that tower, but it's not high enough and it can't hold our equipment. Is it okay we
4702 rebuild the tower," and we said "help yourself." I know it can be done. I think it is more of
4703 an inconvenience to them. It's kind of interesting because at the BOS work session on June
4704 24, we had this guy from Triton Corporation stand up and tell the members of the BOS that
4705 "we would be glad to take down any towers and rebuild towers to hold our equipment. You
4706 just tell us where, and we will be glad to do that." And, it was kind of interesting because the
4707 next day they had to write an apology letter saying that that guy was totally out of line and
4708 they didn't approve that at all. So, I think it is more of a convenience and cost consideration
4709 for them.

4710 Ms. Dwyer - It may depend on each individual site how difficult it would be.

4711 Mr. Yolton - I think it's got to be a really very, very, valuable site to them in order to
4712 justify the cost of doing that. There is a lot of technical problems with what this guy had
4713 called a live cut over. You know, you have got to cut off the service, but keep it going. It's a
4714 logistical nightmare. But, it can be done. And, if it is a valuable location, I'm sure they
4715 would be willing to do it.

4716 Mr. Archer - Mr. Yolton, do we have anything in place that would tell us when the
4717 tower operators are offering their space to others? You and I met (unintelligible). They tell us
4718 that the first thing they do when they build a tower, they immediately send out a letter, to all of
4719 the other carriers, that they will have space available. Do we require them to send us copies
4720 of what they send to the other carriers?

4721 Mr. Yolton - We have not required that, but the guy from Sprint, Henry Waller, he
4722 has copied me on those letters.

4723 Mr. Archer - Is he the only one doing it, to your knowledge?

4724 Mr. Yolton - The other ones, to my knowledge, I don't know whether they are doing
4725 it or not. That might be something that we can build in. I would have to figure out exactly
4726 how we would handle that; make it simultaneous with their application for provisional use, I
4727 guess.

4728 Mr. Marles - Mr. Archer, we are looking at, as a part of some of the new
4729 requirements, requiring companies to give us an annual report which would include data on
4730 each of their sites as to the availability of space on their tower. So, there are a lot of things
4731 that we are looking for in our new requirements that will give us better information and to be
4732 able to encourage a location and know exactly what the inventory is, what the status of that
4733 inventory is.

4734 Mr. Archer - I mentioned that because, as Ms. Dwyer mentioned at a previous
4735 meeting, we have simply been asking the questions and they just give us the answer they know
4736 we want to hear and we just move on from there. But, we don't have any way of validating
4737 whether or not the answer is a good answer. The other thing is I notice, Lee, when we first
4738 talked to them about doing the towers at 199 feet. Initially, they just built the tower at 199
4739 feet and I guess it became economically infeasible, so now they are starting to building them to
4740 150 feet to make it where it is expandable to 199 feet. Now I suppose if a co-locator wanted
4741 to come on, they would make them bear the expense then of building the additional height, is
4742 that the way they do it?

4743 Mr. Yolton - Yes.

4744 Mr. Archer - It didn't take them long to catch on to that.

4745 Mr. Yolton - No, it didn't. That may be something we need to address also because
4746 the companies themselves like Sprint, at the Hillard Road Moose Lodge, they only needed 160
4747 feet. They were happy with 160 feet and if the tower never went up any higher, that was fine
4748 by them. We know that to locate underneath that 160 foot level is not going to be very
4749 attractive for another user. Now, the question is, would they need to get another provisional
4750 use permit because the original use permit is like a height restriction? I think in that case they
4751 are going to have to get another provisional use permit, if they want to extend the tower.

4752 Mr. Archer - Well, I heard them say several times, that the tower would be
4753 expandable. The first few, they just did them at 199 feet and then I guess they said, "why
4754 should we build up when we don't really need it. Let's build what we need and let the next
4755 guy build it up if he wants too." Then at the same time I think that might make it less
4756 attractive to the person who would co-locate because they would have to bear the expense of
4757 building it up. The other thing I want to ask you, do you have any idea how close we are in
4758 terms of PCS technology to having it to a point where it's really useable? For example: If
4759 you have a PCS phone, you can do pretty well going east and west of Richmond, but if you go

4760 past Mechanicsville there is nothing. I don't know what the timetable would be before that got
4761 to the point where it would be useable.

4762 Mr. Yolton - I hate to be like a marketing person, but when Sprint Corporation comes
4763 on line, with their PCS phone system, they are nationwide. You won't have any problems
4764 losing calls because Sprint Corporation has built out this system nationwide. Primeco, you
4765 know, has lot different market areas and so forth.

4766 Mr. Archer - With Primeco you can go to Willamsburg and even Virginia Beach and
4767 you are covered, but if you go down Route 360, once you get down to just east of
4768 Mechanicsville, there's nothing. And it will probably take a long time to fill that gap in
4769 between there and whatever the next system is.

