

1 Minutes of the regular monthly meeting of the Planning Commission of the County of  
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the  
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.  
4 Wednesday, June 28, 2000.

5

6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)  
7 Mrs. Debra Quesinberry, C.P.C., Vice Chairman (Varina)  
8 Mr. C. W. Archer, C.P.C. (Fairfield)  
9 Mr. Allen Taylor, P. E. (Three Chopt)  
10 Ms. Elizabeth G. Dwyer, C.P.C. (Tuckahoe)

11

12 Member Absent: Mrs. Patricia S. O'Bannon, C.P.C., Board of Supervisors  
13 Representative (Tuckahoe)

14

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

28

29 Mr. Vanarsdall - Good morning ladies and gentlemen, fellow Commissioners and staff  
30 members. Welcome to another Planning Commission meeting. We have many items this  
31 morning and I will turn the meeting over to our Secretary, Mr. John Marlles.

32

33 Mr. Marlles - Good morning. The first item on the agenda is the requests for deferrals  
34 and withdrawals. This will be handled by Mr. Kevin Wilhite.

35

36 Mr. Vanarsdall - Good morning, Mr. Wilhite.

37

38 Mr. Wilhite - Good morning, Mr. Chairman and Commission members, ladies and  
39 gentlemen. The staff is aware of six requests for deferrals and withdrawals on your nine  
40 o'clock agenda. The first one is on page 6.

41 **SUBDIVISION**

42

Oak Hill Manor  
(June 2000 Plan)

**Schmidt & Associates for English Street Development, L.L.C.:** The 5.021 acre site is located at the western terminus of Tonoka Road and the northern terminus of Johnson Road on parcel 128-A-55 and part of parcel 128-A-44A. The zoning is R-4, One-Family Residence District. County water and sewer. **(Fairfield) 19 Lots**

43

44 Mr. Wilhite - The applicant is requesting a deferral until July 26, 2000.

45

46 Mr. Vanarsdall - Is there anyone in the audience in opposition to deferring subdivision  
47 case Oak Hill Manor? No opposition. Mr. Archer.

48

49 Mr. Archer - Mr. Chairman, I move deferment of subdivision Oak Hill Manor (June  
50 2000 Plan) to the July 26, 2000, meeting, at the applicant's request.

51

52 Mrs. Quesinberry - Second.

53

54 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs.  
55 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

56

57 Pursuant to the applicant's request, the Planning Commission deferred subdivision Oak Hill  
58 Manor (June 2000 Plan) to its July 26, 2000, meeting.

59

60 **PLAN OF DEVELOPMENT - REVISED ARCHITECTURAL ELEVATIONS**

61 **(Deferred from the May 24, 2000, Meeting)**

62

POD-80-99 (Revised)  
Downtown Short Pump -  
Silver Diner

**Balzer & Associates for Short Pump Entertainment, L.L.C., Bee-Fit, Inc., Skate Nation of Richmond West, LLCC and Menin Development Companies, Inc.:** Request for approval of revised architectural elevations as required by Chapter 24, Section 24-106 of the Henrico County Code. The 23.18 acre site is located on the southeast corner of W. Broad Street (U.S. Route 250) and Pouncey Tract Road on parcels 36-A-19G, 19H, 19I, 19J, 21, 22N and 25. 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)**

63

64 Mr. Wilhite - The applicant requests deferral until July 26, 2000, meeting.

65

66 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-80-  
67 99, Downtown Short Pump - Silver Diner, Revised? No opposition. Mr. Taylor.

68

69 Mr. Taylor - Mr. Chairman, I move that POD-80-99 Revised Downtown Short Pump  
70 - Silver Diner be deferred to the July 26, 2000, meeting, at the applicant's request.

71

72 Mrs. Quesinberry - Second.

73

74 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
75 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

76

77 Pursuant to the applicant's request, the Planning Commission deferred POD-80-99 (Revised)  
78 Downtown Short Pump - Silver Diner, to its July 26, 2000, meeting.

79

## 80 **LANDSCAPE PLAN**

81

LP/POD-14-99  
Audubon Village  
Apartments

**JCMA for F. W. Properties III L.L.C. and Beacon  
Construction Company:** Request for approval of a landscape  
plan as required by Chapter 24, Sections 24-106 and 24-106.2  
of the Henrico County Code. The 14.78 acre site is located on  
the south line of Audubon Drive approximately 165 feet east of  
Laburnum Avenue on parcels 162-A-72B and 72D. The zoning  
is R-5, General Residence District and ASO (Airport Safety  
Overlay District). **(Varina)**

82

83 Mr. Wilhite - The applicant requests deferral until July 26, 2000, meeting.

84

85 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of LP/POD-  
86 14-99, Audubon Village Apartments? No opposition. Mrs. Quesinberry.

87

88 Mrs. Quesinberry - I move for deferment of LP/POD-14-99, Audubon Village Apartments  
89 to the July 26, 2000, agenda, at the applicant's request.

90

91 Mr. Taylor - Second.

92

93 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.  
94 Taylor. All in favor say aye...all opposed say nay. The motion carries.

95

96 Pursuant to the applicant's request, the Planning Commission deferred LP/POD-14-99,  
97 Audubon Village Apartments, to its July 26, 2000, meeting.

98 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

99

POD-59-00  
Airport Homewood Suites  
Hotel  
(POD-92-98 Revised)

**Dean E. Hawkins, ASLA for Shamin RIC Hospitality, L. C.:** Request for approval of a revised plan of development and a special exception for a building exceeding 50 feet in height as required by Chapter 24, Sections 24-106 and 24-94 of the Henrico County Code to construct a 67-foot-high, six-story, 90,744 square foot, 120-room hotel and a future one-story, 5,000 square foot restaurant. The 5.00 acre site is located on Audubon Drive approximately 550 feet east of S. Airport Drive (State Route 156) on parcel 163-A-19D. The zoning is M-1C, Light Industrial District (Conditional) and ASO (Airport Safety Overlay District). County water and Sewer.  
**(Varina)**

100

101 Mr. Wilhite - The applicant requests deferral until July 26, 2000, meeting.

102

103 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-59-  
104 00, Airport Homewood Suites Hotel? No opposition. Mrs. Quesinberry.

105

106 Mrs. Quesinberry - I move for deferment of POD-59-00, Airport Homewood Suites Hotel,  
107 to the July 26, 2000, agenda, at the applicant's request.

108

109 Mr. Taylor - Second.

110

111 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.  
112 Taylor. All in favor say aye...all opposed say nay. The motion carries.

113

114 Pursuant to the applicant's request, the Planning Commission deferred POD-59-00, Airport  
115 Homewood Suites Hotel (POD-92-98 Revised), to its July 26, 2000, meeting.

116

117 **PLAN OF DEVELOPMENT**

118

POD-41-00  
Hue Quang Buddhist Temple  
- 8535 Hungary Road  
(POD-30-93 Revised)

**Mayton & Associates, Inc. for Richmond Buddhist Associates:** Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 4,480 square foot temple. The 3.107 acre site is located at 8535 Hungary Road, 430 feet east of Everville Drive on parcel 50-A-15. The zoning is A-1, Agricultural District and R-3AC, One-Family Residence District (Conditional). County water and sewer.  
**(Brookland)**

119

120 Mr. Wilhite - The applicant requests deferral until July 26, 2000, meeting.

121

122 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-41-  
123 00, Hue Quang Buddhist Temple? No opposition. I move that POD-41-00 be deferred to July  
124 26, 2000, at the applicant's request.

125

126 Mrs. Quesinberry - Second.

127

128 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
129 Quesinberry. All in favor say aye...all opposed say nay. The motion carries. I would, also,  
130 Mr. Wilhite, like to add Nos. 9 and 11 amended. Oh, I don't have to do that now. Sorry.  
131 Forget that.

132

133 Pursuant to the applicant's request, the Planning Commission deferred POD-41-00, Hue  
134 Quang Buddhist Temple - 8535 Hungary Road (POD-30-93 Revised), to its July 26, 2000,  
135 meeting.

136

### 137 **PLAN OF DEVELOPMENT**

138

POD-54-00

SunTrust Bank - Short Pump  
Crossing Shopping Center  
(POD-73-90 Revised)

**Resource International, Ltd. for Pruitt Associates, LLC  
and SunTrust Bank:** 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, 1,528 square  
foot bank addition and a one-story, 579 square foot detached  
bank drive thru with a canopy in an existing shopping center.  
The 1.91 acre site is located at the southwest corner of W.  
Broad Street (U. S. Route 250) and Pump Road on parcels 46-  
A-14D and 46-A-4F. The zoning is B-2C, Business District  
(Conditional) and WBSO (West Broad Street Overlay District).  
County water and sewer. **(Three Chopt)**

139

140

141 Mr. Wilhite - The applicant requests deferral until July 26, 2000, meeting.

142

143 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-54-  
144 00, SunTrust Bank in Short Pump? No opposition. Mr. Taylor.

145

146 Mr. Taylor - Mr. Chairman, I move for deferment for POD-54-00, SunTrust Bank -  
147 Short Pump Crossing Shopping Center, which is POD-73-90 revised, be deferred to July 26,  
148 2000, at the applicant's request.

149

150 Mrs. Quesinberry - Second.

151

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

154

155 Pursuant to the applicant's request, the Planning Commission deferred POD-54-00, SunTrust

156 Bank - Short Pump Crossing Shopping Center (POD-73-90 Revised), to its July 26, 2000,  
157 meeting.

158

159 Mr. Vanarsdall - Mr. Wilhite, would you announce the ten o'clock deferments? But, we  
160 won't take any action on it.

161

162 Mr. Marlles - Mr. Chairman, before we do that, I believe Ms. Dwyer has one  
163 additional deferral on the nine o'clock agenda.

164

165 Mr. Vanarsdall - All right. Sorry about that, Ms. Dwyer.

166

167 Ms. Dwyer - I would like to, on my own motion, move for the deferral of POD-44-  
168 00, Gaskins Centre Towers, that's on page 19 of the agenda.

169

170 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

171 **(Deferred from the May 24, 2000, Meeting)**

172

|  |   |
|--|---|
| POD-44-00<br>Gaskins Centre Towers -<br>Gaskins Road | <b>E. D. Lewis &amp; Associates for Gaskins Centre, L.C.:</b> Request for approval of a plan of development and special exception for buildings exceeding three stories in height as required by Chapter 24, Sections 24-106 and 24-94 of the Henrico County Code to construct two eight-story, condominiums with a total of 80 units and a two-level parking deck. The 6.72 acre site is located at the northwest intersection of Gaskins Road and Castile Drive on part of parcel 99-A-12. The zoning is R-6C, One-Family Residence District (Conditional). County water and Sewer. <b>(Tuckahoe)</b> |
|--|---|

173

174

175 Ms. Dwyer - I learned of some significant information yesterday that the applicant has  
176 agreed is reasonable for us to proceed to nail down. So, I just want to have a chance to do  
177 that.

178

179 Mr. Vanarsdall - You want to defer the POD and the special exception?

180

181 Ms. Dwyer - Yes.

182

183 Mr. Vanarsdall - And this is at the applicant's request?

184

185 Ms. Dwyer - No. It is my request.

186

187 Mr. Vanarsdall - Is there anyone in the audience in opposition to deferment of this case,  
188 POD-44-00, Gaskins Centre Towers on Gaskins Road in the Tuckahoe district?

189

190 Ms. Dwyer - To July 26, 2000.

191

192 Mr. Vanarsdall - To July 26, 2000. No opposition. I need a motion, Ms. Dwyer. Oh,  
193 that was your motion. Who wants to second it?

194

195 Mrs. Quesinberry - Second.

196

197 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.  
198 Quesinberry. All those in favor say aye...all opposed say nay. The motion carries.

199

200 The Planning Commission deferred POD-44-00, Gaskins Centre Towers - Gaskins Road, to its  
201 July 26, 2000, meeting.

202

203 Mr. Wilhite - Mr. Chairman, on the ten o'clock agenda, there is one case on your list,  
204 requesting for withdrawal and that is Four Mile Run subdivision. We have also been  
205 informed, just this morning, that on page 30 of your agenda the plan of development for  
206 Paragon Office Park the applicant will also request deferral on that one.

207

208 Mr. Vanarsdall - Okay. What that means is that on the ten o'clock agenda, we can't act  
209 on it until ten o'clock. Now we will go to what?

210

211 Mr. Archer - The Expedited Agenda.

212

213 Mr. Vanarsdall - Is that it?

214

215 Mr. Marlles - Yes, sir.

216

217 Mr. Vanarsdall - All right, Mr. Wilhite.

218

219 Mr. Wilhite - Thank you. On your Expedited Agenda there are eight requests for the  
220 nine o'clock agenda. The first case appears on page 2.

221

222 **TRANSFER OF APPROVAL**

223

POD-20-94

The Concourse @ Wyndham  
Office Park (Phase IV)

**E. Duffy Myrtetus for Infinity Development, LLC:** Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106, of the Henrico County Code, from HHHunt Corporation to Infinity Development, LLC. The 2.11 acre portion of this site is located on the north line of Nuckols Road, 350 feet west of Concourse Boulevard on part of parcel 10-A-20N. The zoning is O/SC, Office/Service District (Conditional). County water and sewer. **(Three Chopt)**

224

225 Mr. Vanarsdall - We have a request to approve transfer of approval for POD-20-94, The  
226 Concourse @ Wyndham Office Park (Phase IV), is there any opposition in the audience? No  
227 opposition. Mr. Taylor.

228

229 Mr. Taylor - Mr. Chairman, I move POD-20-94, The Concourse at Wyndham Office  
230 Park, be deferred at the applicant's request until....

231

232 Mr. Vanarsdall - This is not a deferral, this is an expedited agenda item to be approved.

233

234 Mr. Taylor - Oh, I'm sorry. Then I move it be approved on the Expedited Agenda.

235

236 Ms. Dwyer - Second.

237

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

240

241 The Planning Commission approved the transfer of approval for POD-20-94, The Concourse  
242 at Wyndham Office Park (Phase IV) from HHHunt Corporation to Infinity Development,  
243 LLC.

244

245 Mr. Vanarsdall - Mr. Marlles, I would like to ask you a question, I think I have asked this  
246 before. Do we as a Commission have to approve transfer of approvals?

247

248 Mr. Marlles - I believe, yes, sir.

249

250 Mr. Vanarsdall - All right, Mr. Wilhite, page 3.

251

252 Mr. Wilhite - Yes, sir. Your next expedited case is on page 3.

253

## 254 **PLAN OF DEVELOPMENT**

255

POD-55-00  
East Shore IV @  
Wyndham

**McKinney & Company for Highwoods Realty 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 three-story, 101,600 square foot office building. The 7.76 acre site is located on the south line of Wyndham Forest Drive approximately 700 feet east of Nuckols Road on part of parcel 18-A-22B. The zoning is O/SC, Office/Service District (Conditional). County water and sewer.  
**(Three Chopt)**

256

257

258 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-55-00, East Shore  
259 IV at Wyndham? Mr. Taylor, you have some opposition down on the second row. Do you  
260 want to pull this off the expedited agenda?

261 Mr. Taylor - Mr. Chairman, I move we pull this off the expedited agenda and put it  
262 on the regular agenda.

263

264 Mr. Vanarsdall - All right. Mr. Wilhite.

265

266 Mr. Wilhite - Mr. Chairman, the next case appears on page 5.

267

268 **LANDSCAPE PLAN (Deferred from the March 22, 2000, Meeting)**

269

LP/POD-61-98  
Holiday Inn Express  
(Phase One)

**M. Dowdy:** 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 1.8 acre site is located on the southwest corner of the intersection of Gaskins Road and Mayland Drive on parcel 48-A-68B. The zoning is M-1C, Light Industrial District (Conditional). **(Three Chopt)**

270

271

272 Mr. Wilhite - The staff recommends approval of this case.

273

274 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-61-98, Holiday  
275 Inn Express? No opposition. Mr. Taylor.

276

277 Mr. Taylor - Mr. Chairman, I move landscaping plan, LP/POD-61-98, Holiday Inn  
278 Express (Phase One), be approved subject to the annotations on the plans and the standard  
279 conditions for landscape plans.

280

281 Mrs. Quesinberry - Second.

282

283 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
284 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

285

286 The Planning Commission approved the landscape plan for LP/POD-61-98, Holiday Inn  
287 Express (Phase One), subject to the standard conditions for landscape plans attached to these  
288 minutes and the annotations on the plans.

289

290 **LANDSCAPE PLAN (Deferred from the May 24, 2000, Meeting)**

291

LP/POD-3-99  
Home Depot - W. Broad  
Street

**Home Depot U.S.A., Inc.:** 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 22.76 acre site is located on the south west corner of W. Broad Street (U.S. Route 250) and Horsepen Road on parcels 92-A-39, 40, 41, 47; 92-9-D-11, 12, 18; 92-9-F-3, 4, 5, 6 and 7. The zoning is B-3, Business District. **(Three Chopt)**

292

293 Mr. Wilhite - The staff recommends approval of this case also but there is a revised  
294 recommendation on your addendum.

295

296 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-3-99, Home  
297 Depot - W. Broad Street? No opposition. Mr. Taylor.

298

299 Mr. Taylor - Mr. Chairman, I move landscaping plan, LP/POD-3-99, Home Depot  
300 on W. Broad Street, be approved.

301

302 Mr. Wilhite - Mr. Taylor, excuse me. There appears to be opposition to this case.

303

304 Mr. Taylor - I didn't see any opposition.

305

306 Mr. Vanarsdall - I didn't either. We beg your pardon.

307

308 Mr. Taylor - Then, Mr. Chairman, I would move that LP/POD-3-99, Home Depot,  
309 be removed from the expedited agenda and we will hear the case.

310

311 Mr. Wilhite - The next case on the Expedited Agenda is on page 11.

312

### 313 **PLAN OF DEVELOPMENT**

314

POD-61-00  
Cranemaster Building  
Addition  
(POD-45-93 Revised)

**Youngblood, Tyler & Associates, P. C. For B & B Properties and Cranemasters, Inc.:** Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 2,000 square foot office, a one-story, 7,500 square foot shop and a one-story, 2,400 square foot wash bay. The 9.765 acre site is located on the south side of Williamsburg Road (U. S. Route 60), approximately 1,000 feet east of Charles City Road (State Route 156) on parcel 161-A-98. The zoning is M-2C, General Industrial District (Conditional). County water and Sewer. **(Varina)**

315

316

317 Mr. Wilhite - The staff recommends approval of this case.

318

319 Mr. Vanarsdall - POD-61-00, Cranemaster Building Addition in the Varina District. Is  
320 there any opposition to this case? No opposition. Mrs. Quesinberry.

321

322 Mrs. Quesinberry - Mr. Chairman, I'll will move for approval of POD-61-00, Cranemaster  
323 Building Addition, subject to the annotations on the plan, the standard conditions for  
324 developments of this type, and conditions Nos. 23 through 27.

325

326 Mr. Archer - Second.

327 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.  
328 Archer. All in favor say aye...all opposed say nay. The motion carries.

329

330 The Planning Commission approved POD-61-00, Cranemaster Building Addition (POD-45-93  
331 Revised) subject to the standard conditions attached to these minutes for developments of this  
332 type, the annotations on the plans, and the following additional conditions:

333

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

336 24. All repair work shall be conducted entirely within the enclosed building.

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

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

343 27. Approval of the construction plans by the Department of Public Works does not  
344 establish the curb and gutter elevations along the Virginia Department of Transportation  
345 maintained right-of-way. The elevations will be set by the contractor and approved by  
346 the Virginia Department of Transportation.

347

#### 348 **PLAN OF DEVELOPMENT**

349

POD-56-00

Staples Mill Road Baptist  
Church - Sanctuary Addition  
(POD-112-95 Revised)

**Hulcher & Associates for Staples Mill Road Baptist  
Church:** Request for approval of a revised plan of  
development as required by Chapter 24, Section 24-106 of the  
Henrico County Code to construct a two-story, 488 seat  
sanctuary building with basement. The 5.63 acre site is located  
at 10101 Staples Mill Road (U. S. Route 33) on the southeast  
corner of Warren Road and Staples Mill Road on parcel 40-A-  
22. The zoning is R-2, One-Family Residence District. County  
water and Sewer. **(Brookland)**

350

351

352 Mr. Wilhite - The staff recommends approval of this case.

353

354 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-56-00, Staples Mill  
355 Road Baptist Church Addition? No opposition. I move POD-56-00, Staples Mill Road Baptist  
356 Church Addition, be approved with the annotations on the plans and the standard conditions  
357 for developments of this type. I would like to add No. 9 amended and No. 11 amended. And  
358 then we will have conditions Nos. 23 through 27.

359

360 Mr. Taylor - Second.

361

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

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

364

365 The Planning Commission approved POD-56-00, Staples Mill Baptist Church - Sanctuary  
366 Addition (POD-112-95 Revised), subject to the standard conditions attached to these minutes  
367 for developments of this type, the annotations on the plans, and the following additional  
368 conditions:

369

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

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

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

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

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

384

#### 385 **PLAN OF DEVELOPMENT**

386

POD-53-00  
St. Michael's Catholic  
Church Addition  
(POD-85-94 Revised)

**E. D. Lewis & Associates and John L. Bock for Bishop  
Walter Sullivan of the Catholic Diocese of Richmond:**  
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, 24,816 square foot church  
addition to an existing site. The 18.08 acre site is located on  
the east side of Springfield Road at the intersection of Anna  
Marie Drive, approximately 1,200 feet north of Hungary Road  
on parcels 38-A-40, 41 and 42. The zoning is R-3AC, One-  
Family Residence District (Conditional), A-1, Agricultural  
District and C-1, Conservation District. County water and  
sewer. **(Three Chopt)**

387

388

389 Mr. Wilhite - The staff recommends approval of this case.

390

391 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-53-00, St.  
392 Michael's Catholic Church Addition (POD-85-94) Revised? No opposition. Mr. Taylor.

393

394 Mr. Taylor - Mr. Chairman, I move that POD-53-00, St. Michael's Catholic Church  
395 Addition, be approved subject to the standard conditions for developments of this type, the

396 annotations on the plan and added conditions Nos. 23 through 32.

397

398 Mrs. Quesinberry - Second.

399

400 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
401 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

402

403 The Planning Commission approved POD-53-00, St. Michael's Catholic Church Addition  
404 (POD-85-94 Revised), subject to the standard conditions attached to these minutes for  
405 developments of this type, the annotations on the plans, and the following additional  
406 conditions:

407

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

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

417 25. The entrances and drainage facilities on (State Route) shall be approved by the Virginia  
418 Department of Transportation and the County.

419 26. A notice of completion form, certifying that the requirements of the Virginia  
420 Department of Transportation entrances permit have been completed, shall be submitted  
421 to the Planning Office prior to any occupancy permits being issued.

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

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

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

430 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
431 drainage plans.

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

435 32. Approval of the construction plans by the Department of Public Works does not  
436 establish the curb and gutter elevations along the Virginia Department of Transportation  
437 maintained right-of-way. The elevations will be set by the contractor and approved by  
438 the Virginia Department of Transportation.

439

440

441 Mr. Wilhite - The last case on the nine o'clock Expedited Agenda is on page 21.

442

443 **LANDSCAPE PLAN**

444

LP/POD-13-99  
First Health II - Bank  
Brothers

**James River:** Request for approval of a landscape plan as required by Chapter 24, Section 24-106.2 of the Henrico County Code. The 7.88 acre site is located on the west line of Cox Road, approximately 900 feet south of Waterfront Place on parcel 38-3-B-7. The zoning is O-3C, Office District (Conditional) and C-1, Conservation District. **(Three Chopt)**

445

446

447 Mr. Wilhite - The staff recommends approval of this case.

448

449 Mr. Vanarsdall - Is there anyone in the audience in opposition to landscape plan LP/POD-  
450 13-99, First Health II - Bank Brothers? No opposition. Mr. Taylor.

451

452 Mr. Taylor - Mr. Chairman, I recommend that the landscape plan for LP/POD-13-99,  
453 First Health II - Bank Brothers, be approved, subject to the annotations on the plan and the  
454 standard conditions for landscaping plans.

455

456 Mrs. Quesinberry - Second.

457

458 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
459 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

460

461 The Planning Commission approved the landscape plan for LP/POD-13-99, First Health II -  
462 Bank Brothers, subject to the standard conditions for landscape plans attached to these minutes  
463 and the annotations on the plan.

464

465 Mr. Vanarsdall - Now we have the ten o'clock Expedited Agenda. Do you usually read  
466 those out?

467

468 Mr. Wilhite - Well, Mr. Chairman, there are six that appear for expedited approval on  
469 the ten o'clock agenda. I can read them if you wish.

470

471 Mr. Vanarsdall - If you don't mind.

472

473 Mr. Wilhite - No, sir. There are six cases on the ten o'clock Expedited Agenda:  
474 POD-57-00, Glen Allen Free Will Baptist Church; POD-51-00, Merchants Tire; POD-19-97,  
475 Westerre III; POD-50-00, Shady Grove Animal Clinic - Town Center @ Twin Hickory;  
476 Wisman Ridge Subdivision; Harvest Crest Subdivision.

477

478 Mr. Vanarsdall - Thank you, Mr. Wilhite.

479

480 Ms. Dwyer - Mr. Chairman, there was a couple on the left side of the room who were  
481 in opposition and I wonder if they understood that we were actually going to hear the case,  
482 because they left.

483

484 Mr. Vanarsdall - I don't know.

485

486 Mrs. Quesinberry - I think they took them out.

487

488 Ms. Dwyer - Oh. Okay, good.

489

490 Mr. Vanarsdall - All right, Mr. Marlles.

491

492 Mr. Marlles - Mr. Chairman, the next item that appears on your agenda is a Public  
493 Hearing on Amendments to the Zoning Ordinance, this is amendment to 24-2. This particular  
494 item was advertised incorrectly for 7:00 p.m. instead of the 9:00 a.m. POD meeting. The  
495 Planning Commission has agreed to conduct this public hearing tonight at 7:00 p.m. as  
496 advertised in the legal notice.

497

498 Mrs. Quesinberry - With beer and pizza, right.

499

500 Mr. Marlles - Right.

501

502 Mrs. Quesinberry - I just wanted to make sure we had that clear.

503

504 Mr. Vanarsdall - Does everybody understand that? Murphy's law set in on us with the  
505 time with the Newspaper, and so we have all agreed to come back tonight at seven and have  
506 the meeting, which was advertised in the paper. So, if there is anybody here in behalf of that,  
507 we will see you again at seven o'clock tonight. Mr. Marlles.

508

509 Mr. Marlles - Okay. Mr. Chairman, the next item on the agenda is subdivision  
510 extensions of conditional approval. These are listed for informational purposes only. Mr.  
511 Wilhite, I would ask you to just summarize those for the Commission, staff's  
512 recommendation.

513

514 Mr. Wilhite - Certainly. There are seven subdivisions up for conditional extension this  
515 month: Berkeley (June 1999 Plan) in the Three Chopt District; Cedar Grove (June 1998 Plan)  
516 in the Fairfield District; Fairfield Woods (December 1993 Plan) in the Varina District; Hunton  
517 Estates (June 1999 Plan) in the Brookland District; Lakefield (September 1986 Plan) in the  
518 Varina District; Westerre Parkway (June 1999 Plan) in the Three Chopt District; Wyndham  
519 Forest, Section 7 (June 1999 Plan) in the Three Chopt District. Staff did not make, at the  
520 time, make a recommendation for Lakefield (September 1986 Plan). The Director of Planning  
521 will be extending this one for six months and informing the applicant that this is the final  
522 extension that will be granted with the condition that he has to meet all Code requirements in  
523 place as of today. I'll be happy to answer any questions that you may have.

524

525 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members? Mr.  
526 Marlles, I'm a little confused on this subdivision extensions of conditional approval. I thought  
527 that the Board had given you, as the Director, authority to handle this. If we are going to  
528 continue to go over them at the meeting, we are just taking up time that was given to you. I  
529 don't object to that, but I just wanted to point that out. I don't understand why we have it on  
530 here.

531

532 Mr. Marlles - Mr. Chairman, the Board requested that this information still appear on  
533 the agenda for informational purposes for the Commission.

534

535 Mr. Vanarsdall - Okay. That's fine. I don't have any problem with it and I don't think  
536 anybody else does, I was just wondering. All right. Thank you. All right our next case.

537

538 Mr. Marlles - Okay. Mr. Chairman, the first case is on page 3 of your agenda.

539

#### 540 **PLAN OF DEVELOPMENT**

541

POD-55-00  
East Shore IV @  
Wyndham

**McKinney & Company for Highwoods Realty 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 three-story, 101,600 square foot office building. The 7.76 acre site is located on the south line of Wyndham Forest Drive approximately 700 feet east of Nuckols Road on part of parcel 18-A-22B. The zoning is O/SC, Office/Service District (Conditional). County water and sewer.  
**(Three Chopt)**

542

543

544 Mr. Vanarsdall - Good morning, Mr. Whitney. I believe we had opposition on this case  
545 that's why we pulled it off of the Expedited Agenda.

546

547 Mr. Whitney - Yes, Mr. Chairman. I believe two of the neighboring property owners  
548 are here and would like to make some comments. Staff has recommended approval of this  
549 POD. It was on the Expedited Agenda. We would like to hear from the opposition and try to  
550 address any concerns they may have. I'll take any questions.

551

552 Mr. Vanarsdall - Are there any questions by Commission members? Thank you. All  
553 right. We will hear from the applicant first. Mr. Burcin.

554

555 Mr. Burcin - Good morning, Mr. Chairman, members of the Commission. My name  
556 is Stacey Burcin and I'm from McKinney & Company. I'm here today on behalf of  
557 Highwoods Realty Limited Partnership and is seeking approval of this POD. The case was  
558 taken off of the Expedited Agenda because there were some concerns raised by the adjacent  
559 landowners, Robert and Ellen Parker and Andy Turner in connection with items that really  
560 needed to be clarified really with the landscape plan. It was also noted that the landscape plan

561 in this case was not suggested to come back for public hearing. We have talked with the  
562 neighbors and we would be in agreement, should the Commission decide to make this case No.  
563 9 amended. In other words, bringing the landscape plan back for a public hearing. We feel  
564 we have answered all of the concerns and I think Mr. Turner wanted to clarify some things for  
565 the record as it relates to the proffered buffers and the commitments for the landscaping.

566

567 Mr. Vanarsdall - All right. Thank you. Come on over.

568

569 Mr. Turner - I'm Andy Turner and a resident of Twin Hickory Lane and I am directly  
570 across from this office development. I'm not in opposition to it but I do have some concerns  
571 about it. And I was a little concerned when I went by Planning and stopped and I was looking  
572 for some of the drawings to see what it indicated in relationship to the buffer area. I did not  
573 really see anything and that disturbed me a little bit because it was clearly shown when this  
574 came up for rezoning, these things were shown on the drawing. It did show the 55-foot  
575 setback on the drawing. That was one of my concerns. I would like to maybe read a portion  
576 of what item No. 15 says. In the buffer area it relates to the 55 feet in width of natural  
577 undisturbed evergreen buffer with supplemental plantings consisting of 8 to 10 foot tall  
578 Leyland cypress trees planted, 8 to 10 foot on center the length of the buffer along that portion  
579 of the right-of-way adjacent to Twin Hickory Lane. Also it says, "Installation of supplemental  
580 plantings shall be completed prior to the construction of any buildings." Another portion over  
581 here says, "Existing vegetation and underbrush may, and fallen, diseased and dead plant  
582 growth shall, be removed from such buffer area and, if so removed, additional plantings shall  
583 be added." I guess, by not seeing this, I was looking for a little bit of reassurance, you know,  
584 of the buffer requirements and everybody is aware of what's required.

585

586 Mr. Vanarsdall - Have you discussed this with Mr. Taylor?

587

588 Mr. Turner - Let's see, I believe it was a Mr. Robertson that came by the house. But,  
589 no, sir, I have not discussed this with Mr. Taylor.

590

591 Mr. Taylor - This is the first time I have heard of this, Mr. Chairman.

592

593 Mr. Vanarsdall - You were not aware of this, Mr. Taylor?

594

595 Mr. Taylor - No, sir.

596

597 Mr. Turner - Mr. Robertson came back representing Highwoods Realty. And another  
598 thing that disturbed me a little bit was that when I was talking about the plantings that had to  
599 go along Twin Hickory Lane, he seemed to be not aware of it that maybe they were going  
600 there. Like I said, I'm just trying to make all this a matter that everybody is aware of. Let  
601 me see, there was something else I had here, I believe. That's my main concern, and in  
602 talking with Stacey, since I've been here and whatever, he has pretty much reassured me that  
603 things will be taken care of and will be all right. That does make me feel a little bit more at  
604 ease. I would assume that these cypress trees would probably be planted more adjacent to  
605 Twin Hickory Lane probably, maybe than anywhere else. What I'm really interested in is

606 something that looks good for everybody, and you know, is going to look nice and is aware of  
607 this buffer requirement here.

608

609 Mr. Vanarsdall - Would you like for Mr. Burcin and Mr. Taylor to get with you out in  
610 the lobby and go over this to make sure that this is going to happen?

611

612 Mr. Turner - I would be glad for Mr. Taylor.... I've already talked to Stacey....

613

614 Mr. Vanarsdall - How do you want to handle it, Mr. Taylor?

615

616 Mr. Taylor - Mr. Burcin, do you have a landscape plan that can show what your  
617 intentions are, that we can see now?

618

619 Mr. Burcin - No, sir, we do not. We do have a grading plan, which staff has here  
620 that clearly shows the 55-foot buffer adjacent to Mr. Turner's property and has been preserved  
621 in its entirety. Also, we kept the grades adjacent to it that such we would not have any.....

622

623 Mr. Vanarsdall - Wait a minute. We don't need a gang behind you while we are talking  
624 about this. If you all would sit down, we would appreciate it.

625

626 Mr. Burcin - We were cognizant of these buffers and the requirements all along. We  
627 did not provide a landscape plan as it is not the policy of this Commission and the staff to  
628 generally approve the landscape plan with the initial POD. But the proffered conditions have  
629 been there and we were very much aware of them. We've worked towards them and we fully  
630 expect to honor those conditions. The one item that is probably unique to this case is  
631 somewhat of a difference between the policy of approving the landscape plan after the site has  
632 been graded and building has started and the language of the proffer that says that the plants  
633 must be installed prior to the building being erected. Because of that, I would think that the  
634 Commission and staff would give us a little latitude and allow us to get our landscape plan  
635 approved earlier than it would normally be done in the process.

636

637 Ms. Dwyer - Would it be a problem if we just added No. 9 amended to this POD  
638 approval and that would give the neighbors some assurance that they would have a hearing and  
639 if they had any questions at that time they could be addressed?

640

641 Mr. Burcin - That is fine. That is directly what I spoke with him about this morning,  
642 that we would put No. 9 amended so that the landscape plan would come back before a public  
643 hearing and that they would be notified. And then also they can contact us during the process.

644

645 Ms. Dwyer - That might be the easiest solution.

646

647 Mr. Taylor - Thank you very much, Mr. Burcin.

648

649 Mr. Vanarsdall - Do you know what that means? He will add No. 9 amended to this.  
650 That means the landscape plan will come back to us.

651 Mr. Turner - Right.  
652

653 Mr. Taylor - And then, Mr. Turner, as we go ahead, I would enjoy you giving me a  
654 phone call if there is any difficulty, and when we receive the plans, we will share them with  
655 you.  
656

657 Mr. Turner - Thank you. With this being taken care of, I have no other problems.  
658

659 Mr. Taylor - That's fine, sir. We will take care of that.  
660

661 Mr. Turner - Thank you, sir.  
662

663 Mr. Vanarsdall - Mr. Whitney, do you have anything?  
664

665 Mr. Whitney - Yes, Mr. Chairman. I would just like to point out on this POD, it's not  
666 an often used condition, but added condition No. 30 on your agenda addresses the clearing on  
667 this site. We spelled out what steps the developer needs to go through prior to any approvals.  
668 We need notification that the buffer is marked for tree save area in the 55-foot buffer next to  
669 Mr. Turner. So, we are going to be watching very carefully on this to see that no more  
670 clearing is done than is necessary, and working with Mr. Turner to see that once the dead and  
671 diseased materials are removed we know where the additional plantings will be located.  
672

673 Mr. Vanarsdall - All right. Thank you for that. Are there any other questions by  
674 Commission members? All right, Mr. Taylor.  
675

676 Mr. Taylor - Then I would move, Mr. Chairman, that POD-55-00.....  
677

678 Ms. Dwyer - I believe there is some other opposition.  
679

680 Mr. Vanarsdall - Oh, I'm sorry. I thought Mr. Turner was speaking for all three.  
681

682 Mr. Parker - Mr. Chairman, members of the Commission, my name is Bob Parker. I  
683 live at 5411 Twin Hickory Lane. Our property is adjacent to where the office building is  
684 going to go. We have some agreements that were made starting back in 1989 between my  
685 wife and I and Snyder Hunt and now HHHunt. And I just wanted to mention those for the  
686 record. And they are: A six-foot earth berm will be installed adjacent to our property with 5  
687 to 6 foot plantings on top of that. And that they will provide for positive drainage so that the  
688 earth berm doesn't act as a dam to back up water on us. And the total of the berm will be 10  
689 to 12 feet from the property line and that the berm will be constructed prior to the building  
690 being started. I've spoken with Mr. Robinson of Highwoods Properties and Mr. Burcin with  
691 McKinney & Company, they are aware of these agreements and we don't see any problems  
692 with any of the development that they are going to do. Thank you.  
693

694 Mr. Vanarsdall - Would you like for Mr. Taylor and Mr. Burcin to get with you on this?  
695 (Mr. Parker nods his head in agreement) All right. Thank you, Mr. Parker. Is there anyone

696 else?

697

698 Mr. Taylor - Mr. Chairman, I think maybe Mr. Burcin wants to say something.

699

700 Mr. Burcin - I know you do not have it in front of you, but all of the items that Bob is  
701 talking about, is shown on the grading plan, as far as construction of the berm. It's just not on  
702 the layout plan that you see before you.

703

704 Mr. Vanarsdall - All right. We need a motion, Mr. Taylor.

705

706 Mr. Taylor - Before Mr. Parker and Mr. Turner, as we go ahead on this, I would  
707 enjoy you keeping my number handy and give me a call if you need help, okay. With that,  
708 Mr. Chairman, I'm going to move that POD-55-00, East Shore IV @ Wyndham, be approved  
709 subject to the annotations on the plan, the standard conditions for developments of this type  
710 and the following additional conditions, Nos. 9 and 11 amended, and Nos. 23 through 30.

711

712 Ms. Dwyer - Second.

713

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

716

717 The Planning Commission approved POD-55-00, East Shore IV @ Wyndham, subject to the  
718 standard conditions attached to these minutes for developments of this type, the annotations on  
719 the plan and the following additional conditions:

720

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

724 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
725 depictions of light spread and intensity diagrams and fixture mounting height details  
726 shall be submitted for Planning Office review and Planning Commission approval.

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

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

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

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

740 27. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)

- 741 of the Henrico County Code.
- 742 28. Insurance Services Office (ISO) calculations must be included with the utilities plans  
743 and contracts and must be approved by the Department of Public Utilities prior to the  
744 issuance of a building permit.
- 745 29. Approval of the construction plans by the Department of Public Works does not  
746 establish the curb and gutter elevations along the Henrico County maintained right-of-  
747 way. The elevations will be set by Henrico County.
- 748 30. The owners shall not begin clearing of the site until the following conditions have been  
749 met:
- 750
- 751 (a) The site engineer shall conspicuously illustrate on the plan of development or  
752 subdivision construction plan and the Erosion and Sediment Control Plan, the  
753 limits of the areas to be cleared and the methods of protecting the required  
754 buffer areas. The location of utility lines, drainage structures and easements  
755 shall be shown.
- 756 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
757 clearing or grading operations of the site, the owner shall have the limits of  
758 clearing delineated with approved methods such as flagging, silt fencing or  
759 temporary fencing.
- 760 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
761 have been staked in accordance with the approved plans. A copy of this letter  
762 shall be sent to the Planning Office and the Department of Public Works.
- 763 (d) The owner shall be responsible for the protection of the buffer areas and for  
764 replanting and/or supplemental planting and other necessary improvements to  
765 the buffer as may be appropriate or required to correct problems. The details  
766 shall be included on the landscape plans for Planning Commission approval.

767  
768 **LANDSCAPE PLAN (Deferred from the May 24, 2000, Meeting)**  
769

LP/POD-3-99  
Home Depot - W. Broad  
Street

**Home Depot U.S.A., Inc.:** 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 22.76 acre site is located on the south west corner of W. Broad Street (U.S. Route 250) and Horsepen Road on parcels 92-A-39, 40, 41, 47; 92-9-D-11, 12, 18; 92-9-F-3, 4, 5, 6 and 7. The zoning is B-3, Business District. **(Three Chopt)**

770

771

772 Mr. Vanarsdall - I believe we had some opposition on this one also and it was pulled from  
773 the expedited agenda. Is that right?

774

775 Mr. Strauss - Yes, sir. Thank you, Mr. Chairman. The opposition met with us in the  
776 lobby outside and we did come to a conclusion. They had simply not seen the landscape plan  
777 and they are satisfied with the plan at this point. You may recall that this case was deferred  
778 last month to allow another neighbor to look at the plan.

779 Mr. Vanarsdall - Are they satisfied now?

780

781 Mr. Strauss - Yes, sir, they are. So, staff is recommending approval in accordance  
782 with the annotated plan and the additional exhibit, which was submitted with your addendum  
783 this morning, which shows additional landscaping in the back of the Home Depot site. And I  
784 can answer any other questions you may have.

785

786 Mr. Vanarsdall - Thank you, Mr. Strauss. Are there any questions by Commission  
787 members of Mr. Strauss? Mr. Taylor.

788

789 Mr. Taylor - Mr. Chairman, I move that landscape plan LP/POD-3-99, Home Depot  
790 on W. Broad Street, in accordance with the annotated plan be approved.

791

792 Mr. Vanarsdall - In accordance with the addendum dated today also.

793

794 Mr. Taylor - And in accordance with the addendum dated June 28.

795

796 Ms. Dwyer - And the standard conditions.

797

798 Mr. Taylor - And the standard conditions for landscape plans.

799

800 Ms. Dwyer - Second.

801

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

804

805 The Planning Commission approved the landscape plan for LP/POD-3-99, Home Depot - W.  
806 Broad Street, subject to the standard conditions for landscape plans attached to these minutes  
807 and the annotations on the plan.