4797 eventually become available for co-location, but the General Services Director, with support of
4798 the Police Chief, I'm sure, has determined that until such time as Henrico County gets its
4799 emergency communication system up and operating, we don't want a bunch of people
4800 climbing around on our tower putting up equipment. It's going to be next summer sometime.

4801 Mrs. Wade - I notice you are saying equipment all through this draft, you are talking
4802 about antenna, antennae and antennas, perhaps we should just say equipment. Since they are
4803 not all antennas anyway.

4804 Mr. Yolton - That is a grammatical challenge there.

4805 Mrs. Wade - I think equipment would be better because everything is (unintelligible).

4806 Mr. Yolton - The only reason I use it is because they can take their antennas and put
4807 them in a church steeple. They don't need the tower necessarily. Their antennas can be
4808 mounted on church steeples or in buildings....

4809 Mrs. Wade - But, if we call it all equipment, then that would cover everything you
4810 might put on a tower.

4811 Mr. Yolton - What is the correct plural of antenna? Is it antennae or antennas?

4812 Mrs. Wade - I think it's "ae". Although, the dictionary is a little nippy on that. I see
4813 where in Goochland they are talking about having an application fee change from the current
4814 \$200.00 to \$2,500 per tower application to help pay for the consultant's expertise.

4815 Mr. Yolton - Our consultant, we've got this legal consultant and the RF consultant.
4816 They, basically, have discovered some of the cutting edge jurisdictions that are right on the
4817 edge of developing ordinances that are really tough, compared to ours. One of the things they
4818 have provided us is an ordinance from the Village of Wellington in South Florida, and also
4819 another one that's being proposed up in Wisconsin somewhere. They say that if we have to
4820 use a technical consultant to evaluate your proposed towers, we are charging you for it. They
4821 do charge the companies for expertise associated with processing applications. They have a lot
4822 of interesting things in there. They actually prohibited towers from certain residential district,
4823 which we might think about also. But, if you do that, then you have got to leave a little loope,
4824 hole for them so that they can perhaps get a tower in there if it is a stealth application or
4825 perhaps on County property. That's another big thing I think we need to look at very closely,
4826 is the use of County property. When I look at these ordinances, they are very similar to ours,
4827 but that's because they are not cutting edge, they are not right on the leading edge of what
4828 some of the jurisdictions are doing in other areas of the country where they are really clamping
4829 down on these communication providers. And, they are really making them jump through
4830 some hoops. That's what we are looking at right now.

4831 Mrs. Wade - The question is, how far you can go with that.

4832 Mr. Yolton - Well, that's why we have got to get this legal consultant on board
4833 because, you know, the 1996 Telecommunication Act, which I didn't discuss anything about,
4834 but it ties the hands of the Board of Supervisors on precisely what they can and can't do and
4835 how they can and can't do it. But, I think with the technical consultant and the legal
4836 consultant, we are getting a lot closer to the cutting edge of some of these, what other areas in
4837 the country are doing. Some of the stuff has been tested in court and so we are getting some
4838 good advice on where we need to be going. That concludes everything I wanted to say. Yes,
4839 sir.

4840 Mr. Marlles - Lee, I can't remember if you mentioned or not, but we are scheduled
4841 to... the notices have not gone out yet either to the Board or the Commission, but on August 5,
4842 1998, from 1:30 p.m. to 3:00 p.m. we have scheduled a joint work session with the Board.
4843 As Lee did mention, I think did mention, we will be presenting conceptually some ideas for
4844 maybe a new direction for the County to take in terms of regulating the location of wireless
4845 communication towers. Our legal consultant and our technical consultant will be there so that
4846 would be a really good opportunity if you have some burning issues or questions you would
4847 like to ask them. This would be a real good opportunity to do that. We think it's going to be
4848 in this room because of the number of people, and because it is a public session, we may have
4849 to go to the big board room. We will let you know that. But, we do hope we get that notice
4850 out in the next couple of days. I think, at least at this point, staff thinks it's really going to
4851 take probably two, or even possibly three work sessions, before we get all the way through the
4852 process in terms of from the time we present the concept, which would be at the August 5
4853 meeting, to the time we actually bring back some draft materials for review. It will take at
4854 least two work sessions and possibly three work sessions. So, that's kind of where our
4855 thinking is right now. And, as Lee said, we do have a technical team that has been put
4856 together that consists of County staff as well as our legal and technical consultants that are
4857 working on this. So, we will be cutting edge by the time we get through this.

4858 Ms. Dwyer - Thank you, Lee, John. Is there anything else? Motion to adjourn.

4859 Mr. Vanarsdall - So move.

4860 Mrs. Wade - Second.

4861 On a motion by Mr. Vanarsdall and seconded by Mrs. Wade, the Planning Commission
4862 adjourned its meeting at 3:30 p.m.

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C. W. Archer, C.P.C. Chairman

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John R. Marlles, AICP, Secretary