808

809 **PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER DEVIATION &**  
810 **ALTERNATIVE FENCE HEIGHT APPROVAL**

811

POD-52-00

Walgreen's - N. Parham and  
Three Chopt Roads

**Balzer & Associates and L. Clarke Jones, III for Polly L. Beck, Thomas F. Lloyd and Louise P. Lloyd; G. H. K. Developments, Inc.; United States Postal Service; and Exxon Mobile Corporation:** Request for approval of a plan of development, transitional buffer deviation and alternative fence height as required by Chapter 24, Sections 24-106, 24-106.2 and 24-95(l)(5) b and c of the Henrico County Code to construct a one-story, 15,120 square foot pharmacy and additional parking for the existing postal service facility. The 5.84 acre site is located on the southwest corner of the intersection of Three Chopt Road and N. Parham Road on parcels 79-A-36 and part of 79-A-39 and 38A. The zoning is B-2C, Business District (Conditional) and O-2C, Office District (Conditional). County water and sewer. **(Tuckahoe)**

812

813

814 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-52-00,  
815 Walgreen's? No opposition. Good morning, Ms. News.

816

817 Ms. News - The annotated revised plan in your packet addresses staff's comments,  
818 and the applicant has submitted responses to the Police comments, which satisfy their  
819 concerns. Approval of this plan will require approval of a transitional buffer deviation for the  
820 western and northern property lines of the B-2C parcel and approval of an alternative fence  
821 height for the fencing on the front of the O-2C parcel. Both of these items were part of the  
822 proffered site plan for this project and are described on the annotated plan.

823

824 It is the intention of the developer to construct the site in two phases, with the fencing and  
825 parking addition to the post office occurring first as shown on the revised plan. Landscaping  
826 of this site is of particular concern due to its prominent road frontage. Drainage structures and  
827 utilities have been relocated out of islands as much as possible. A sight distance requirement  
828 will impact a significant portion of the proffered buffer along Parham and Three Chopt Roads,  
829 and close coordination with the traffic engineer will be needed at the time of landscape plan  
830 approval to provide planting meeting his requirements as well as meeting the intent of the  
831 proffers. The applicant has submitted an additional detail for the treatment of the blank brick  
832 wall, which has just been distributed to you. The detail was requested for the purpose of  
833 providing additional visual relief as required by the proffers. This detail was received today,  
834 so it will be necessary to waive the time limits to include it in the approval. Staff feels that the  
835 proposed detail is heading in the right direction but needs a little more work, such as  
836 increasing the depth of the recess and possibly adding an additional soldier course at the  
837 bottom of the inset panel. We would propose that an additional condition be added, to require  
838 review by staff of the architectural detailing prior to building permit approval, if the  
839 Commission is in agreement.

840 I have also just been handed by the applicant, a minute ago, an additional sidewalk that they  
841 would like to add to make a sidewalk connection from Three Chopt Road to the building. I  
842 only have one copy and I would like to give that to Ms. Dwyer, if that's okay. They propose  
843 two alternatives for connecting to the building from the road. One would be in an existing  
844 landscape island, and one would be through the pavement and shaving a piece of each  
845 landscape island off on either side to make enough room for the access isle. Staff recommends  
846 approval of the revised plans and the architectural plans as annotated with an additional  
847 recommended condition. The applicant is available for questions. I believe they have a  
848 rendering that they also want to show. Staff has not seen it but they brought something.

849

850 Ms. Dwyer - Could you tell me again what this is you just handed me?

851

852 Ms. News - That is a sidewalk connection that they would like to make, adding an  
853 additional sidewalk to connect pedestrians from the sidewalk running along the roadway, to be  
854 able to access the site.

855

856 Ms. Dwyer - Okay. And this connects to the building where?

857

858 Ms. News - Near the front door, I believe.

859

860 Ms. Dwyer - And it shaves off one of those landscape islands.

861

862 Ms. News - Right. They gave you two options. They can either run it through that  
863 landscape island or actually stripe off the paving and make either of the landscape islands a  
864 little bit smaller to allow for that access isle, possibly two feet smaller if it is a four-foot isle.

865

866 Mr. Vanarsdall - Are there any other questions by Commission members? Do you want  
867 to hear from the applicant, Ms. Dwyer?

868

869 Ms. Dwyer - Yes.

870

871 Mr. Jones - My name is Clarke Jones, III. I'm with Jones Realty Construction and I  
872 represent the developer, G. H. K. Developments and Walgreens. The rendering that I brought  
873 is the rendering that we used during the zoning case. I would like to point out that the  
874 rendering does not reflect all of the island changes and the landscaping that we have agreed to.

875

876 Mr. Vanarsdall - It doesn't reflect the sidewalk either, does it?

877

878 Mr. Jones - No, sir.

879

880 Ms. Dwyer - I want to make sure I understand the options as far as the sidewalk is  
881 concerned. Where this is crossed hatched in red, it would interfere with one of the landscape  
882 island, and the other option would diminish another island. Is that correct? And how would  
883 that striping interfere with another island?

884

885 Mr. Burkholder - My name is Ray Burkholder and I'm with Balzer & Associates. We  
886 would actually have to take maybe a foot and a half, if it is a three-foot walk, on each side just  
887 to provide a strip between the parking spaces.

888

889 Ms. Dwyer - Okay. So, either way the island is going to be a little smaller to account  
890 for the sidewalk access to the building.

891

892 Mr. Burkholder - Correct.

893

894 Ms. Dwyer - Do you have a recommendation which would look better aesthetically?

895

896 Mr. Burkholder - Walgreen's, we just got this yesterday, they had wanted to landscape the  
897 sidewalk coming up and then coming through the parking. That would probably be the less  
898 obtrusive....

899

900 Ms. Dwyer - Through the parking lot with the striped pedestrian walkway. Okay.

901 Ms. News, do you have an opinion on that?

902

903 Ms. News - I think that would be fine.

904

905 Ms. Dwyer - Okay. We will do that then. Will that be annotated on the plan?

906

907 Ms. News - Yes, I will include that sketch as a part of the record of approval.

908

909 Ms. Dwyer - Okay. Those are all of the outstanding issues that I have. Now, Mr.  
910 Chairman or Mr. Secretary, can I make one motion for both transitional buffer deviations or  
911 do I need to make separate motions for those?

912

913 Mr. Vanarsdall - We need a separate motion, don't you, Mr. Secretary?

914

915 Mr. Marlles - Yes, sir. Staff does prefer that.

916

917 Ms. Dwyer - All right. We have several motions on this case so bear with me. I  
918 move approval of the 10-foot transitional buffer deviation.

919

920 Mrs. Quesinberry - Second.

921

922 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.  
923 Quesinberry. All in favor say aye...all opposed say nay. The motion carries. That's on the  
924 buffer deviation.

925

926 The Planning Commission approved the 10-foot transitional buffer deviation on POD-52-00,  
927 Walgreens.

928

929 Ms. Dwyer - Okay. There is another buffer deviation for the 25-foot transitional

930 buffer and I move for approval of that as well.

931

932 Mrs. Quesinberry - Second.

933

934 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.  
935 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

936

937 The Planning Commission approved the 25-foot transitional buffer deviation for POD-52-00,  
938 Walgreens.

939

940 Ms. Dwyer - The third motion relates to the alternative fence height along Tuckaway  
941 Lane. I move for the approval of the alternative fence height in that area.

942

943 Mrs. Quesinberry - Second.

944

945 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.  
946 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

947

948 The Planning Commission approved the alternative fence height plan for POD-52-00,  
949 Walgreens.

950

951 Ms. Dwyer - Now, I'll just move for approval of the POD. I move for approval of  
952 POD-52-00, Walgreens, including the standard conditions on the plan, particularly the  
953 annotation mentioning/discussing the sidewalk as I think is clearly reflected in the record, the  
954 standard conditions for developments of this type and conditions No. 9 amended, and I'm  
955 going to add No. 11 amended, and Nos. 23 through 33. Oh, and one more added condition  
956 No. 34, which relates to the detailing on the brick wall which the applicant will submit to the  
957 Planning Office and receive approval prior to building permit application.

958

959 Mrs. Quesinberry - Second.

960

961 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.  
962 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

963

964 The Planning Commission approved POD-52-00, Walgreens - N. Parham and Three Chopt  
965 Roads, subject to the standard conditions for developments of this type attached to these  
966 minutes, the annotations on the plans and the following additional conditions:

967

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

971 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
972 depictions of light spread and intensity diagrams and fixture mounting height details  
973 shall be submitted for Planning Office review and Planning Commission approval.

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

975 the County in a form acceptable to the County Attorney prior to any occupancy permits  
976 being issued. The easement plats and any other required information shall be submitted  
977 to the County Real Property Agent at least sixty (60) days prior to requesting  
978 occupancy permits.

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

981 25. A standard concrete sidewalk shall be provided along the northwest line of N. Parham  
982 Road and Three Chopt Road.

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

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

989 28. In the event of any traffic backup which blocks the public right-of-way as a result of  
990 congestion caused by the drive-up delivery facilities, the owner/occupant shall close the  
991 drive-up delivery facilities until a solution can be designed to prevent traffic backup.

992 29. Insurance Services Office (ISO) calculations must be included with the utilities plans  
993 and contracts and must be approved by the Department of Public Utilities prior to the  
994 issuance of a building permit.

995 30. Approval of the construction plans by the Department of Public Works does not  
996 establish the curb and gutter elevations along the Henrico County maintained right-of-  
997 way. The elevations will be set by Henrico County.

998 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
999 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1000 development.

1001 32. All conditions of provisional use permit P-3-00, including the requirement for  
1002 installation of a security camera and video system shall be met in order to permit  
1003 extended hours of operation.

1004 33. Central trash receptacles shall not be emptied between the hours of 9:00 p.m. and 6:00  
1005 a.m.

1006 34. The architectural detailing of the brick walls shall be submitted to the Planning Office  
1007 for final review and approval prior to approval of the building permit application.  
1008

1009 Ms. News - Ms. Dwyer, there was a need to waive the time limit for the late  
1010 submittal, for the sketch and detailing that we received today.

1011  
1012 Ms. Dwyer - Just for the brick wall one?

1013  
1014 Ms. News - That and the sidewalk, yes.

1015  
1016 Ms. Dwyer - Let me back up then. I'll just move that we waive the time limits for  
1017 that additional condition No. 34 and the accompanying graphic, which shows the brick wall  
1018 and also the graphic which Ms. News is going to incorporate into the annotations which shows  
1019 the location of the sidewalk, that we waive the time limit for those.

1020 Mrs. Quesinberry - Second.

1021

1022 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.

1023 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1024

1025 The Planning Commission approved to waive the time limit for POD-52-00, Walgreens.

1026

1027 Ms. Dwyer - That was the most complicated motion I've ever made.

1028

1029 Mr. Vanarsdall - You had to go to law school to figure that out, didn't you. Okay. I

1030 believe now, Mr. Marlles, we are on page 16.

1031

1032 Mr. Marlles - Yes, sir.

1033

1034 **SUBDIVISION**

1035

Bell Tower  
(June 2000 Plan)

**Youngblood, Tyler & Associates, P.C. for Benedictine Society of Virginia and Barrington Investors Limited:** The 24.39 acre site is located the south line of Church Road at the intersection of Loraine's Landing Lane on parcel 57-A-13A. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 38 Lots**

1036

1037

1038 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Bell Tower

1039 (June 2000 Plan)? No Opposition. Mr. Whitney.

1040

1041 Mr. Whitney - Thank you, Mr. Chairman. This subdivision qualifies for the granting

1042 of an exception by the Planning Commission under the subdivision ordinance. The reason

1043 being for double frontage lots, lots number 9 and 10, which back up to a minor street. The

1044 representative for the applicant, Richard Youngblood, is here to make his presentation to the

1045 Planning Commission in requesting the granting of exception to allow for these double

1046 frontage lots. If the Commission grants the exception, staff would recommend conditional

1047 approval of this subdivision. I will take any questions you may have.

1048

1049 Mr. Vanarsdall - Are there any questions of Mr. Whitney by Commission members? Mr.

1050 Taylor.

1051

1052 Mr. Taylor - Mr. Chairman, I recommend approval of Bell Tower subdivision plan

1053 subject....

1054

1055 Ms. Dwyer - Excuse me, Mr. Chairman, did I hear there was opposition?

1056

1057 Mr. Vanarsdall - I didn't see any.

1058 Mr. Taylor - Neither did I.  
1059  
1060 Mr. Whitney - I don't believe there was any opposition.  
1061  
1062 Ms. Dwyer - Okay.  
1063  
1064 Mr. Whitney - Mr. Taylor, did you want to hear from Mr. Youngblood or are you  
1065 satisfied in granting of the exception?  
1066  
1067 Mr. Taylor - I think I'm satisfied. Would Mr. Youngblood like to speak.  
1068  
1069 Mr. Youngblood - (Speaking from his seat) No, sir.  
1070  
1071 Mr. Taylor - Then I'll just start over with the motion. I move approval of subdivision  
1072 Bell Tower (June 2000 Plan) subject to the annotations on the plans, the standard conditions  
1073 for subdivisions and added conditions Nos. 12 through 16 and the exception to permit double  
1074 frontage lots within the approval.  
1075  
1076 Mrs. Quesinberry - Second.  
1077  
1078 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
1079 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.  
1080  
1081 The Planning Commission granted conditional approval to subdivision Bell Tower (June 2000  
1082 Plan) subject to the standard conditions for subdivisions served by public utilities, the  
1083 annotations on the plan, and the following additional conditions:  
1084  
1085 12. Prior to requesting recordation, the developer shall furnish a letter from Plantation  
1086 Pipeline stating that this proposed development does not conflict with its facilities.  
1087 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted  
1088 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."  
1089 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."  
1090 14. The detailed plant list and specifications for the landscaping to be provided within the  
1091 20-foot-wide planting strip easement along Church Road shall be submitted to the  
1092 Planning Office for review and approval prior to recordation of the plat.  
1093 15. Any necessary off-site drainage easements must be obtained prior to final approval of  
1094 the construction plans by the Department of Public Works.  
1095 16. Prior to final approval, a draft of the covenants and deed restrictions for the  
1096 maintenance of the common area by a homeowners association shall be submitted to the  
1097 Planning Office for review. Such covenants and restrictions shall be in form and  
1098 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
1099 of the subdivision plat.  
1100  
1101  
1102

1103 **SUBDIVISION**

1104

Jameswood  
(June 2000 Plan)

**Grattan Associates, P.C. for John R. & M. L. Tashtian and CGS Properties, L.L.C.:** The 28.3 acre site is located north of the CSX railroad, and on the west line of S. Gaskins Road, approximately, 1,150 feet south of Daniels Road on parcels 123-A-5 and 8. The zoning is R-0, One-Family Residence District. County water and sewer. **(Tuckahoe) 14 Lots**

1105

1106

1107 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Jameswood  
1108 (June 2000 Plan)? No opposition. Mr. Strauss.

1109

1110 Mr. Strauss - Thank you, Mr. Chairman. This is an application for approval of a  
1111 conditional subdivision. This is a new plan as the original subdivision plan for 14 lots was  
1112 approved by the Commission last May 1999, and it is about to expire next month. This new  
1113 plan, offered by a new applicant, also has 14 lots and is similar to the previous plan although  
1114 there is a difference in the street layout. The original plan had an additional cul-de-sac serving  
1115 lot 10, which is in this area here (referring to the map), which is not in the application and has  
1116 access from Daniel's Road to the north. The applicant has met with the lot owner of Lot 10,  
1117 Mr. Higgins. Mr. Higgins has no opposition to approval of this plan. Given the owner of Lot  
1118 10 has no objections, and the plan meets the requirements of the ordinance - staff recommends  
1119 approval and I'll be happy to answer any of the questions you may have.

1120

1121 Mr. Vanarsdall - Are there any questions of Mr. Strauss by Commission members? Do  
1122 you want to hear from the applicant, Ms. Dwyer?

1123

1124 Ms. Dwyer - No.

1125

1126 Mr. Vanarsdall - I'll entertain a motion.

1127

1128 Ms. Dwyer - I move approval of subdivision Jameswood (June 2000 Plan) including  
1129 the annotations on the plan, the standard conditions for subdivisions and additional conditions  
1130 Nos. 12 through 18.

1131

1132 Mrs. Quesinberry - Second.

1133

1134 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.  
1135 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1136

1137 The Planning Commission granted conditional approval to subdivision Jameswood (June 2000  
1138 Plan) subject to the standard conditions attached to these minutes for subdivisions served by  
1139 public utilities and the following additional conditions:

1140

- 1141 12. Each lot shall contain at least 43,560 square feet, exclusive of floodplain areas.  
1142 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted  
1143 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."  
1144 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."  
1145 14. Detailed construction plans shall be submitted to the Planning Office before the final  
1146 plats are submitted for final approval.  
1147 15. The detailed plant list and specifications for the landscaping to be provided within the  
1148 20-foot-wide planting strip easement along Gaskins Road shall be submitted to the  
1149 Planning Office for review and approval prior to recordation of the plat.  
1150 16. The plan shall be submitted prior to recordation of the plat showing the buildable area  
1151 for each lot to properly recognize the limitations for dwelling unit dimensions and  
1152 setbacks. Buildable area is that area within which a dwelling unit may legally be  
1153 located considering the front yard, side yard, and rear yard setback requirements of  
1154 Chapter 24, of the Henrico County Code.  
1155 17. Any necessary off-site drainage easements must be obtained prior to final approval of  
1156 the construction plans by the Department of Public Works.  
1157 18. Prior to final approval, a draft of the covenants and deed restrictions for the  
1158 maintenance of the common area by a homeowners association shall be submitted to the  
1159 Planning Office for review. Such covenants and restrictions shall be in form and  
1160 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
1161 of the subdivision plat.

1162  
1163 Mr. Vanarsdall - The Commission will take a break.

1164  
1165 **AT THIS TIME THE COMMISSION TOOK A BREAK**

1166  
1167 Mr. Vanarsdall - The Planning Commission will now reconvene and we will continue our  
1168 cases. Mr. Secretary, do you want to take the deferrals and withdrawals and the expedited  
1169 agenda for the 10:00 o'clock agenda?

1170  
1171 Mr. Marlles - Yes, sir. Mr. Wilhite, will you please review the deferrals and  
1172 withdrawals for the ten o'clock agenda?

1173  
1174 Mr. Wilhite - For the ten o'clock agenda, we are aware of one request for withdrawal  
1175 and there is an additional request for deferral. First on page 37, Four Mile Run (January 2000  
1176 Plan).

1177

1178 **SUBDIVISION (Deferred from the May 24, 2000 Meeting)**

1179

Four Mile Run  
(January 2000 Plan)

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

1180

1181

1182 Mr. Wilhite - The applicant requests withdrawal of this case.

1183

1184 Mr. Vanarsdall - There is no action necessary that is it, Mr. Marlles?

1185

1186 Mr. Marlles - That is correct, Mr. Chairman.

1187

1188 Mr. Vanarsdall - The case, Four Mile Run in Varina has been withdrawn by the applicant  
1189 and no further action needed by the Commission. So if there is anyone here about that case, it  
1190 has been withdrawn.

1191

1192 Mr. Marlles - Mr. Chairman, I do have a correction. On POD cases for withdrawals  
1193 the Planning Commission does have to make a motion.

1194

1195 Mr. Vanarsdall - So, the Planning Commission does have to do that.

1196

1197 Mrs. Quesinberry - I'll make a motion for the Commission to approve the withdrawal of the  
1198 case for subdivision Four Mile Run (January 2000 Plan), at the applicant's request.

1199

1200 Mr. Archer - Second.

1201

1202 The Planning Commission approved to grant the withdrawal of subdivision Four Mile Run  
1203 (January 2000 Plan), at the applicant's request.

1204

1205 Mr. Vanarsdall - Mr. Wilhite, you also have one that was added, don't you?

1206

1207 Mr. Wilhite - Yes, sir, Mr. Chairman. This morning we became aware of a request  
1208 by the applicant to defer POD-47-00. It appears on page 30 of your agenda.

1209 **PLAN OF DEVELOPMENT (Deferred from the May 24, 2000, Meeting)**

1210

POD-47-00

Paragon Office Park -  
Genesis Youth Service  
Institute - Glenside Drive

**Balzer & Associates for Youth Services International:**  
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, 55,391 square foot residential rehabilitation facility for youth and a two-story, 15,525 square foot future addition. The 5.13 acre site is located at Paragon Office Park, Glenside Drive and Bethlehem Road on part of parcel 93-A-1C. The zoning B-2C, Business District (Conditional). County water and Sewer. **(Brookland)**

1211

1212

1213 Mr. Wilhite - The applicant is requesting deferral for 30 days.

1214

1215 Mr. Vanarsdall - Is there anyone in the audience in opposition to deferring this case? This  
1216 is not action this is deferring it.

1217

1218 Audience - We oppose it.

1219

1220 Mr. Vanarsdall - We don't need to hear from you. Thank you. We appreciate you being  
1221 here. All right. I've asked Mr. Tokarz, our County Attorney, to come down and explain the  
1222 reason for this deferment. Mr. Tokarz.

1223

1224 Mr. Tokarz - Mr. Chairman, members of the Commission, this obviously is an  
1225 important issue to the community to the citizens. And it is obvious that any decision of the  
1226 magnitude of this should be based on all of the facts so that the Commission can make a well  
1227 informed decision. In the last week in a half there has been a tremendous amount of  
1228 correspondence and work been done to deal with the question of whether the proposed use is  
1229 correct under the zoning. The issue revolves around a zoning conformance letter that was  
1230 issued by the Director of Planning in March of this year, in which, based on the  
1231 representations are made to the Planning Director, he determined that the proposed use was a  
1232 hospital.

1233

1234 There has been a number of questions raised about whether that zoning conformance letter is  
1235 correct. As late as yesterday afternoon, we received a ten-page letter from a representative of  
1236 the Paragon Office Park. We do not, at this point, in the County Attorney's Office believe  
1237 that all of the questions that have been raised have been adequately answered. And we believe  
1238 that a proper decision would be based on facts that still need to be developed. And we would  
1239 support a deferral of this matter in order to make sure that we can make a recommendation to  
1240 you as to the proper set of facts for your decision.

1241

1242 Mr. Vanarsdall - Are there any questions for Mr. Tokarz?

1243

1244 Mrs. Quesinberry - Yes, I have one, kind of generally, if we had a determination letter out,

1245 and now you are viewing that there were additional facts, what was missing that wasn't  
1246 available at the time that it was determined that this was a hospital?

1247

1248 Mr. Tokarz - Yes, ma'am. What occurred was there was a representation made as to  
1249 the services that were provided by the proposed facility. Based on the information that was  
1250 provided, the staff made the determination that it was a hospital. Since that time, there has  
1251 been research done by representatives of Paragon Office Park in which they have suggested  
1252 that licensure applications to the Commonwealth of Virginia cast out upon the representations  
1253 that have been made. In addition, there have been all sorts of legal arguments as to whether  
1254 this is a correctional facility, a hospital, or some other use and questioning what the proper  
1255 zoning is. So, there has been a significant amount of information submitted by the opponents  
1256 of the proposed facility, which is lead to a review of the representations that were made in  
1257 March.

1258

1259 My recommendation to the Commission is not based on a determination or any view that the  
1260 facility is or is not hospital as represented in March. It's simply my position at this point, that  
1261 there is additional information that needs to be resolved. We have not had a chance to go  
1262 through the 10-page letter submitted yesterday. We have not had an opportunity to get  
1263 additional information from the Commonwealth about licensing for both correctional facilities,  
1264 medicaid waivers and that type of thing. And that information I think would be very helpful  
1265 in giving a full set of facts for decision. Unfortunately, this came up all within the last 10  
1266 days, and that's really what the difficulty has been.

1267

1268 Mrs. Quesinberry - And who just submitted the ten pages?

1269

1270 Mr. Tokarz - I think the attorneys representing Paragon Office Park.

1271

1272 Mrs. Quesinberry - And you did receive information from the opponents as well?

1273

1274 Ms. Dwyer - They are the opponents, I believe.

1275

1276 Mr. Tokarz - They are opposed and they are also citizens who are neighboring the  
1277 proposed facility who are opposed. There was, in fact, in the newspaper this morning also an  
1278 article that was quoting some of the opposition to the case. We think valid questions have  
1279 been made raised. We would just like to make sure we have the answers prior to making a  
1280 recommendation to you.

1281

1282 Mrs. Quesinberry - I'm always interested in that.

1283

1284 Mr. Vanarsdall - Thank you, Mr. Tokarz. Since the community is here, would one of  
1285 you like to come forward.... First, do you understand what Mr. Tokarz said? This is a zoning  
1286 issue. The main issue, I mean there are many, many, issues but the main issue is that it is a  
1287 zoning issue, whether it's in the right zoning classification. And you all would be well ahead  
1288 for us to defer it. We can't give you any promises on how it would turn out but it certainly  
1289 can't hurt anything. John, would you like to come up and be the spokesperson? And would

1290 you tell me why you would object to us deferring it if we can make it better.

1291

1292 Mr. Balasa - Ladies and gentlemen, honorable members, my name is John Balasa and  
1293 I live on 6804 Locust Street. On a short notice, last week either Thursday or Wednesday, I  
1294 can't recall the exact date, I went through the neighborhood along with other citizens and I  
1295 collected 200 signatures. And every single neighbor I approached signed the petition opposing  
1296 the project. And if I may, give you a copy of the signatures.

1297

1298 Mr. Vanarsdall - Give it to Mr. Kennedy, standing there behind you. Do you understand  
1299 that this is not changing anything except it's deferring it for 30 days. We have been advised  
1300 by the County attorney to defer it and it will probably turn out better.

1301

1302 Mr. Balasa - Thank you, very much.

1303

1304 Mr. Vanarsdall - All right. Thank you, John. Yes, sir.

1305

1306 Mr. Arbogast - My name is Shawn Arbogast and I'm a resident of the area where you  
1307 are proposing to put this institution. You are deferring it and we would like to have it deferred  
1308 to an evening meeting so that the community can hear this because there is a lot of input from  
1309 the citizens of that area. But, due to the timing there are a lot of people at work right now.  
1310 They would like to have some input but at this time they can't put the input. So, if we can  
1311 have it deferred to an evening meeting instead of the morning, we would prefer to have that.

1312

1313 Mr. Vanarsdall - The problem we have with the evening meeting is that the request is for  
1314 30 days and that is a day meeting. The only way we can get it on an evening meeting would  
1315 be to defer it for two weeks, which is not long enough to do that. I understand what you are  
1316 saying.

1317

1318 Mr. Arbogast - Well, who do we need to talk to about deferring it possibly longer so  
1319 that we can get an evening meeting. Like I said, there are a lot of citizens, besides myself, I  
1320 took off a couple of hours this morning to attend this meeting.

1321

1322 Mr. Vanarsdall - Perhaps we can ask Mr. Tokarz or Mr. Axselle.

1323

1324 Mr. Arbogast - So, talk to the County Attorney about this?

1325

1326 Mr. Vanarsdall - Yes. He's here.

1327

1328 Ms. Dwyer - So, the request then would be for an August zoning meeting, is that  
1329 right?

1330

1331 Mr. Arbogast - Yes. In other words, we would like to have a meeting where the citizens  
1332 can attend it at a time when they are not at work and they can give their input. I understand  
1333 that this is zoning but there are some people who have some say in this.

1334

1335 Ms. Dwyer - Our zoning meeting is usually our evening meeting.  
1336  
1337 Mr. Arbogast - Yes, the August meeting will be fine, therefore, the citizens could  
1338 attend.  
1339  
1340 Ms. Dwyer - What is that date, Mr. Marlles?  
1341  
1342 Mr. Marlles - August 10, 2000.  
1343  
1344 Mr. Vanarsdall - Okay. Thank you. I'm sure the rest of you agree with that date. Since  
1345 this is a problem during the day, Mr. Axselle do you want to speak on that or do you want me  
1346 to go ahead and make a motion?  
1347  
1348 Mr. Axselle - Mr. Chairman, we have no problem. Mr. Chairman, I'm Bill Axselle  
1349 on behalf of the applicant. As Mr. Tokarz has indicated, the issue is really just dispositive on  
1350 the basis of whether the use is permitted or not. In other words, the determining factor  
1351 basically will be, is this particular use permitted under the County Ordinance and that is what  
1352 this additional time will allow the staff to come forward and tell you their recommendation.  
1353 However, we do recognize this interest in the community and so we are not opposed to the  
1354 deferral. We are not opposed to deferring it to the August 10 evening meeting. It's just that  
1355 the point that I would like to make is that if it is not permitted under the County Ordinance,  
1356 that I think is something that is important. If it is permitted under the County Ordinance, that  
1357 was important because it is not really a question of should this property be zoned and thus the  
1358 citizen input would be more important. Having said that, we have no opposition to the August  
1359 10 meeting. I'm assuming we will be first on the agenda.  
1360  
1361 Mr. Vanarsdall - Thank you very much. I move that POD-47-00, Paragon Office Park -  
1362 Genesis Youth Service Institute - Glenside Drive, be deferred until the August 10 meeting,  
1363 which is a night meeting, at the applicant's request.  
1364  
1365 Mrs. Quesinberry - Second.  
1366  
1367 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
1368 Quesinberry. All in favor say aye...all opposed say nay. The motion carries. Thank you all  
1369 for coming out.  
1370  
1371 At the request of the applicant, the Planning Commission deferred POD-47-00, Paragon Office  
1372 Park Genesis Youth Services Institute - Glenside Drive, to its August 10, 2000, meeting at  
1373 7:00 p.m.  
1374  
1375 Mr. Vanarsdall - Are there any more deferrals by anyone in the audience or by the  
1376 Commission? If not, I think we will go to the ten o'clock expedited agenda. All right. Mr.  
1377 Wilhite.  
1378  
1379 Mr. Wilhite - Mr. Chairman, there are six items on the Expedited Agenda for the ten

1380 o'clock. The first one is on page 27.

1381

1382 **PLAN OF DEVELOPMENT & MASTER PLAN**

1383

POD-57-00

Glen Allen Freewill Baptist  
Church (POD-1-99 Revised)  
11101 Old Washington  
Highway

**Goodfellow, Jalbert, Beard & Associates, Inc. for Glen Allen Freewill Baptist Church:** Request for approval of a revised plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a phase one, 100 seat, one-story church as part of a master plan for a 588 seat church. The 5.24 acre site is located at 11101 Old Washington Highway south of I-295 on parcel 22-A-24A. The zoning is A-1, Agricultural District. County water and Sewer. **(Brookland)**

1384

1385

1386 Mr. Wilhite - The staff is recommending approval for POD-57-00, Glen Allen  
1387 Freewill Baptist Church.

1388

1389 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-57-00, Glen Allen  
1390 Freewill Baptist Church? No opposition. I move POD-57-00, Glen Allen Freewill Baptist  
1391 Church on Old Washington Highway, be approved with the standard conditions for  
1392 developments of this type, the annotations on the plan and additional conditions Nos. 23  
1393 through 28.

1394

1395 Mrs. Quesinberry - Second.

1396

1397 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
1398 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1399

1400 The Planning Commission approved POD-57-00, Glen Allen Freewill Baptist Church (POD-1-  
1401 99 Revised), subject to the standard conditions attached to these minutes for developments of  
1402 this type, the annotations on the plan and the following additional conditions:

1403

1404 23. The developer shall provide fire hydrants as required by the Department of Public  
1405 Utilities in its approval of the utility plans and contracts.

1406 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
1407 County Attorney prior to final approval of the construction plans by the Department of  
1408 Public Works.

1409 25. Deviations from County standards for pavement, curb or curb and gutter design shall  
1410 be approved by the County Engineer prior to final approval of the construction plans by  
1411 the Department of Public Works.

1412 26. Insurance Services Office (ISO) calculations must be included with the utilities plans  
1413 and contracts and must be approved by the Department of Public Utilities prior to the  
1414 issuance of a building permit.

1415 27. Approval of the construction plans by the Department of Public Works does not

1416 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1417 way. The elevations will be set by Henrico County.  
1418 28. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1419 on the plan limits of 100 Year Floodplain.” In addition, the delineated 100-year  
1420 floodplain must be labeled “Variable Width Drainage and Utility Easement.” The  
1421 easement shall be granted to the County prior to the issuance of any occupancy permits.  
1422

1423 **PLAN OF DEVELOPMENT**

1424

POD-51-00 **Bodie Consulting Engineers, Inc. and Charles F. Yetter for**  
Merchants Tire - Quioccasin **QRS Limited Partnership and Trammel Crow BTS, Inc.:**  
Station Shopping Center Request for approval of a revised plan of development as  
(POD-87-85 and POD-31-96 required by Chapter 24, Section 24-106 of the Henrico County  
Revised) Code to construct a one-story, 7,000 square foot automobile  
service station addition in an existing shopping center. The  
0.65 acre site is located approximately 160 feet north of  
Quioccasin Road on the west line of Starling Drive on parcel  
90-6-A-2. The zoning is B-3C, Business District  
(Conditional). County water and sewer. **(Tuckahoe)**

1425

1426

1427 Mr. Wilhite - The staff recommends approval of this case.

1428

1429 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-51-00, Merchants  
1430 Tire on Quioccasin, in the Tuckahoe District? No opposition.

1431

1432 Mr. Dwyer - Mr. Whitney, I assume all of the issues were resolved on the utilities, is  
1433 that right?

1434

1435 Mr. Whitney - Correct.

1436

1437 Ms. Dwyer - Okay. Thank you. All right. I move the approval of POD-51-00,  
1438 Merchants Tire - Quioccasin Station Shopping Center, subject to the annotations on the plans  
1439 and the standard conditions for developments of this type, and additional conditions Nos. 23  
1440 through 31 and I'll add No. 9 amended to that.

1441

1442 Mrs. Quesinberry - Second.

1443

1444 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.  
1445 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1446

1447 The Planning Commission approved POD-51-00, Merchants Tire - Quioccasin Station  
1448 Shopping Center (POD-87-85 and POD-31-96 Revised), subject to the standard conditions  
1449 attached to these minutes for developments of this type, the annotations on the plan and the  
1450 following additional conditions:

- 1451 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
 1452 review and Planning Commission approval prior to the issuance of any occupancy  
 1453 permits.
- 1454 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
 1455 the County in a form acceptable to the County Attorney prior to any occupancy permits  
 1456 being issued. The easement plats and any other required information shall be submitted  
 1457 to the County Real Property Agent at least sixty (60) days prior to requesting  
 1458 occupancy permits.
- 1459 24. The developer shall provide fire hydrants as required by the Department of Public  
 1460 Utilities in its approval of the utility plans and contracts.
- 1461 25. All repair work shall be conducted entirely within the enclosed building.
- 1462 26. Outside storage shall not be permitted.
- 1463 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
 1464 County Attorney prior to final approval of the construction plans by the Department of  
 1465 Public Works.
- 1466 28. Deviations from County standards for pavement, curb or curb and gutter design shall  
 1467 be approved by the County Engineer prior to final approval of the construction plans by  
 1468 the Department of Public Works.
- 1469 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
 1470 drainage plans.
- 1471 30. Insurance Services Office (ISO) calculations must be included with the utilities plans  
 1472 and contracts and must be approved by the Department of Public Utilities prior to the  
 1473 issuance of a building permit.
- 1474 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 1475 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 1476 development.

1477

1478 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1479

POD-19-97  
 Westerre III  
 (POD-2-97 and POD-93-97  
 Revised)

**Balzer & Associates for Westerre Land Development,  
 Trammell Crow Company and Residence Inn By Marriott  
 Inc.:** Request for approval of a plan of development and  
 special exception for buildings in excess of three stories, as  
 required by Chapter 24, Sections 24-2, 24-59(c) and 24-106 of  
 the Henrico County Code in order to construct a four-story,  
 96,000 square foot office building. The 4.135 acre site is  
 located on the west line of proposed Westerre Parkway  
 approximately 1,000 feet south of W. Broad Street (U. S.  
 Route 250) on part of parcel 48-A-37A. The zoning is B-2C  
 Business District (Conditional) and O-3C, Office District  
 (Conditional). County water and sewer. **(Three Chopt)**

1480

1481

1482 Mr. Wilhite -

The staff recommends approval of this case.

1483

1484 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-19-97, Westerre  
1485 III, in the Three Chopt district? We have opposition, Mr. Taylor, do you want to pull it off  
1486 the Expedited Agenda?

1487

1488 Mr. Taylor - Yes, Mr. Chairman, we will pull Westerre III off the Expedited Agenda  
1489 and put it on the regular agenda.

1490

1491 Mr. Wilhite - Okay. Our next Expedited Agenda case is on page 34.

1492

1493 **PLAN OF DEVELOPMENT**

1494

POD-50-00

Shady Grove Animal Clinic  
- Town Center at Twin  
Hickory

**Hankins and Anderson, Inc. and RGASSA Architects of Virginia for Retlaw 100 L.L.C. and Lori L. Elliott:** 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, 3,287 square foot animal clinic in a shopping center. The 0.55 acre site is located along the south line of Old Nuckols Road, approximately 550 feet west of Nuckols Road on part of parcel 18-A-22E. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

1495

1496

1497 Mr. Wilhite - The staff recommends approval of this case.

1498

1499 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-50-00, Shady  
1500 Grove Animal Clinic? No opposition. Mr. Taylor.

1501

1502 Mr. Taylor - Mr. Chairman, I move that POD-50-00, Shady Grove Animal Clinic, be  
1503 approved subject to the annotations on the plans, the standard conditions for developments of  
1504 this type, and conditions Nos. 9 and 11 amended and additional conditions Nos. 23 through  
1505 30.

1506

1507 Mrs. Quesinberry - Second.

1508

1509 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
1510 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1511

1512 The Planning Commission approved POD-50-00, Shady Grove Animal Clinic - Town Center  
1513 at Twin Hickory, subject to the standard conditions attached to these minutes for developments  
1514 of this type, the annotations on the plan and the following additional conditions:

1515

1516 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1517 review and Planning Commission approval prior to the issuance of any occupancy  
1518 permits.

- 1519 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
 1520 depictions of light spread and intensity diagrams and fixture mounting height details  
 1521 shall be submitted for Planning Office review and Planning Commission approval.  
 1522 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
 1523 the County in a form acceptable to the County Attorney prior to any occupancy permits  
 1524 being issued. The easement plats and any other required information shall be submitted  
 1525 to the County Real Property Agent at least sixty (60) days prior to requesting  
 1526 occupancy permits.  
 1527 24. The developer shall provide fire hydrants as required by the Department of Public  
 1528 Utilities in its approval of the utility plans and contracts.  
 1529 25. A standard concrete sidewalk shall be provided along the south side of Old Nuckols  
 1530 Road.  
 1531 26. Outside storage shall not be permitted.  
 1532 27. Deviations from County standards for pavement, curb or curb and gutter design shall  
 1533 be approved by the County Engineer prior to final approval of the construction plans by  
 1534 the Department of Public Works.  
 1535 28. Insurance Services Office (ISO) calculations must be included with the utilities plans  
 1536 and contracts and must be approved by the Department of Public Utilities prior to the  
 1537 issuance of a building permit.  
 1538 29. The ground area covered by all the buildings shall not exceed in the aggregate 25  
 1539 percent of the total site area.  
 1540 30. No merchandise shall be displayed or stored outside of the building(s) or on  
 1541 sidewalk(s).

1542  
 1543 **SUBDIVISION**  
 1544

Wisman Ridge, Section B, **Engineering Design Associates for J. R. Walker &**  
 A Resubdivision of Wisman **Company, Inc.:** The 8.9 acre site is located on the north line  
 Ridge, Section A, Lot 1 of Patch Terrace, approximately 250 feet east of Patch Road on  
 (June 2000 Plan) parcels 7-A-5A and 7-3-A-1. The zoning is A-1, Agricultural  
 District. Individual Well and Septic Tank/Drainfield.  
**(Brookland) 4 Lots**

1545  
 1546

1547 Mr. Wilhite - Staff recommends approval of this case.

1548

1549 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Wisman  
 1550 Ridge, Section B? No opposition. I move Wisman Ridge, Section B, be approved on the  
 1551 Expedited Agenda with the standard conditions for subdivisions not served by public utilities,  
 1552 the annotations on the plans and added conditions Nos. 11 and 12.

1553

1554 Mrs. Quesinberry - Second.

1555

1556 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
 1557 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1558 The Planning Commission granted conditional approval to subdivision Wisman Ridge, Section  
1559 B, A Resubdivision of Wisman Ridge, Section A, Lot 1 (June 2000 Plan), subject to the  
1560 standard conditions attached to these minutes for subdivisions not served by public utilities, the  
1561 annotations on the plan and the following additional conditions:

1562

1563 11. The limits and elevation of the 100-year frequency flood shall be conspicuously noted  
1564 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."  
1565 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."

1566 12. A plan shall be submitted prior to recordation of the plat showing the buildable area for  
1567 each lot to properly recognize the limitations for dwelling unit dimensions and  
1568 setbacks. Buildable area is that area within which a dwelling unit may legally be  
1569 located considering the front yard, side yard, and rear yard setback requirements of  
1570 Chapter 24, of the Henrico County Code.

1571

1572

### 1573 **SUBDIVISION RECONSIDERATION**

1574

Harvest Crest  
Reconsideration  
(January 2000 Plan)

**Engineering Design Associates for RON, LLC:** The 14.756  
acre site is located on the east line of Harvie Road  
approximately 900 feet north of Creighton Road on parcels  
129-A-71 and 129-13-C-12. The zoning is R-3AC, One-Family  
Residence District (Conditional). County water and sewer.  
**(Fairfield) 47 Lots**

1575

1576

1577 Mr. Wilhite - Finally, on page 40, staff recommends approval of this case.

1578

1579 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Harvest  
1580 Crest Reconsideration (January 2000 Plan) in the Fairfield District. No opposition. Mr.  
1581 Archer.

1582

1583 Mr. Archer - Mr. Chairman, I move approval of Harvest Crest Reconsideration  
1584 (January 2000 Plan) subject to the standard conditions and additional conditions Nos. 12 and  
1585 13.

1586

1587 Mrs. Quesinberry - Second.

1588

1589 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs.  
1590 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1591

1592 The Planning Commission granted conditional approval to subdivision Harvest Crest  
1593 Reconsideration (January 2000 Plan), subject to the standard conditions attached to these  
1594 minutes for subdivisions served by public utilities, the annotations on the plan and the  
1595 following additional conditions:

1596

1597 12. The detailed plant list and specifications for the landscaping to be provided within the  
1598 10-foot-wide planting strip easement abutting parcel 129-A-73 shall be submitted to the  
1599 Planning Office for review and approval prior to recordation of the plat.  
1600 13. Prior to final approval, a draft of the covenants and deed restrictions for the  
1601 maintenance of the common area by a homeowners association shall be submitted to the  
1602 Planning Office for review. Such covenants and restrictions shall be in form and  
1603 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
1604 of the subdivision plat.

1605

1606 Mr. Vanarsdall - All right. That takes care of the Expedited Agenda and the request for  
1607 deferrals and withdrawals. Mr. Secretary.

1608

1609 Mr. Marlles - Okay, Mr. Chairman. The next case is on page 23, POD-86-99, The  
1610 Virginia Urology Center.

1611

1612 **PLAN OF DEVELOPMENT (Deferred from the February 23, 2000, Meeting)**

1613

POD-86-99

The Virginia Urology Center

**Draper Aden Associates for Med Atlantic, Inc.:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 17,800 square foot medical office building. The 1.87 acre site is located at the northeast intersection of Monument Avenue and Byrd Avenue on parcels 115-8-A-1, 4, 23 and 24. The zoning is O-1C, Office District (Conditional). County water and sewer. **(Three Chopt)**

1614

1615

1616 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-86-99, The  
1617 Virginia Urology Center? No opposition. Mr. Wilhite.

1618

1619 Mr. Wilhite - This case was deferred from February, and since that time, the applicant  
1620 has rezoned the adjacent residential properties to office and he has revised the layout. The  
1621 parking area that shows up on the plan on the eastern side of the property has been added  
1622 where those residential lots were. This removes the parking that was originally proposed  
1623 underneath the building. The architectural design of the building has not changed other than  
1624 the parking underneath being removed. The applicant recently met with the neighborhood on  
1625 two issues. First, last night they met on drainage issues on W. Grace Street. The applicant is  
1626 here to address any questions you have on the results of that meeting. In addition, there was a  
1627 requirement under the proffer to work out a screen wall detail between the existing  
1628 neighborhood and the proposed building. We have copies of the design that has been agreed  
1629 to by the neighborhood. It appears on your screen. This is a combination brick and vinyl wall  
1630 that's been agreed to by the neighborhood. It's seven feet in height. The dumpster screening  
1631 will be built along the same design style as the wall section shown. On top, is the wall that  
1632 appears along Monument Avenue and it is reduced down to three and a half feet in height.  
1633 Staff is in a position to recommend approval of this plan with those changes and I'll be happy

1634 to answer any questions that you have.

1635

1636 Mr. Vanarsdall - I have a question on No. 32, "to use his best effort." What would be his  
1637 best effort to keep people out of the neighborhood?

1638

1639 Mr. Wilhite - We have used this similar type of condition on other cases when there  
1640 was concern by the neighborhood of construction traffic coming through the neighborhood.  
1641 It's hard to monitor any trucks or anything else going through there. If complaints arise from  
1642 the neighbors that construction traffic is going through there, then we can get in contact with  
1643 the applicant and try to have him inform the contractor to make an effort to try to get the  
1644 construction traffic to just use Monument Avenue.

1645

1646 Mr. Vanarsdall - You told me that yesterday, but I just wanted to get it on tape today. On  
1647 No. 34, where it says "1:00 p.m. on Saturday," can you add "No Sunday pickup"?

1648

1649 Mr. Wilhite - That can be done, but that was worded exactly as it appeared on the  
1650 proffer conditions and that was picked up off of the proffers.

1651

1652 Mr. Vanarsdall - Oh, it was.

1653

1654 Mr. Wilhite - Yes, sir.

1655

1656 Mr. Vanarsdall - Okay. Are we allowed to add "No Sunday pickup"?

1657

1658 Mr. Wilhite - I believe if the Commission wants to do that, and the applicant is  
1659 agreeable to it, we can add that to it.

1660

1661 Mr. Vanarsdall - That would be up to Mr. Taylor. Anyone else have any questions? All  
1662 right, no questions, Mr. Taylor.

1663

1664 Mr. Taylor - Mr. Chairman, there still may be some people who may wish to speak  
1665 about this. Specifically, representing the neighborhood this morning, is Mr. Tom  
1666 McGranahan. If you would like to speak, Tom, that you and your neighbors accept this now.

1667

1668 Mr. McGranahan - Can I do it from right here? We accept it. We met with them last night  
1669 and everything seems to be....

1670

1671 Mr. Vanarsdall - Sir, we need to have you on the microphone.

1672

1673 Mr. Taylor - If we get you to the microphone, Tom, we can get you on tape.

1674

1675 Mr. McGranahan - My name is Tom McGranahan and I'm president of the North Willow  
1676 Lawn Civic Association. I live at 5205 W. Grace Street. All that information, plus a dollar  
1677 and a half, would get you a cup of coffee at Starbucks. We have met with these people and  
1678 with the representatives of the Urology Center and also with the County and things have been

1679 worked out satisfactory to most, if not all, to the neighbors in that area. There is still some  
1680 concern about drainage, but last night while talking to my neighbors, I missed it because I had  
1681 other things to do, but they said that the County said that this would work what they are doing  
1682 with the drop basins in the bottom to collect the water and direct it down Byrd Street. It is on  
1683 top of a hill and I live down the bottom of it, so we do get an awful lot of drainage. I've done  
1684 all I could on my land to direct the drainage out. There is some talk today, a little bit, we  
1685 don't know enough about it to extend the gutters down from where they are now and I want to  
1686 talk to our neighbors on that street and see if they would like to extend the gutters. Of course,  
1687 the neighborhood would have to pay for it. And maybe work that out with the County as far  
1688 as where it drains into the sewage. That's up in the air at this point, it has nothing to do with  
1689 what we talked about today.

1690

1691 Mr. Vanarsdall - Mr. Taylor knows about that right?

1692

1693 Mr. McGranahan - No. He just heard about it just now.

1694

1695 Mr. Taylor - We do not that there is an extensive area where that drainage has to be  
1696 improved, although the methodology to do it isn't really clear at this time. But, rest assured  
1697 that the County is aware of it and we will do what we can do and working with the neighbors.

1698

1699 Mr. McGranahan - I think the neighbors have been very pleased with the County's efforts  
1700 and also with the Urology people efforts and Mr. Taylor's efforts. Thank you.

1701

1702 Mr. Taylor - And I do want to thank the Urology Center for working carefully with  
1703 the neighbors over and over and meeting with them on numerous occasions and meeting with  
1704 the staff until we achieved a level of satisfaction with the neighbors and the Urology Center.

1705 With that, Mr. Chairman, I would move for approval of POD-86-99, The Virginia Urology  
1706 Center, subject to the standard conditions for developments of this type, Nos. 9 and 11  
1707 amended and additional conditions Nos. 23 through 34 as we have before us.

1708

1709 Mr. Wilhite - Excuse me, sir. And changing No. 34 to include no trash pickup on  
1710 Sunday.

1711

1712 Mr. Taylor - Okay. And changing No. 34 to include no trash pickup on Sundays.

1713

1714 Mrs. Quesinberry - Second.

1715

1716 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
1717 Quesinberry. The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry. All  
1718 in favor say aye...all opposed say nay. The motion carries.

1719

1720 The Planning Commission approved POD-86-99, The Virginia Urology Center, subject to the  
1721 standard conditions attached to these minutes for developments of this type, the annotations on  
1722 the plan and the following additional conditions:

1723

- 1724 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1725 review and Planning Commission approval prior to the issuance of any occupancy  
1726 permits.
- 1727 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1728 depictions of light spread and intensity diagrams and fixture mounting height details  
1729 shall be submitted for Planning Office review and Planning Commission approval.
- 1730 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1731 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1732 being issued. The easement plats and any other required information shall be submitted  
1733 to the County Real Property Agent at least sixty (60) days prior to requesting  
1734 occupancy permits.
- 1735 24. The developer shall provide fire hydrants as required by the Department of Public  
1736 Utilities in its approval of the utility plans and contracts.
- 1737 25. Employees shall be required to use the parking spaces provided at the rear of the  
1738 building(s) as shown on the approved plans.
- 1739 26. Outside storage shall not be permitted.
- 1740 27. All exterior lighting fixtures shall be designed and arranged so the source of light is not  
1741 visible from the roadways or adjacent residential properties. The lighting shall be low  
1742 intensity, residential in character, and the height or standards shall not exceed 15 feet.
- 1743 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
1744 County Attorney prior to final approval of the construction plans by the Department of  
1745 Public Works.
- 1746 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1747 approved by the County Engineer prior to final approval of the construction plans by  
1748 the Department of Public Works.
- 1749 30. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
1750 contracts and must be approved by the Department of Public Utilities prior to the  
1751 issuance of a building permit.
- 1752 31. Any drainage and utility easements in conflict with the footprint of this building shall be  
1753 vacated prior to the issuance of a building permit for this development.
- 1754 32. The developer shall use his best effort to ensure that all construction traffic enters and  
1755 leaves the site through the Byrd Avenue construction entrance, from and to Monument  
1756 Avenue, and not through the surrounding residential neighborhood.
- 1757 33. If any portion of the existing office building is to remain open during construction of the  
1758 new building, the developer must demonstrate that sufficient on-site parking will be  
1759 provided to meet code requirements prior to the approval of the construction plans.
- 1760 34. Trash pickup from the property shall be limited to the hours of 7:00 a.m. to 8:00 p.m.  
1761 Monday through Friday and 9:00 a.m. to 1:00 p.m. on Saturday.  
1762  
1763

1764 Mr. Vanarsdall - We are going to break from our next item, and Mr. Marlles has an item  
1765 that is urgent that we need to address.

1766

1767 Mr. Marlles - Thank you, Mr. Chairman. At last night's Board meeting, the Board  
1768 past a Resolution directing the Planning Commission to hold a public hearing at its earliest  
1769 opportunity allowing for proper legal advertisement on a possible amendment to Section 24-52  
1770 of the Code of Henrico to eliminate Fairgrounds as a conditional use in an agricultural zoning  
1771 district. Staff has looked at the schedule of possible dates for this hearing. And the earliest  
1772 opportunity that we could get a legal advertisement in is for the Planning Commission's  
1773 evening meeting on July 13, 2000. In order to get that ad in, and the ad would actually have  
1774 to appear in tomorrow's paper, and the Newspapers have just informed us that we would have  
1775 to get the ad in immediately. So, that is the reason why we are bringing this item up at this  
1776 point in time.

1777

1778 The staff has prepared a resolution for the Planning Commission's consideration that would  
1779 establish the date of that public hearing at the evening meeting of the Commission on July 13.  
1780 Staff is suggesting that we consider scheduling that public hearing to start at 6:00 p.m., but  
1781 that is the staff's recommendation.

1782

1783 Mr. Vanarsdall - At 6:00 p.m.?

1784

1785 Mr. Marlles - Yes, sir.

1786

1787 Mrs. Quesinberry - And we will start our regular agenda at seven?

1788

1789 Mr. Marlles - Normally, that's what we would do, yes.

1790

1791 Mrs. Quesinberry - I think that's probably a good idea and that certainly would allow for  
1792 citizens to get in that wants to speak. That would allow us time to finish up and get on to our  
1793 regular agenda.

1794

1795 Mr. Vanarsdall - Six o'clock is a good time. If you put it any earlier, probably a lot of  
1796 people wouldn't be here. All right. Mrs. Quesinberry, do you want to make a motion to that  
1797 affect?

1798

1799 Mrs. Quesinberry - In fact, I'll be glad to make a motion. It would give me a lot of pleasure  
1800 to make a motion to....

1801

1802 Mr. Vanarsdall - Have we ever heard this motion before?

1803

1804 Mrs. Quesinberry - I don't know. I'm going from memory. But, I would like to make a  
1805 motion to direct the staff to set up a public hearing, to advertise to set up a public hearing, on  
1806 July 13, 2000, at 6:00 p.m. to hear a resolution.... Do I need to read the resolution?

1807

1808 Mr. Marlles - You can summarize it.

1809 Mrs. Quesinberry - Well, in summary, pursuant to a resolution to adopt land use zoning for  
1810 the purpose of promoting health, safety and general welfare of the public and whereas Article  
1811 11 establishes the A-1 district as an agricultural district for agricultural uses, one-family  
1812 residences and other limited low density uses. And whereas Section 24-52 (g) has been  
1813 interpreted to allow certain uses under the use fairgrounds in A-1, Agricultural districts that  
1814 may be deemed incompatible with the purpose of the agricultural districts and which may not  
1815 promote the health, safety and general welfare of the public in the County. Now, be it  
1816 therefore resolved that Henrico County Planning Commission hereby directs the Planning staff  
1817 to schedule a public hearing to recommend appropriate changes to Section 24-52(g) at the  
1818 Planning Commission meeting on July 13, 2000, agenda at 6:00 p.m.

1819

1820 Mr. Vanarsdall - Fine. Do we have a second?

1821

1822 Mr. Taylor - Second.

1823

1824 Mr. Archer - Second, Mr. Chairman.

1825

1826 Mr. Vanarsdall - Who said it first?

1827

1828 Mr. Taylor - Well, I think, Mr. Chairman, on this one, it might be appropriate that....

1829 First I think I said it first, but I think in view of past history that it would be appropriate that I  
1830 would second Commissioner Quesinberry motion.

1831

1832 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.  
1833 Taylor. All in favor say aye...all opposed say nay. The motion carries.

1834

1835 Mrs. Quesinberry - And thank you very much, all of you.

1836

1837 Mr. Vanarsdall - Now, who is going to get it down to the newspapers?

1838

1839 Mrs. Quesinberry - Somebody run like a bunny, and get that thing in.

1840

1841 Mr. Marlles - We will fax it to the newspapers and it will get there in time.

1842

1843 The Planning Commission approved the Resolution to have the advertisement to recommend  
1844 appropriate changes to Section 24-5(9) in regard to the Fairgrounds be advertised for a public  
1845 hearing on July 13, at 6:00 p.m.

1846

1847 Mr. Vanarsdall - Now let's get back to our regular agenda. What page are we on? Wait  
1848 a minute, we had one pulled off of the Expedited Agenda, Westerre.

1849

1850 Ms. Dwyer - Why don't we just continue in the normal order.

1851

1852 Mr. Vanarsdall - All right. The next case is on page 26.

1853

1854 **LANDSCAPE & LIGHTING PLAN and TRANSITIONAL BUFFER DEVIATION**

1855

LP/POD-18-99

Texaco Convenience Center-  
Darbytown & Turner Roads

**Whitaker Lawn Care and Landscaping Inc. for Lawrence and Madeline Turner and Meadow Petroleum:** Request for approval of a landscape and lighting plan and a transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.41 acre site is located on the northwest corner of the intersection of Darbytown and Turner Roads on parcel 228-A-33A. The zoning is B-3, Business District and ASO (Airport Safety Overlay District). **(Varina)**

1856

1857

1858 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-18-99, Texaco  
1859 Convenience Center? No opposition. All right, Ms. News.

1860

1861 Ms. News -

A revised annotated plan has just been handed out to you. The plan addresses all of staff's comments and the applicant has indicated that he is in agreement with the annotations. A transitional buffer deviation has been requested to allow the drive lane to occupy a portion of the buffer on the western property line and to delay planting of the buffer along the northern and western property lines until such time as public sewer is available and the drainfields are eliminated. These issues were discussed at the POD hearing, although action to approve the deviation was not taken. A condition was added to the POD approval to address provision of the transitional buffer planting at the time public sewer is provided. With that said, and the provided the Planning Commission approves the transitional buffer deviation, staff recommends approval of the revised landscape and lighting plan as annotated.

1871

1872 Mr. Vanarsdall - Are there any questions of Ms. News.

1873

1874 Mrs. Quesinberry - No. I just want to make it clear that the transitional buffer deviation really concerns that area where the drainfield exists now. And that's what we are talking about. It just really delays the landscaping until such time as the sewer is available.

1877

1878 Ms. News -

Yes. That's the main component and the other component is that there is a portion of the drive lane on the western boundary that is within the 35-foot transitional buffer.

1881

1882 Mrs. Quesinberry - Okay. Do we need two separate motions to approve the deviation or can  
1883 we wrap it all up?

1884

1885 Ms. News -

It's all a 35-foot transitional buffer deviation. I think one motion would cover it.

1887

1888 Mr. Vanarsdall -

Are there any other questions by Commission members? All right, Mrs. Quesinberry.

1889

1890 Mrs. Quesinberry - Okay. I can recommend approval of LP/POD-18-99, the landscape and  
1891 lighting plan and the transitional buffer deviation with the annotations on the plan and the  
1892 standard conditions for landscape and lighting plans.

1893

1894 Ms. Dwyer - Second.

1895

1896 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Ms.  
1897 Dwyer. All in favor say aye...all opposed say nay. The motion carries.

1898

1899 The Planning Commission approved the landscape, lighting, and transitional buffer deviation  
1900 for LP/POD-18-99, Texaco Convenience Center - Darbytown & Turner Roads, subject to the  
1901 standard conditions attached to these minutes for landscape and lighting plans.

1902

1903 **SUBDIVISION (Deferred from the May 24, 2000, Meeting)**

1904

Hunton Park Townhouses  
(May 2000 Plan)

**Foster & Miller, P. C. for William W. Johnson:** The 70.01  
acre site is located on the north line of proposed Hunton Park  
Boulevard, approximately 3000 feet east of Staples Mill Road  
(U.S. Route 33) on part of parcel 13-A-24 and part of 21-A-2.  
The zoning is RTHC, Residential Townhouse District  
(Conditional). County water and sewer. **(Brookland) 245 Lots**

1905

1906

1907 Mr. Vanarsdall - Is there anyone in the audience in opposition to Hunton Park  
1908 Townhouses? No opposition. Mr. McGarry, good morning.

1909

1910 Mr. McGarry - Good morning, Mr. Chairman. A revised plan was received this  
1911 morning so you will need to waive the time limit in your motion. The revised plan is identical  
1912 to the plan that you see on your screen and is included in your packet, except that it adds two  
1913 additional strips of land to the layout. All three outstanding issues have been resolved. First,  
1914 the RPA boundary has been accepted by the Department of Public Works. Second, the 50-  
1915 foot buffer has been provided by adding this additional land to meet the proffered buffer  
1916 requirements. This additional land is being provided by Star City Land. The applicant is  
1917 purchasing these townhouses from Star City and will also purchase the additional strips from  
1918 them as well. So, Star City would have to become a party to the POD application when that is  
1919 submitted.

1920

1921 The traffic study is the third item that has been submitted and conditions of an internal memo  
1922 have been provided to the applicant and they have been accepted by the applicant. Reference  
1923 to that is included in your addendum as item No. 15, which reads: The five improvements  
1924 listed in the proposed Hunton development memo from Department of Public Works dated  
1925 June 27, 2000, shall be incorporated in this approval. With that, staff can recommend  
1926 approval of this revised plan subject to the standard conditions, additional conditions Nos. 12  
1927 through 14 and No. 15 on your addendum. I'll be happy to answer any questions.

1928 Mr. Vanarsdall - Are there any questions of Mr. McGarry by Commission members? No  
1929 questions? All right. Nobody has any questions and I don't need to hear from Mr. Weinberg.  
1930 I recommend approval of subdivision Hunton Park Townhouses as presented by Mr. McGarry  
1931 and the staff and with added conditions Nos. 12, 13, and 14 and on our addendum, dated June  
1932 28, another added condition No. 15. Then I realized when I got into this, I've got to waive  
1933 the time limit. So, I'll go ahead with this motion and then we will waive the time limit. I  
1934 guess that's the way we can do it. Let me start over. I waive the time limit on Hunton Park  
1935 Townhouses.

1936

1937 Mrs. Quesinberry - Second.

1938

1939 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
1940 Quesinberry. All those in favor say aye...all opposed say nay. The motion carries.

1941

1942 The Planning Commission approved to waive the time limits for subdivision Hunton Park  
1943 Townhouses for the revised plans.

1944

1945 Mr. Vanarsdall - Now, I'll make a motion that we approve subdivision Hunton Park  
1946 Townhouses as presented by Mr. McGarry and the staff with the annotations on the plans for  
1947 subdivision served by public utilities, and added conditions Nos. 12, 13, 14 and from the  
1948 addendum, dated June 28, added condition No. 15.

1949

1950 Mr. Archer - Second, Mr. Chairman.

1951

1952 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer.  
1953 All those in favor say aye...all opposed say nay. The motion carries.

1954

1955 The Planning Commission granted conditional approval to subdivision Hunton Park  
1956 Townhouses (May 2000 Plan), subject to the standard conditions for subdivision served by  
1957 public utilities, the annotations on the plans and the following additional conditions:

1958

1959 12. The proffers approved as part of zoning case C-72C-90 shall be incorporated in this  
1960 approval.

1961 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted  
1962 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."  
1963 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."

1964 14. Prior to final approval, a draft of the covenants and deed restrictions for the  
1965 maintenance of the common area by a homeowners association shall be submitted to the  
1966 Planning Office for review. Such covenants and restrictions shall be in form and  
1967 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
1968 of the subdivision plat.

1969 15. The five improvements listed in the proposed Hunton development memo from  
1970 Department of Public Works dated June 27, 2000, shall be incorporated in this  
1971 approval.

1972

1973 **PLAN OF DEVELOPMENT (Deferred from the May 24, 2000, Meeting)**

1974

POD-42-00  
Springfield Commons

**Jordan Consulting Engineers for R.A.S. 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, 11,640 square foot office building, a one-story, 12,700 square foot office building and a one-story, 14,640 square foot office building. The 4.35 acre site is located along the west line of Springfield Road (State Route 157), approximately 900 feet north of W. Broad Street (U.S. Route 250) on parcel 48-A-23B. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Three Chopt)**

1975

1976

1977 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-42-00, Springfield  
1978 Commons? We have opposition. Mr. Wilhite.

1979

1980 Mr. Wilhite - This case was deferred from last month to give the applicant the  
1981 opportunity to meet with the adjacent townhouse association. Also to get a signature from  
1982 Cosco next door to allow a drive connection between the existing Cosco property and here.  
1983 There is a revised plan in your packet that shows a reduction in the area of this proposal,  
1984 roughly, by a tenth of an acre. Part of the agreement of Cosco granting access to their  
1985 property was a land swap to allow Cosco to try to rezone the property and expand their  
1986 parking lot. They have filed for rezoning of that strip of land. It will be before you in the  
1987 first meeting in July. We do have the signature from Cosco to allow this case to proceed,  
1988 though. The water quality issues have been worked out. The applicant has met with the  
1989 townhouse association and they have come to an agreement to get their support on this as well.  
1990 The staff can recommend approval of the revised plan in your packet. I'll be happy to answer  
1991 any questions you may have.

1992

1993 Mr. Vanarsdall - Are there any questions for Mr. Wilhite?

1994

1995 Mr. Taylor - Mr. Wilhite, there was some concerns by the neighbors working with the  
1996 real estate company to include several items for Henrico County related to lighting, buffers,  
1997 and trash, in their neighborhood and developer with regard to HVAC, vehicle visibility, and  
1998 air conditioning changes. Have they been recorded?

1999

2000 Mr. Wilhite - We have a copy of the agreement on file. I can read down the list if you  
2001 would like.

2002

2003 Mr. Taylor - Is there anybody here in the audience who would like to speak to that?

2004

2005 Mr. Vanarsdall - We have opposition, but we would like to hear from the applicant first.

2006

2007 Mr. Taylor - Okay.

2008 Mr. Rice - Commission, my name is Chris Rice. I am the developer and owner of  
2009 the property. We met with the townhouse association and we had come to agreement on  
2010 screening all of the HVAC equipment from their view and felt like we had met their demands.  
2011  
2012 Mr. Vanarsdall - All right. Thank you.  
2013  
2014 Mr. Taylor - Mr. Rice, is this a copy of the memorandum that you had worked out  
2015 with the Springfield Woods Townhouse Association?  
2016  
2017 Mr. Rice - Yes, sir, it is.  
2018  
2019 Mr. Taylor - Has this been entered into the record?  
2020  
2021 Mr. Wilhite - Yes, we have a copy for our records. Staff had originally recommended  
2022 a fence between the townhouses and this project; the agreement as far as the treatment of that  
2023 buffer, they have agreed to no fence being provided. So, staff will pull that recommendation.  
2024  
2025 Mr. Vanarsdall - All right. Come on down, ma'am. Good morning.  
2026  
2027 Ms. Ridd - Good morning. My name is Sue Ridd and I live at 9655 Greenmeadow  
2028 Circle and I've been a resident of Springfield Woods since 1989. I was at that June 22  
2029 meeting with the board and my only concern with this project, I agree with it in the general  
2030 concept, was that in the presentation there were two developers. One indicated that the 10-  
2031 foot transitional zone would be revegetated completely. The other one indicated that the  
2032 number of trees would remain as much as possible. There are approximately 141 mature  
2033 hardwoods that have a diameter greater than six inches and are over 40 feet in height. This  
2034 may not sound significant to you but if you were neo-tropical migrant, it would be. This area  
2035 has recorded some rare species in this area. So, my only concern or my only requests is that  
2036 the 10-foot zone that is right now labeled transitional be uncut. In other words, it would  
2037 remain in mature hardwoods and their proposed vegetated screening would be planted just  
2038 adjacent to that line. Are there any questions?  
2039  
2040 Mr. Taylor - Ms. Ridd, that is typified by the sketch at the bottom of this statement.  
2041  
2042 Ms. Ridd - Yes, sir. Springfield Woods is on the north side and Springfield  
2043 Commons is on the south side. And you see that there is a 10-foot buffer right now that is  
2044 proposed in his drawing as transitional. All I want is a clarification that it will remind in  
2045 mature hardwoods and remain uncut.  
2046  
2047 Mr. Taylor - Okay. Thank you.  
2048  
2049 Mr. Vanarsdall - Mr. Secretary, I don't believe that we have the authority to state this, do  
2050 we? We would like to do everything we can to save them.  
2051  
2052 Mr. Marlles - I would suggest, Mr. Chairman, that the applicant address that.

2053 Mr. Vanarsdall - Yes, I would too. Maybe we can get something in writing from him.  
2054

2055 Mr. Rice - Planning Commission, we will do the best to try to save the natural  
2056 hardwood that's in that area. But, through the development process, we can't guarantee that.  
2057

2058 Mr. Vanarsdall - Mr. Taylor.  
2059

2060 Mr. Taylor - I understand that and I hope that Ms. Ridd will understand that. The  
2061 developer will do what he can to protect those trees as you have requested. And as we have  
2062 his statement from his company relative to what the six different requirements that you have  
2063 already worked out for him. So, I think everybody will benefit by that. And if you will just  
2064 give us that assurance while we will proceed.  
2065

2066 Mr. Rice - We will do our best, yes, sir.  
2067

2068 Mr. Taylor - Is that acceptable to you, Ms. Ridd?  
2069

2070 Ms. Ridd - Yes.  
2071

2072 Mr. Vanarsdall - Is there any way you can get together with Ms. Ridd and ....  
2073

2074 Mr. Taylor - Well, yes, sir. I think he has the sketch and what he's proffered is, as  
2075 much as humanly possible, as he goes forward and he will try to accommodate the trees and  
2076 the birds will be happy as they go from north to south and south to north.  
2077

2078 Mr. Rice - Thank you.  
2079

2080 Mr. Taylor - So, with that, Mr. Chairman, I will....  
2081

2082 Mr. Vanarsdall - Let me ask Ms. Ridd. Is that satisfactory to you, Ms. Ridd?  
2083

2084 Ms. Ridd - So long as they are acting in good faith, yes, sir, that is satisfactory.  
2085

2086 Ms. Dwyer - But, what efforts will be taken to preserve the trees?  
2087

2088 Mr. Vanarsdall - That was my next question.  
2089

2090 Ms. Dwyer - You know sometimes good intentions are spoken at the Planning  
2091 Commission meeting but then the bulldozer guy doesn't understand that and so it's good to  
2092 have areas clearly marked.  
2093

2094 Mr. Wilhite - We will have to look at the final grading details on the plans submitted  
2095 for construction. We can commit to require them to use orange tree protection fencing on the  
2096 trees that can be saved. At this point, we don't know how many until we see their final plans.  
2097

2098 Ms. Dwyer - I would also like to comment that 10 feet of natural trees really won't  
2099 amount to what we might think it is. By the time you clear away the woods, which usually  
2100 remaining in a 10-foot buffer is not a whole lot of natural hardwood, so.

2101

2102 Mr. Wilhite - In this particular case, the tree line actually extends into the common  
2103 area of the subdivision. So, it's not clear to the property line of this townhouse development.

2104

2105 Ms. Dwyer - Well, that's good.

2106

2107 Mr. Wilhite - So, how many trees and what quality we get, we don't know at this  
2108 point.

2109

2110 Ms. Dwyer - So, there will be protection on that side at least.

2111

2112 Mr. Wilhite - We can request that they put up orange tree protection fencing in that  
2113 area to the extent that we can possibly get them to do it.

2114

2115 Mr. Vanarsdall - I think that would be a good idea. Since she has come forward and  
2116 asked. Thank you, Mr. Taylor.

2117

2118 Mr. Taylor - Mr. Chairman, with that, I'll recommend approval of POD-42-00,  
2119 Springfield Commons, subject to the annotations on the plans, the standard conditions for  
2120 developments of this type and conditions Nos. 9 and 11 amended and added conditions Nos.  
2121 23 through 32.

2122

2123 Mrs. Quesinberry - Second.

2124

2125 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
2126 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

2127

2128 The Planning Commission approved POD-42-00 Springfield Commons, subject to the standard  
2129 conditions attached to these minutes for developments of this type, the annotations on the  
2130 plans, and the following additional conditions:

2131

2132 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2133 review and Planning Commission approval prior to the issuance of any occupancy  
2134 permits.

2135 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2136 depictions of light spread and intensity diagrams and fixture mounting height details  
2137 shall be submitted for Planning Office review and Planning Commission approval.

2138 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2139 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2140 being issued. The easement plats and any other required information shall be submitted  
2141 to the County Real Property Agent at least sixty (60) days prior to requesting  
2142 occupancy permits.

- 2143 24. The entrances and drainage facilities on Springfield Road (State Route 157) shall be  
 2144 approved by the Virginia Department of Transportation and the County.
- 2145 25. A notice of completion form, certifying that the requirements of the Virginia  
 2146 Department of Transportation entrances permit have been completed, shall be submitted  
 2147 to the Planning Office prior to any occupancy permits being issued.
- 2148 26. The developer shall provide fire hydrants as required by the Department of Public  
 2149 Utilities in its approval of the utility plans and contracts.
- 2150 27. Outside storage shall not be permitted.
- 2151 28. The certification of building permits, occupancy permits and change of occupancy  
 2152 permits for individual units shall be based on the number of parking spaces required for  
 2153 the proposed uses and the amount of parking available according to approved plans.
- 2154 29. Deviations from County standards for pavement, curb or curb and gutter design shall  
 2155 be approved by the County Engineer prior to final approval of the construction plans by  
 2156 the Department of Public Works.
- 2157 30. Insurance Services Office (ISO) calculations must be included with the utilities plans  
 2158 and contracts and must be approved by the Department of Public Utilities prior to the  
 2159 issuance of a building permit.
- 2160 31. Approval of the construction plans by the Department of Public Works does not  
 2161 establish the curb and gutter elevations along the Virginia Department of Transportation  
 2162 maintained right-of-way. The elevations will be set by the contractor and approved by  
 2163 the Virginia Department of Transportation.
- 2164 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 2165 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 2166 development.

2168 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

2169

POD-19-97  
 Westerre III  
 (POD-2-97 and POD-93-97  
 Revised)

**Balzer & Associates for Westerre Land Development,  
 Trammell Crow Company and Residence Inn By Marriott  
 Inc.:** Request for approval of a plan of development and  
 special exception for buildings in excess of three stories, as  
 required by Chapter 24, Sections 24-2, 24-59(c) and 24-106 of  
 the Henrico County Code in order to construct a four-story,  
 96,000 square foot office building. The 4.135 acre site is  
 located on the west line of proposed Westerre Parkway  
 approximately 1,000 feet south of W. Broad Street (U. S.  
 Route 250) on part of parcel 48-A-37A. The zoning is B-2C  
 Business District (Conditional) and O-3C, Office District  
 (Conditional). County water and sewer. **(Three Chopt)**

2170

2171 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-19-97, Westerre  
 2172 III? We have opposition. Mr. Wilhite.

2173

2174 Mr. Wilhite - This is a bit of a unique situation, Mr. Chairman. This POD was  
 2175 approved in February 1997. The applicant submitted plans for signature to the County and it

2176 was in the review process and we provided comments back to them. That was submitted, I  
2177 believe, in the summer of last year. The applicant kind of let the process go and in the  
2178 meantime the approval of this POD expired. The County has put this back on the agenda and  
2179 we are recommending approval under the original annotations, conditions and plans that were  
2180 submitted back in 1997 to us. And if the Planning Commission were to approve this, I  
2181 imagine signed construction plans would occur very shortly.

2182

2183 Mr. Vanarsdall - Is the applicant here, Mr. Wilhite?

2184

2185 Mr. Wilhite - Yes, I believe there is a representative from Trammell Crow here.

2186

2187 Ms. Wittenauer- I'm Mary Beth Wittenauer, vice president with Trammell Crow  
2188 Company. Hi, Mr. Vanarsdall, how are you?

2189

2190 Mr. Vanarsdall - Fine. Go ahead. Mr. Plotkins has some concerns.

2191

2192 Ms. Wittenauer - Does he needs to voice them public first?

2193

2194 Mr. Taylor - It might be better if Mr. Plotkin, if you yield and let Mr. Plotkin discuss  
2195 his concerns and then you will have your time to answer those concerns. Mr. Plotkins.

2196

2197 Mr. Plotkin - Thank you. Mr. Chairman and ladies and gentlemen of the  
2198 Commission, I'm James Plotkin representing SFP Company, the adjoining property owner,  
2199 building the Summit Shops on W. Broad. A few years ago the Summit was unable to obtain a  
2200 building permit because no off site easement for its stormwater had been conveyed to SFP  
2201 Company by the applicant. The Summit is an upstream property owner of the applicant's  
2202 property. The delay was extremely adverse to the Summit. There is no means of channeling  
2203 the storm water away from the Summit other than across the applicant's property. The  
2204 applicant has very graciously assured me verbally of its intention to grant the easement now to  
2205 accept the stormwater runoff for future Phase II of the Summit, although we have no easement  
2206 at this time. SFP Company merely wants to go on record, with the Planning Commission, that  
2207 this representation by the applicant has been made so that the Summit will not find itself in the  
2208 future in a position of having a repeated problem with future building permit applications  
2209 being withheld on account of the off site easement not having been granted.

2210

2211 Mr. Vanarsdall - Mr. Taylor, are you aware of this?

2212

2213 Mr. Taylor - Yes, sir. I'm aware of the difficulty of the drainage in there on Mr.  
2214 Plotkin's site and the Westerre property and also the other development going on in that  
2215 sector. It is characterized by really three or four different slopes converging at an apex that is  
2216 going to become a BMP. And it's exasperated by the fact that Mr. Plotkin's property doesn't  
2217 exactly drain into the right area. But, all water drains down hill and Westerre is the  
2218 connecting point, the nexus of all of this water and we would hope that Westerre would simply  
2219 grant Mr. Plotkin he opportunity to enjoy the runoff that he is hoping he will have when he  
2220 gets the site developed. It's a very difficult site to develop but I think Mr. Plotkin has come

2221 up with several ways to it. And with the help of RealtiCorp. and Westerre, I think we can get  
2222 over this hump. So, with that I would just say thank you, sir. And I wish you the best of  
2223 luck.

2224

2225 Mr. Vanarsdall - Jimmy, you have been working on this a long time, haven't you?

2226

2227 Mr. Plotkin - About ten years.

2228

2229 Mr. Taylor - When he started, Mr. Chairman, he had a full head of hair.

2230

2231 Ms. Wittenauer - As you will note on the plan, we represent that we intended an easement  
2232 to Mr. Plotkin's property and we will gladly grant that upon his request.

2233

2234 Mr. Vanarsdall - If there are no more questions by the Commission members, we need a  
2235 motion, Mr. Taylor.

2236

2237 Mr. Taylor - Thank you very much for doing that. Mr. Chairman, it is my pleasure  
2238 to move approval for POD-19-97, Westerre III, which was POD-2-97 and POD-93-97  
2239 Revised, subject to the original plan, the annotations, the standard conditions and as conditions  
2240 listed below which include Nos. 9 and 11 amended and Nos. 23 through 31.

2241

2242 Mrs. Quesinberry - Second.

2243

2244 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
2245 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

2246

2247 The Planning Commission approved POD-19-97, Westerre III (POD-2-97 and POD-93-97  
2248 Revised), subject to the standard conditions attached to these minutes for developments of this  
2249 type, the annotations of the plans and the following additional conditions:

2250

2251 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2252 review and Planning Commission approval prior to the issuance of any occupancy  
2253 permits.

2254 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2255 depictions of light spread and intensity diagrams and fixture mounting height details  
2256 shall be submitted for Planning Office review and Planning Commission approval.

2257 23. The subdivision plat for the dedication of Westerre Parkway from W. Broad Street (U.  
2258 S. Route 250) to the western boundary of the site shall be recorded before any  
2259 occupancy permits are issued.

2260 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
2261 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2262 being issued. The easement plats and any other required information shall be submitted  
2263 to the County Real Property Agent at least sixty (60) days prior to requesting  
2264 occupancy permits.

2265 25. The developer shall provide fire hydrants as required by the Department of Public

- 2266 Utilities in its approval of the utility plans and contracts.
- 2267 26. The certification of building permits, occupancy permits and change of occupancy  
 2268 permits for individual units shall be based on the number of parking spaces required for  
 2269 the proposed uses and the amount of parking available according to approved plans.
- 2270 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
 2271 County Attorney prior to final approval of the construction plans by the Department of  
 2272 Public Works.
- 2273 28. Deviations from County standards for pavement, curb or curb and gutter design shall  
 2274 be approved by the County Engineer prior to final approval of the construction plans by  
 2275 the Department of Public Works.
- 2276 29. Insurance Services Office (ISO) calculations must be included with the utilities plans  
 2277 and contracts and must be approved by the Department of Public Utilities prior to the  
 2278 issuance of a building permit.
- 2279 30. Approval of the construction plans by the Department of Public Works does not  
 2280 establish the curb and gutter elevations along the Henrico County maintained right-of-  
 2281 way. The elevations will be set by Henrico County.
- 2282 31. The applicant(s) shall provide evidence of a perpetual easement running with the land  
 2283 for cross access and shared parking in accordance with 24-96 a (2) g prior to the  
 2284 issuance of any certificates of occupancy.

2285  
 2286 **SUBDIVISION (Deferred from the May 24, 2000, Meeting)**

2287

Pine Creek  
 (April 2000 Plan)

**Engineering Design Associates for Urban Corridor Property, Inc. and H. W. Owens, Inc.:** The 35.94 acre site is located on the eastern terminus of Howard Street between Old Williamsburg Road and I-64 on part of parcels 164-A-42 and 165-A-12A and 12B. The zoning is A-1, Agricultural District, R-4AC, One-Family Residence District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina) 50 Lots**

2288

2289

2290 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Pine Creek  
 2291 (April 2000 Plan)? No opposition. Mr. Kennedy.

2292

2293 Mr. Kennedy - Mr. Chairman and ladies and gentlemen of the Commission, we received  
 2294 a revised plan, a cross section of the road, we received it on Monday so we will need to waive  
 2295 the time limits for review of that plan. There is an amended recommendation on the  
 2296 addendum, which I handed out, it's a revised agenda addendum. It's on page two of the  
 2297 revised addendum. This subdivision was deferred from the May 24 meeting. At that time,  
 2298 staff had expressed concern that there was inadequate access to the floodplain for an  
 2299 undeveloped section of road for Howard Street. Since that time, the applicant came back in  
 2300 with a revised subdivision reducing the number of lots from 50 to 30 because part of the  
 2301 property is undevelopable due to wetlands. And they provided a cross section of road which  
 2302 provided a four-foot-high retaining wall in order to bring the road out of the floodplain. That

2303 was a concern that staff had noted. The adjoining property owner, Mr. James Cannon, who  
2304 owns the property to the south along Howard Street, had expressed opposition to the retaining  
2305 wall because it would preclude him from having access to the road. And in addition, Public  
2306 Works reviewed that and indicated that they would not approve an exception. What came in  
2307 Monday was another revision to that cross section dropping off the retaining wall and going  
2308 back to slopes. That would require them to obtain slopes from the adjoining property owner,  
2309 Mr. Cannon being one, and an undeveloped subdivision on the north side of Howard Street as  
2310 well, to raise the road up to four feet to keep it out of the floodplain. The applicant is  
2311 requesting that the Planning Commission move forward with it, with a condition that they be  
2312 required prior to submitting final to have obtained those easements or right-of-ways necessary  
2313 to build it. They feel that it is necessary for them to have the approval so that they can go  
2314 forward and negotiate for the easements on right-of-way. They have indicated to staff that  
2315 they have not approached either property owner at this point. Basically, what Public Works  
2316 has indicated is that as long as they obtain the slopes and build the road and bring it out of the  
2317 floodplain, it would meet their construction standards. With that being said, staff is prepared  
2318 to move forward recommending approval subject to the standard conditions for subdivision  
2319 served by public utilities and the two additional conditions that are on the addendum. The first  
2320 one being that the applicant shall secure adequate easements and/or right-of-way. And the  
2321 second, any change in access to the proposed subdivision shall be resubmitted for review and  
2322 approval. So, if they change the location of the access, it would be a substantial change and  
2323 would have to come back to the Planning Commission. If you have any questions, I'll be  
2324 happy to answer them.

2325

2326 Mr. Vanarsdall - Are there any questions of Mr. Kennedy?

2327

2328 Mrs. Quesinberry - Just a couple. I'm looking for the two conditions on the addendum. I'm  
2329 down to the lowest piece of my pile of paper for the morning and I still don't have that. Can I  
2330 have this one? Mr. Kennedy, so what we are looking at here is no more four-foot retaining  
2331 wall?

2332

2333 Mr. Kennedy - Yes.

2334

2335 Mrs. Quesinberry - But acceptable slopes if the applicant can get the easements from the  
2336 adjoining property owners.

2337

2338 Mr. Kennedy - That's right.

2339

2340 Mrs. Quesinberry - And with that, you can recommend approval with the conditions on the  
2341 addendum?

2342

2343 Mr. Kennedy - That is true. There are still significant problems on this site with  
2344 wetlands, and the owners and applicants have notice for that and is working to resolve those  
2345 issues.

2346

2347 Mrs. Quesinberry - And we are down from 50 lots to 30?

2348

2349 Mr. Kennedy - That is correct.

2350

2351 Mrs. Quesinberry - What is going to happen to the floodplain that is not being used now for  
2352 the subdivision and the floodplain to the, I assume, east?

2353

2354 Mr. Kennedy - The applicant, on the property located to the east, the applicant owns the  
2355 property to the south and has access there. And they have provided us information to that  
2356 effect. They intend to try to develop it coming from the south on that side so that they don't  
2357 have to go over the wetlands. It's the wetlands line that divides it. On the property to the  
2358 west, the applicant has submitted a rezoning case which the Planning Commission turned down  
2359 at their last meeting, recommended disapproval at the last meeting, is being forwarded to the  
2360 Board of Supervisors for consideration. Through that property which is indicated on the plan,  
2361 rezoning has been requested, they have provided access to provide development on the  
2362 property to the west. But because they don't have the zoning in place, they don't know what  
2363 the zoning is, they have not come up with a plan for that portion of the property.

2364

2365 Mrs. Quesinberry - And what about the property to the east?

2366

2367 Mr. Kennedy - That basically will provide access through that rezoned property to the  
2368 property to the east and develop a portion of that as a part of their future development. So,  
2369 what they need to so is find out what the resolution of the rezoning case is to determine what  
2370 the ultimate layout of the lots are.

2371

2372 Mrs. Quesinberry - Wouldn't they have to go through this subdivision to get from the west  
2373 to the east?

2374

2375 Mr. Kennedy - No. They would ultimately have to go through that first section where it  
2376 says rezoning is proposed, to get to that section but they have control of both those parcels.  
2377 Basically, what they are waiting for is the rezoning to figure out what layout they would use.

2378

2379 Mrs. Quesinberry - So, this layout that we are looking at today may not be the final layout?

2380

2381 Mr. Kennedy - Right. There will be a future layout for that reserved parcel, that isn't  
2382 all floodplain, there is some developable land that they can access through that property that  
2383 they have requested to rezone. Their initial layout for that did show 30 lots there, but they  
2384 will be precluded by having 30 lots at that location because they have a maximum of 50 lots as  
2385 a condition of this as an annotation. Our standard 50 lots for a single point of access. So,  
2386 they would have the 30 lots on this section, they could have a maximum of 20 lots on through  
2387 that parcel ultimately. And basically what would happened is, what is shown, is lot 2 on  
2388 Howard Street would ultimately be resubdivided to provide dedicated street and create lots on  
2389 either side on that property, either in accordance with the current zoning which is A-1, or  
2390 should the Board of Supervisor not accept the Planning Commission's recommendation as R-3.

2391

2392 Mrs. Quesinberry - See, I'm talking about this over here, this part (referring to rendering).

2393

2394 Mr. Kennedy - Oh, okay. I didn't understand. On the east side, that property would be  
2395 accessed through the property to the south which the property owner owns. So, ultimately,  
2396 there will be some other development plan to be submitted.

2397

2398 Mrs. Quesinberry - Okay.

2399

2400 Mr. Vanarsdall - Are there any more questions by Commission members? Do you need to  
2401 hear from the applicant, Mrs. Quesinberry?

2402

2403 Mrs. Quesinberry - Yes. I have just one quick question about the easements from the  
2404 applicant.

2405

2406 Ms. Isaac - I'm Lorraine Isaac with Engineering Design.

2407

2408 Mrs. Quesinberry - Hi, how are you doing?

2409

2410 Ms. Isaac - Fine.

2411

2412 Mrs. Quesinberry - What are you going to do if you don't get these easements?

2413

2414 Ms. Isaac - Then it won't fly, will it?

2415

2416 Mrs. Quesinberry - No.

2417

2418 Ms. Isaac - This is not unusual to be requesting an approval, knowing you need off  
2419 site easements. Things have to occur in a certain order and by approval of the tentative, it's  
2420 saying you can get 30 lots and now you can go and negotiate and you know how many lots  
2421 you can get. You know how much you can pay for an off-site easement. You start working  
2422 numbers and the engineering. We feel comfortable with the fact that we can get those  
2423 easements.

2424

2425 Mrs. Quesinberry - Okay.

2426

2427 Ms. Isaac - The property to the north of that road extension, is in the floodplain.  
2428 It's not buildable. So, we are thinking that we will be able to get the land we need.

2429

2430 Mrs. Quesinberry - All right. That's all I have.

2431

2432 Mr. Vanarsdall - If there are no more question, then we need a motion.

2433

2434 Mrs. Quesinberry - I would like to waive the time limits on the plan submitted and dated  
2435 June 28, 2000.

2436

2437 Ms. Dwyer - Second.

2438

2439 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Ms.  
2440 Dwyer. All in favor say aye...all opposed say nay. The motion carries.

2441

2442 The Planning Commission approved to waive the time limit on subdivision Pine Creek (April  
2443 2000 Plan).

2444

2445 Mrs. Quesinberry - Okay. I'd like to make a motion for approval of Pine Creek subdivision  
2446 (April 2000 Plan) with the new plan submitted and the standard conditions for approval of  
2447 subdivisions served by public utilities and the additional conditions on the addendum to the  
2448 agenda Nos. 12 and 13. And just again, with the understanding on everyone's part that the  
2449 applicant is going to have to secure some easements and be able to grade this road into the  
2450 subdivision adequately to meet the Public Works standards and get the slopes adequate to  
2451 support that. That's it.

2452

2453 Mr. Archer - Second.

2454

2455 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.  
2456 Archer. All in favor say aye...all opposed say nay. The motion carries.

2457

2458 The Planning Commission granted conditional approval to subdivision Pine Creek (April 2000  
2459 Plan) subject to the standard conditions attached to these minutes for subdivisions served by  
2460 public utilities, the annotations on the plans and the following additional conditions:

2461

2462 12. The applicant shall secure adequate easements and or right of way for the construction  
2463 of Howard Street, prior to the submission of a final plat.

2464 13. Any changes in access to the proposed subdivision shall be resubmitted for review and  
2465 approval by the Planning Commission.

2466

2467

2468 Mr. Vanarsdall - I believe that completes the cases. And now we will take the minutes.

2469

2470 **APPROVAL OF MINTUES: April 26, 2000 and May 24, 2000**

2471

2472 Ms. Dwyer - I move we approve the minutes as amended, for both months.

2473

2474 Mr. Taylor - Second.

2475

2476 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All  
2477 in favor say aye...all opposed say nay. The motion carries.

2478

2479 The Planning Commission approved the minutes for April 26, 2000 and May 24, 2000, as  
2480 amended.

2481

2482 Mr. Vanarsdall - I don't think we officially adjourn, do we?

2483

2484 Mrs. Quesinberry - No because we are coming back at seven, right?

2485

2486 Mr. Vanarsdall - Mr. Marlles have one item he would like to add.

2487

2488 Mr. Marlles - Mr. Chairman and members of the Commission, well over the past year  
2489 a committee of staff has been working to revised the POD process in response to a project that  
2490 Ms. Harper started several year's ago, the Development Timeline Project. Staff agreed some  
2491 time ago that we would brief the Commission on the recommendations to revise the POD  
2492 process before they went into affect, which we are trying to bring the new POD process into  
2493 affect in September. So, I would like to ask the Commission if I could brief you at your POD  
2494 meeting on July 26. That would probably just take the form of a presentation and I will try to  
2495 get some information out to the Commission in advance. Most of these changes do not effect  
2496 the Planning Commission, they do effect how staff processes POD applications. The effort  
2497 here is to try to expedite the process as much as possible.

2498

2499 Mr. Vanarsdall - So, this is just a kind of a FYI thing.

2500

2501 Mr. Marlles - Yes, yes, it is.

2502

2503 Mrs. Quesinberry - And that was all of the things that we talked about in the various work  
2504 sessions that we had on the Time Line process?

2505

2506 Mr. Marlles - Many of those things, yes. If you recall, Angela brought forward a  
2507 number of amendments to the various ordinances. Many of those were not recommended for  
2508 approval by the Board but these are changes, this was a separate process that was going on  
2509 concurrently but addressed a lot of those same concerns that Ms. Harper identified as a part of  
2510 her process.

2511

2512 Mr. Vanarsdall - The slide presentations?

2513

2514 Mr. Marlles - Yes.

2515

2516 Mr. Vanarsdall - So, you want to do it on the 26<sup>th</sup> of July at the POD meeting?

2517

2518 Mr. Marlles - Yes, that was going to be my suggestion.

2519

2520 Mr. Vanarsdall - Anybody have any objection to that? What time do you want to do it?

2521

2522 Mr. Marlles - It could be done at the end of the agenda, following the cases.

2523

2524 Ms. Dwyer - Where are we with the....  
2525  
2526 Mr. Marlles - With the Density Bonus Program?  
2527  
2528 Ms. Dwyer - Yes. The multi-family.  
2529  
2530 Mr. Marlles - Staff has made the administration aware that that item is ready for either  
2531 a work session or a public hearing by the Board of Supervisors.  
2532  
2533 Mr. Vanarsdall - What are you talking about, multi-family?  
2534  
2535 Mr. Marlles - These are the....  
2536  
2537 Mr. Vanarsdall - The Board of Supervisors will address that next.  
2538  
2539 Mr. Marlles - Right. That's correct. I don't recall.... Do you recall, Mr. Silber, when  
2540 the final draft was sent out to the Planning Commission, I believe there was a mailing to the  
2541 Planning Commission that had....  
2542  
2543 Mr. Silber - I think there was. The Board of Supervisors could have a work session  
2544 as early as July.  
2545  
2546 Mrs. Quesinberry - It's not officially on their agenda but that's probably the next time it  
2547 could get on the agenda.  
2548  
2549 Mr. Marlles - There are actually a number of items. What staff typically does is as the  
2550 Commission acts on these various proposed amendments or plans, like the West Broad Street  
2551 Land Use Plan, we make the County administration aware that those items are ready either for  
2552 a work session or public hearing by the Board. And the Manager actually makes the decision  
2553 as to when those items are scheduled for hearing. So, they have been made aware of that  
2554 particular item.  
2555  
2556 Mrs. Quesinberry - That was a lot of hard work. Thanks to all of the staff for that.  
2557  
2558 Mr. Vanarsdall - Is there anything else? So, we will adjourn until seven o'clock this  
2559 evening. That will be the longest break we ever took.  
2560  
2561 Mrs. Quesinberry - Now, don't you forget. Don't go home and forget.

2562 **THE PLANNING COMMISSION DISMISSED AT 11:20 A.M. AND SCHEDULED TO**  
2563 **RECONVENE AT 7:00 P.M. FOR THE PUBLIC HEARING ON AMENDMENTS TO**  
2564 **THE ZONING ORDINANCE.**

2565

2566 **PUBLIC HEARING: Amendments to Zoning Ordinance**

2567 Amendments to the Zoning Ordinance proposed to clarify certain development processes, to  
2568 revised the review process for building heights, and to amend the uses that require a  
2569 conditional or provisional use permit. **(Staff Presentation by Eric Lawrence)**

2570

2571 Mr. Vanarsdall - The Planning Commission will reconvene. The reason we are  
2572 reconvening is because we had a meeting this morning and we signed off for this meeting  
2573 tonight because it is a public hearing. Good evening everybody. Mr. Yolton, we appreciate  
2574 you coming out in this bad weather. And I'll turn this over to our secretary, Mr. Marlles.

2575

2576 Mr. Marlles - Mr. Chairman, do you want to do a roll call, just to make sure everyone  
2577 is here?

2578

2579 Mr. Vanarsdall - All right. Why don't we do it like we do in the military? Taylor.

2580

2581 Mr. Taylor - Present and accounted for, sir.

2582

2583 Mr. Vanarsdall - Archer.

2584

2585 Mr. Archer - Absent.

2586

2587 Mr. Vanarsdall - Quesinberry.

2588

2589 Mrs. Quesinberry - Here.

2590

2591 Mr. Vanarsdall - O'Bannon.

2592

2593 Mrs. O'Bannon - Here.

2594

2595 Mr. Vanarsdall - Vanarsdall. Here. All right. Roll call.

2596

2597 Mr. Marlles - Thank you, Mr. Chairman. As you indicated, we have one item on the  
2598 agenda.... We are reconvening from our earlier meeting. We have one item on the agenda  
2599 which is a public hearing on an amendment to the zoning ordinance to clarify certain  
2600 development processes to revise the review process for building heights and to amend the uses  
2601 that require a conditional or provisional use permit. Mr. Eric Lawrence will be giving the  
2602 staff's presentation tonight. I think it's a fairly brief one, isn't it, Mr. Lawrence?

2603

2604 Mr. Lawrence - Yes, it is.

2605

2606 Mr. Marlles - Okay. Why don't you proceed.

2607 Mr. Lawrence - Okay. Thank you.

2608

2609 Mr. Vanarsdall - Good evening, Mr. Lawrence.

2610

2611 Mr. Lawrence - Good evening, welcome back. Tonight's public hearing is the result of a  
2612 couple of work sessions staff has had with the Planning Commission over the last few months.  
2613 We have taking your comments into consideration and drafted and proposed the amendments  
2614 that we are presenting tonight. As mentioned, this is a public hearing. So if you are  
2615 comfortable, a recommendation at the end would be appropriate. What I would like to do is  
2616 just briefly touch on the main issues, the main points that would be addressed through this  
2617 amendment. The first section, we are calling it the 24-2 and 24-11 amendment. There are  
2618 many different sections of the ordinance that are being addressed but those two sections are  
2619 sort of the catalyst. So as you go through the ordinance, you have to match the changes in 24-  
2620 2 and 24-11. Section 24-2 addresses the interpretation and application of the zoning  
2621 ordinance. Staff proposes that the existing language be struck entirely. So what that says is  
2622 we are eliminating the language which talks about the minimum requirements. We are  
2623 eliminating the language that talks about greater restrictions always rule. And eliminating the  
2624 language that talks about the POD approval supercedes special exception. We essentially, just  
2625 redrafted so that it would read smoothly and clearer. Again, you talk about the minimum  
2626 requirements, which basically says the ordinance provides minimum requirements and that's  
2627 what we are trying to enforce. And if there is a conflict between two different levels of  
2628 requirements, maybe something is proffered and something is in the ordinance, the greater  
2629 restriction of the two would always rule. The significant change is the POD approval, which  
2630 currently supercedes the special exception process, would be eliminated. The reason for that is  
2631 to be consistent with the State Code.

2632

2633 Currently the State Code allows for the BZA to make the approval decisions when it comes to  
2634 special exceptions and the Planning Commission is an administrative body, which reviews plans  
2635 and makes recommendations.

2636

2637 Mr. Mariles - Mr. Lawrence, it might be helpful to the Commission to understand  
2638 perhaps why that was done in the first place.

2639

2640 **AT THIS TIME, A POWER OUTAGE OCCURRED AND ABOUT 3 TO 5 MINUTES**  
2641 **OF THIS MEETING WAS NOT RECORDED.**

2642

2643 Mr. Vanarsdall - ...And that's not going to change it.

2644

2645 Mrs. Quesinberry - There's a hum in the speaker up here. Thank you. Okay.

2646

2647 Mr. Lawrence - To address your question, Mrs. Quesinberry. The 24-106 amendment is  
2648 essentially just clarifying what policies and procedures the County currently has. Actually, the  
2649 106 amendment is in response to the 24-2 section, which the current book says the POD for  
2650 these types of uses fairgrounds and some other uses would go to the Board of Supervisors. So,  
2651 we are continuing the same process, which is putting the language in the proper location.

2652 Mrs. Quesinberry - I know we have always done that with those uses, but I just wanted to  
2653 make sure that it didn't change what the intent is now back on 24-2 to have the special use  
2654 permit go to the BZA.

2655

2656 Mr. Lawrence - The same intent would follow through.

2657

2658 Mr. Vanarsdall - Eric, what would be an example of No. 7 be?

2659

2660 Mr. Lawrence - That could be anything from a school to a library to a County annex,  
2661 anything that the government owns.

2662

2663 Mrs. O'Bannon - And No. 8, the similar recreational uses, that's kind of left open. I  
2664 mean, what sort of things did you have in mind?

2665

2666 Mr. Lawrence - The thought behind that is large scale uses. I don't know if we have  
2667 anything in mind. I don't know, a large private park, a baseball field, something like that.  
2668 It's similar language as currently on the books, so all we did was pull it out of the 24-2 and  
2669 stick it back here.

2670

2671 Mrs. O'Bannon - I don't think a baseball park would necessarily be... Do you mean like  
2672 the "Diamond"?

2673

2674 Mr. Lawrence - Yes, like the Diamond or something.

2675

2676 Mrs. O'Bannon - Well, that would be a government facility.

2677

2678 Mr. Vanarsdall - Like a skateboard park.

2679

2680 Mr. Lawrence - I was just coming up with something off the top of my head. The idea is  
2681 just anything large scale that sort of doesn't fit in.

2682

2683 Mrs. O'Bannon - Large scale. Would a skateboard park fall in there, or are they listed  
2684 separately?

2685

2686 Mr. Lawrence - Probably not.

2687

2688 Mrs. Quesinberry - Also, on the same thing, I am curious on No. 8 since this is PODs that  
2689 goes to the Board. The airport usually goes to the Board for things, how come that is not  
2690 there?

2691

2692 Mr. Lawrence - That would be a government entity, No. 7 catches that.

2693

2694 Mrs. Quesinberry - All right.

2695

2696 Mrs. O'Bannon - It's a multi jurisdictional government entity.

2697 Mr. Lawrence - When you think of government entity, anything that has relations to the  
2698 County here, maybe to the state, anything that has a connection.  
2699

2700 Mrs. Quesinberry - Well, let me ask you something. The case we had recently with the FBI  
2701 building, wouldn't that be a government entity, wouldn't that go to the Board, then? The one  
2702 we just did with the access.  
2703

2704 Mr. Taylor - The way that this is worded here it would be. It's leased by a  
2705 government entity.  
2706

2707 Mrs. Quesinberry - That's why I just was asking, I'm curious, because we got that a couple  
2708 of times.  
2709

2710 Mr. Vanarsdall - That is a good question.  
2711

2712 Mr. Taylor - Under this, Federal property would go to the Supervisors.  
2713

2714 Mrs. Quesinberry - It doesn't say County Government or State Government.  
2715

2716 Mr. Marlles - The Board and the administration usually do a pretty good job of letting  
2717 us know what facilities that the Board wants to kind of have jurisdiction over. It's based  
2718 almost on experience and history. I mean, the race track and the airport, those have kind of  
2719 developed over the years as government projects that the Board wants to have jurisdiction  
2720 over. But it does kind of raise a question, certainly, about which ones would go to the Board  
2721 and which ones to the Commission.  
2722

2723 Mrs. Quesinberry - I just wondered if you want to put language in this that says that the  
2724 Board has the purview to send it to the Planning Commission if they want to. That's a good  
2725 point, they don't want to see every FBI building that comes down the road or every State  
2726 library.  
2727

2728 Mrs. O'Bannon - Did we see that at the Board level? I'm trying to remember.  
2729

2730 Mr. Taylor - No. It was approved at the Planning Commission level but it went to the  
2731 Board for ratification.  
2732

2733 Mr. Marlles - It was approved by the Board.  
2734

2735 Mrs. O'Bannon - So, it did go through the process.  
2736

2737 Mr. Marlles - Yes.  
2738

2739 Mrs. O'Bannon - Oh, okay.  
2740

2741 Mr. Vanarsdall - I think probably post offices would be under No. 7 too. Of course, they

2742 do what they want to do.

2743

2744 Mr. Archer - Well, I wonder if the word "government" needs to be qualified. Does  
2745 that mean local government or does it just mean government period.

2746

2747 Mrs. O'Bannon - No, I think the term "government entity" is probably a good one because  
2748 it does cover say something like the airport, which is a multi jurisdictional type. Now, RMA,  
2749 would that be considered a government entity?

2750

2751 Mr. Lawrence - Yes. Anything quasi government.

2752

2753 Mrs. O'Bannon - Metropolitan Authority.

2754

2755 Mr. Lawrence - We have actually discussed with the County Attorney's office should it  
2756 be Henrico County Government and they felt no, they felt that you need to just leave it as  
2757 "government entity."

2758

2759 Mrs. O'Bannon - Well, how about this new district that they are planning on setting up at  
2760 the Short Pump Town Centre, that would be considered a government entity. Anything that  
2761 they do has to come before the Board to get approval.

2762

2763 Mr. Lawrence - Right.

2764

2765 Mr. Vanarsdall - All right. Mr. Lawrence, would you like to begin where you left off?

2766

2767 Mrs. Quesinberry - I'm sorry I got you to the back page.

2768

2769 Mrs. O'Bannon - I have a couple of questions on the building permit heights, up to 65  
2770 feet. Is that generally thought of as six stories?

2771

2772 Mr. Lawrence - I think they typically think of 10 or 12 feet per story.

2773

2774 Mrs. O'Bannon - Okay.

2775

2776 Mr. Lawrence - So, it would be about five.

2777

2778 Mrs. O'Bannon - And the questions that have come up in the past have to do with the fire  
2779 fighting equipment and over seven stories the State Code, building code, comes in with the  
2780 sprinklers and things like that, but before that they are required by Code to have fire doors. Is  
2781 that correct? So, we don't need to be concerned.... I mean, it talks about permitting building  
2782 heights. My concerns have to do with safety.

2783

2784 Mr. Lawrence - I don't know what the building code talks about but what we have done  
2785 is we have created criteria that the Planning Commission will review and we can certainly  
2786 apply that when a PUP process comes in, when a building over 65 feet comes in, would staff

2787 considering applying the same conditions to the PUP. And one of the conditions is, can you  
2788 satisfy and be adequately served by emergency services. So, we would look at the building  
2789 code requirements and also what's the capability of the local fire department.

2790

2791 Mrs. O'Bannon - Now, the other height limit thing had to do with the fly tower, I  
2792 remember at Steward School zoning. There was a fly tower that was 85 feet, but it was listed  
2793 as an exception in that criteria.

2794

2795 Mr. Lawrence - That's currently still an exception that hasn't been included in this  
2796 amendment.

2797

2798 Mrs. O'Bannon - This isn't going to affect that.

2799

2800 Mr. Lawrence - This isn't going to fix that. This would not fix that.

2801

2802 Mrs. O'Bannon - How do we fix that? An 85-foot telecommunication towers require more  
2803 permitting than an 85-foot huge building. So, this is my concern. It's terrible. And I mean it  
2804 goes into the adverse effects on adjoining properties and air and light issues.

2805

2806 Mr. Marlles - There is a requirement in the ordinance, though, that there would be  
2807 additional setbacks for that structure. But, that may not totally address the concern that I think  
2808 you and the rest have.

2809

2810 Mrs. O'Bannon - It has to be about 500 feet from the nearest house or something. This  
2811 isn't going to address anything like that, that was the problem.

2812

2813 Mr. Lawrence - No. It's not going to address that.

2814

2815 Mrs. O'Bannon - So, when are we going to take care of that?

2816

2817 Mr. Lawrence - If the Commission is comfortable with this, and comfortable with, in  
2818 consideration of that, staff can look into it before it gets to the Board and see if it is  
2819 appropriate to include it.

2820

2821 Mrs. O'Bannon - I think it is important because it does get into... One of the issues and I  
2822 think, partly, although it say fly tower, tries to address it as a church steeple, for instance. I  
2823 mean, as being tall. And I don't know if people object to that necessarily but remember it's  
2824 less of an impact because it is pointed and small.

2825

2826 Mrs. Quesinberry - Well, I don't know. We have had some people come out for church  
2827 steeples.

2828

2829 Mrs. O'Bannon - Well, that's what I mean. And this thing is like building size. And like  
2830 I said, we have comments on 85-foot telecommunication towers that are supposed to be more  
2831 of an impact than huge buildings and it's 65 feet, so....

2832 Mr. Marlles - Mrs. O'Bannon, this does get a part of the issue with tall structures  
2833 because under the amendment, anything over, is it 75 or 65 feet, Mr. Lawrence?

2834

2835 Mr. Lawrence - Sixty-five.

2836

2837 Mr. Marlles - Anything over 65 feet would require Board approval. Anything less  
2838 than 65 feet could still be dealt with by the Planning Commission along with the POD. And,  
2839 again, there was an attempt there to try to still streamline the development process but reserve  
2840 to the Board approval of the higher structures over 65 feet. So, the only thing that keeps it  
2841 from dealing with that issue with the fly tower is that that exception section of the ordinance.  
2842 That would have to be amended.... It does reserve to the Board jurisdiction over other tall  
2843 structures in the County over 65 feet.

2844

2845 Mrs. O'Bannon - Do you have the history of that? Why fly towers were given the  
2846 exception.

2847

2848 Mr. Marlles - It's probably been in the ordinance from.... I don't think there has been  
2849 any amendment, I think it was in the original 1960 ordinance.

2850

2851 Mr. Lawrence - I think it's like a lot of things we encounter, nobody envisioned it as a  
2852 problem years ago. It was included in the ordinance and it never was a problem so it never  
2853 was considered to be change, to be amended. We touched on all of the significant elements  
2854 that I was actually going to do a presentation on.

2855

2856 Mrs. Quesinberry - We didn't steal your thunder did we?

2857

2858 Mr. Lawrence - Oh, no, not at all. But, what I would also like to point out, if you can  
2859 turn to your charts on pages 10 and 11. This is more of a clerical but one of the issues that  
2860 staff has continuously had problem with is we have got a maximum height in stories and we  
2861 have got a maximum height in feet. And just, as mentioned earlier, 65 feet, how many stories  
2862 is that. So, what staff has proposed is we eliminate the column that states, "maximum height  
2863 in stories." We looked at the ordinance and what we are doing is eliminating any reference to  
2864 stories, so, everything is going to be measured in feet so that we can be consistent that there is  
2865 no question whether a three-story building satisfies the feet distance also.

2866

2867 Mrs. O'Bannon - Well, this also comes up on buildings where they, in the future, or  
2868 whatever, but I know of some buildings, piece of property that's being looked at now where  
2869 they put the parking underneath, that's considered a story but they don't consider it a story.  
2870 Basements are considered as useable space, and I think is called a story. I mean, you might  
2871 refer to that as a story that might be used for like a gymnasium or something for the tall  
2872 building. And, obviously, the main floor, say of a hotel or something, if you remember how  
2873 they are very tall, might be what we would think of as two-stories tall and they call it one-  
2874 story and so they end up having a 120 foot building and it's only six stories.

2875

2876 Mr. Marlles - From an enforcement standpoint, feet is much better than stories. It gets

2877 very confusing.

2878

2879 Mr. Lawrence - Just as when you ask me how many feet are in a story, it fluctuates, it's  
2880 10, 12, 15 all depending on how it is constructed.

2881

2882 Mr. Archer - It depends on who's telling the story right.

2883

2884 Mrs. O'Bannon - That's why I asked.

2885

2886 Mr. Taylor - Interesting enough, Mrs. O'Bannon, on page 13, relative to the Steward  
2887 School, there is a requirement for buildings in excess of 45 feet to have additional setbacks for  
2888 each additional 10 feet of height over 45 feet. That sort of takes account of a little bit of that  
2889 light and air aspect you were discussing previously.

2890

2891 Mrs. O'Bannon - Yes, we talked about that but this is listed as an exception in another  
2892 section of the code. It's actually listed as.... And by the way, all these rules don't apply if you  
2893 are doing a fly tower. That's the problem.

2894

2895 Mr. Lawrence - The other significant amendment on page 3, we have removed "nursing  
2896 homes" from the conditional use process in the R-5 district and made it a permitted use. This  
2897 has been discussed for a number of years. And, actually, a couple of years ago when staff  
2898 originally started looking into the 24-11 amendments, this was a part of the discussion, so, we  
2899 just went ahead and brought that forward.

2900

2901 Mrs. O'Bannon - And there's one too that I know the State rewrote it and that's one of the  
2902 things you said to be consistent with State Code. The 75 feet height allowed for amateur radio  
2903 broadcasting antennas. A State law was just passed, was it the last, or the time before the  
2904 General Assembly.

2905

2906 Mr. Marlles - Several years ago.

2907

2908 Mrs. O'Bannon - That they would be allowed 75 feet. And this goes along with a lot of  
2909 people talking about, I will tell you, this comes in when you talk about flag poles. It's a  
2910 similar type issue in many communities, but the State set that code because it has to do with  
2911 free speech or if there is an atomic bomb or something the person with the CB radio may be  
2912 the person that's left and they want to make sure they have a tower. There was a lot of  
2913 discussion at the General Assembly about that.

2914

2915 Mr. Marlles - The Ham Radio Lobby is very strong in this state, believe it or not.

2916

2917 Mr. Vanarsdall - Is that television antennae, is that a dish?

2918

2919 Mr. Marlles - Mr. Lawrence, that antennae, are we thinking more of a whip antennae,  
2920 or a tower antennae rather than a dish or would it apply to both?

2921

2922 Mr. Lawrence - I think it would apply to both.  
2923

2924 Mr. Marlles - I think it would too.  
2925

2926 Mrs. O'Bannon - Well, do we need to clarify that then with some language?  
2927

2928 Mr. Vanarsdall - We have restrictions on certain size dish, don't we?  
2929

2930 Mr. Lawrence - What I'll do is I'll confirm that that language is the same as whatever the  
2931 State code requires. We are only allowing what the State allows.  
2932

2933 Mrs. O'Bannon - I know there have been some Supreme Court cases on allowing or not  
2934 allowing dishes, like on sides of buildings and even on historic properties, required by law. I  
2935 think the case was decided they were required by law and that you could have them. And  
2936 apartment complexes can't restrict it and you can't restrict it to the backyard, all kinds of  
2937 things like that. So there have been a couple of court cases and you may want to clarify that.  
2938

2939 Mr. Lawrence - Our intent with the 75-foot change, is strictly to be consistent. So, I'll  
2940 make sure it is consistent in the language also.  
2941

2942 Mr. Marlles - Mr. Lawrence, would it be fair to say that we are trying to deal with a  
2943 number of housekeeping matters with this amendment that we have tacked on?  
2944

2945 Mr. Lawrence - Definitely. As I started out saying, the core is the 24-2 and 24-11 and  
2946 then building heights and the POD requirements. And we have got a lot of housekeeping  
2947 outside of that.  
2948

2949 Mr. Taylor - With regard to housekeeping, on page 6, under 24-52, Conditional Uses  
2950 Permitted by Special Exception, subparagraph (m). There is an issue on private kennels for  
2951 the keeping of animals within a recorded residential subdivision. Do we now have a limit of  
2952 the number of animals that the occupant of a property can keep if it's of a non-commercial  
2953 nature?  
2954

2955 Mr. Vanarsdall - It's five, isn't it?  
2956

2957 Mrs. O'Bannon - It's listed in other places in the Code, isn't it?  
2958

2959 Mr. Marlles - It's three adult animals. You can have puppies. There is a little bit of  
2960 interpretation in this. We look at an adult animal being an animal any more than six months,  
2961 but you can have up to three adult dogs.  
2962

2963 Mr. Vanarsdall - Someone said you couldn't have over five total.  
2964

2965 Mr. Marlles - I think that is also in the ordinance.  
2966

2967 Mrs. Quesinberry - Are you sure it's five. I didn't know it was that many.  
2968  
2969 Mr. Vanarsdall - You can have a potbelly pig, but you can't have a dog.  
2970  
2971 Mr. Marlles - I know the issue on dogs because we dealt with that here recently in a  
2972 couple of districts.  
2973  
2974 Mrs. O'Bannon - Actually, it was my understanding, if you have one cat and two dogs, or  
2975 something like that, and I believe it's also..... I don't know if they count fish, but they count  
2976 birds. I have had difficulty with this and it's another part of the Code. Just to let you guys  
2977 know. There was one case where the lady had four dogs or five dogs and she had them all  
2978 debarked. And all of the neighbors signed off on it so she could keep them.  
2979  
2980 Mrs. Quesinberry - Debarked? I don't even want to know debarked is.  
2981  
2982 Mrs. O'Bannon - They cut the vocal cords so the dog goes (she makes light yelping  
2983 sound).  
2984  
2985 Mr. Vanarsdall - You will have to teach the dog sign language.  
2986  
2987 Mr. Archer - That's cruel and unusual punishment, gee.  
2988  
2989 Mr. Lawrence - Are there any other questions?  
2990  
2991 Mrs. O'Bannon - There are a couple of questions that come up that have to do with... This  
2992 is something that has to do with the Chesapeake Bay agreement. The agreement stipulates  
2993 that, part of the agreement, and as agreed to by the Governor, says that we will not impact like  
2994 forest land and something like... around the State. I know it's not just in Henrico. And I do  
2995 know that Henrico would purchase tremendous in acreage of Civil War sites. As you know,  
2996 particular in the eastern part of the County we have got a lot of acreage and it's something like  
2997 12 acres per person or something, some sort of statistics. But, in the Chesapeake Bay  
2998 agreement and in some of the ways that we are working with redevelopment, particularly in  
2999 my part of the County, which is developed out and now we have got people coming in to  
3000 redevelop it that want to do more urbanized development. Is this addressing some of those  
3001 issues. I don't know a better way to ask the question, except, for instance. Regency Square,  
3002 if it's to be redeveloped, would be a more intense development that would spread out more in  
3003 the parking lot and they would redo some thing like that have more deck and so on. And I  
3004 know that there were some parts of the Code that would have restricted us from doing that. Is  
3005 any of this going to help, say, in redevelopment?  
3006  
3007 Mr. Lawrence - Staff hadn't put much consideration into that when we were doing this  
3008 amendment. My initial reaction is nothing we are proposing here would effect redevelopment  
3009 stages.  
3010  
3011 Mr. Marlles - It is a question though, whenever we do have a redevelopment project,

3012 whether it's Public Works and Chesapeake Bay Standards or wetlands or even in zoning  
3013 ordinance requirements, we do try to encourage redevelopment and we also try to encourage  
3014 compliance with whatever current standards are. But, often it's not totally practical to require  
3015 redevelopment projects to comply 100% with all the current code requirements. We simply  
3016 wouldn't have any development. We wouldn't have any redevelopment if we did that. So, it  
3017 is something that each of the departments looks at very closely, and we do try to bring each of  
3018 these sites into compliance, but often it's not possible to do it 100%.

3019

3020 Mrs. O'Bannon - I ask that question too because in this agreement there is a tremendous  
3021 amount of discussion about eliminating sprawl and they encouraged upward development.  
3022 And I notice we are generally four stories, which isn't exactly intense. I'm going to tell you  
3023 right off, that's my preference and I like it that way. But this agreement that has been signed  
3024 and is being pushed by a lot of the, not our development community, but by a lot of people  
3025 who don't want.... You know, anti-sprawl is the term that's coming up now. They want it to  
3026 go up. That's been, over the course of the last 5 to 10 years, I've heard it from time to time  
3027 with other members on the Planning Commission, they talked about how we would have to go  
3028 up rather than sprawl. We are keeping it pretty much the way it was and we are keeping them  
3029 pretty low by doing this.

3030

3031 Mr. Lawrence - Well, we are keeping it low because we haven't affected the standard  
3032 maximum heights, but in your commercial district and in your R-6 districts there is the  
3033 provision where the Planning Commission can consider greater heights and the Board of  
3034 Supervisors can consider greater heights. So, you have the provisions to get heights up to 110  
3035 feet, which the current code says and we are repeating 110 feet as your maximum height.

3036

3037 Mrs. O'Bannon - Yes, I saw that.

3038

3039 Mr. Lawrence - So, there are provisions to allow for the increase in height. We don't  
3040 affect the single-family residential districts. But if somebody increases their density to an R-6,  
3041 they could certainly pursue a PUP. And if the Board of Supervisors feels that location and  
3042 what's being proposed is appropriate, they could achieve 100-story building if the Board felt it  
3043 was appropriate.

3044

3045 Mr. Taylor - I think you misstated that as 110 stories rather than 110 feet.

3046

3047 Mr. Lawrence - Oh, sorry.

3048

3049 Mr. Marlles - Mrs. O'Bannon, the other thing that I would add to that is that as a part  
3050 of the Land Use Plan Update, based on the retreat we had with the Board back in January, I  
3051 think there was interest at least looking at that issue as part of the Land Use Plan Update. But  
3052 there are areas within the County that are suitable for higher density. And that was also  
3053 mentioned as a strategy to encourage redevelopment in some of the older areas of the County.  
3054 So, I think that is an issue that we are going to be looking at as staff and certainly the  
3055 Planning Commission, the Board will have them put into that discussion too.

3056

3057 Mrs. O'Bannon - But it has definitely come up with the redevelopment of Regency Square.  
3058 Well, I just brought it up because I'm getting conflicting.... First I get the ecology... We have  
3059 had some cases but I mean this is the Chesapeake Bay agreement has been signed by all these  
3060 governors say to press for this and yet the community doesn't seem to be motivated to do it for  
3061 whatever reason. I don't see it as the will of the Planning Commission to do it either. I'm not  
3062 necessarily encouraging it. But, like I said, we are getting mix messages. I just wanted to  
3063 throw that out. They want us to be more intense and yet the development that we are seeing is  
3064 drug stores versus six or eight story buildings as redevelopment. Well, at least, that is what I  
3065 have been seeing a lot more of. You know, one story or two story, well the height would be  
3066 the equivalent of two floors but it's one-story.

3067

3068 Mr. Lawrence - One thing we don't have currently is.... You mentioned the drug store  
3069 and the site could go higher. We don't have an ordinance that allows, to say, for commercial  
3070 uses on the first floor and residential on the second up. And obviously that is something that  
3071 the staff would have to look at.

3072

3073 Mrs. O'Bannon - That's something I'm very much interested in.

3074

3075 Mrs. Quesinberry- I'm interested in that too. I think that would really benefit us in some  
3076 areas of the County.

3077

3078 Mrs. O'Bannon - I've got a couple of places I'd like to see that. I know now that the code  
3079 say that if you own the property you can live above it and that's pretty much it. But I also  
3080 know some areas where there had been consideration of redevelopment in some older sections  
3081 where they would put business on the main floor and like four apartments upstairs and that  
3082 could look very nice. And I have done a lot of research on this and one of those trips I've  
3083 been on, like in San Diego and Tampa.

3084

3085 Mrs. Quesinberry - We have some areas where that would be very nice.

3086

3087 Mrs. O'Bannon - It could look very nice and be done very nicely. But, then, again, it  
3088 might be more than four stories.

3089

3090 Mr. Lawrence - Right. The critical issues group, which is something the County is  
3091 looking into, that's one of the areas that the group is looking into. It would be appropriate for  
3092 the County to consider modifying the zoning ordinance to allow that. So, we will be able to  
3093 piggyback, you know, the results they come back with from their study.

3094

3095 Mrs. O'Bannon - And classic, is parking on a ground level and then the first floor, it's  
3096 kind of extra story, you know, tall, taller than average for business and then special access just  
3097 three floors above it of apartments or condos if you want to call them that, that kind of  
3098 development. With, of course, recreational areas and greenspace around it.

3099

3100 Mr. Taylor - May I ask a question now? On Section 24-5023 area yard and height  
3101 regulations, I have a question that has come up and it's the use of electric animal fences in

3102 residential areas. Has that come up before or is that in this Section?

3103

3104 Mr. Lawrence - I don't believe we regulate fences.

3105

3106 Mr. Taylor - This is on page 5 and it's got area yard and height regulations. And they  
3107 talk in terms here of buildings and I wondered if that shows up anywhere in our codes because  
3108 it has come up in our area. And the question of whether or not we permit electric fences in  
3109 private residential areas. That came up, and it struck me as being something we have to watch  
3110 because these operate in killable ranges, even though they are low current. But, a young child  
3111 coming in contact with that fence suitably grounded could get severely hurt.

3112

3113 Mr. Marlles - Mr. Taylor, this ordinance is not necessarily intended to address that,  
3114 but that is a question that we can research. I don't know the answer and I'm not sure if Mr.  
3115 Lawrence knows the answer. We can check that and get an answer back to you.

3116

3117 Mr. Taylor - That's fine, Mr. Marlles, I only saw it because it said yard and I didn't  
3118 know if that fit under this in residential area, if it would fit under yard fences.

3119

3120 Mr. Marlles - This subheading here really refers to setbacks and those types of  
3121 requirements in the context of yard, but I understand your question. But, typically, in most  
3122 zoning ordinances, they do not permit electrified fences above a certain range. Now, I don't  
3123 know in Henrico, which is why I do want to check on that and we will get an answer back to  
3124 you. I'm sure it's been address and the issue has probably come up in the County before. I  
3125 just don't know the answer off the top of my head.

3126

3127 Mr. Vanarsdall - Well, when you look into it, look into the invisible fences that they have  
3128 for the dogs too.

3129

3130 Mrs. O'Bannon - Do you mean the underground ones?

3131

3132 Mr. Vanarsdall - Yes.

3133

3134 Mrs. O'Bannon - There's no problem with them because they are invisible. What kind of  
3135 provisions do we have for fences like that?

3136

3137 Mr. Lawrence - I'm not up to speed on the fences. I can certainly look into it and I'll  
3138 get back to you.

3139

3140 Mrs. O'Bannon - A six-foot fence with an electrified wire on the top, I could reach up and  
3141 touch the thing. Although, most of the electrified fences I do know that are allowed are  
3142 around, say, gardens and it's a very small jolt. It's to keep away animals. That's  
3143 recommended in many gardening books but that's not like, well, I don't know what else to  
3144 identify it with, but there are electrified fences that people use to keep deers out, you know,  
3145 around their gardens. You can touch it and get zap a little bit but the voltage on that is really  
3146 low.

3147 Mr. Vanarsdall - Thank you, Mr. Lawrence. Are there any more questions? This is a  
3148 public hearing for anybody that wants to speak, feel free to come down. Mr. Yolton.  
3149  
3150 Mr. Yolton - I'm just blending into the crowd back here.  
3151  
3152 Mr. Archer - You kind of stand out in the crowd, Lee.  
3153  
3154 Mr. Vanarsdall - All right. So, Mr. Secretary, we send this on to the Board, right?  
3155  
3156 Mr. Marlles - Yes, sir.  
3157  
3158 Mr. Taylor - Mr. Chairman, do we need a motion for this?  
3159  
3160 Mr. Vanarsdall - Yes, sir, we do and a second.  
3161  
3162 Mr. Taylor - Then, Mr. Chairman, I would move that we recommend for approval  
3163 the changes to Section 24-2/24-11 amendments, as discussed tonight.  
3164  
3165 Mr. Vanarsdall - Do you want to put the date on it, June 28, 2000?  
3166  
3167 Mr. Taylor - I believe that would be good, June 28, 2000.  
3168  
3169 Mrs. Quesinberry - I'll second that motion.  
3170  
3171 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.  
3172 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.  
3173  
3174 Mrs. O'Bannon - You can write me as abstaining again because you don't need by vote.  
3175  
3176 Mr. Vanarsdall - Please note that Mrs. O'Bannon abstained.  
3177  
3178 The Planning Commission voted to recommend to the Board the changes in the amendment for  
3179 Section 24-22/11 for the Zoning Ordinance. Ms. Dwyer was absent.  
3180  
3181 Mr. Archer - Are we done?  
3182  
3183 Mr. Vanarsdall - We are finished, not done, we are not cooking.  
3184  
3185 Mr. Archer - Mr. Chairman, I move for immediate adjournment.  
3186  
3187 Mrs. Quesinberry - Second.  
3188  
3189 Mr. Vanarsdall - The Planning Commission is hereby adjourned for another day.

3190 On a motion by Mr. Archer and seconded by Mrs. Quesinberry, the Planning Commission  
3191 adjourned it's meeting at 7:50 p.m.

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

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John R. Marlles, AICP, Secretary