

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, June 25,
4 2003.

5

6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
7 Mrs. Lisa Ware, Vice Chairperson (Tuckahoe)
8 Mr. C. W. Archer, C.P.C. (Fairfield)
9 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
10 Mr. Allen Taylor, P.E., C.P.C. (Three Chopt)
11 Mr. Richard W. Glover, (Three Chopt) Board of Supervisors
12 Representative (Arrived at 10:29 a.m.)
13

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

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

29

30 Mr. Jernigan - I would like to bring this meeting to order. Good morning ladies and
31 gentlemen. I'm sorry we are starting a few minutes late. On behalf of the Planning Staff and
32 the Planning Commission, we would like to welcome everybody this morning. We don't have
33 anybody from the press. For those of you who are not familiar with this process, each time a
34 case is called I will ask if there is any opposition to that case. If there is, just raise your hand
35 and you will have an appropriate time to speak. When you speak, please come to the podium
36 because these hearings are audibly taped and you will have to be there for us to hear you. We
37 don't have an awful schedule today. It looks like five deferments, seven expedited and we are
38 going to try six. So, with that, I would like to turn the meeting over to our Secretary, Mr.
39 Marlles.

40

41 Mr. Marlles - Good morning, Mr. Chairman and members of the Commission. As the
42 Chairman indicated, we do have quite a few of deferrals and withdrawals this morning and that
43 happens to be the first thing on the agenda. Those requests for deferrals and withdrawals will
44 be presented by Mr. Kennedy.

45

46 Mr. Kennedy - Good morning. The first item on the request for deferrals and
47 withdrawals is on page 3.

48

49 **PLAN OF DEVELOPMENT**

50

POD-39-03

Promenade Shops –

Shopping Center –

11647 W. Broad Street

Hulcher & Associates, Inc. for First Union National Bank and Blackwood Associates, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 39,418 square foot neighborhood shopping center. The 4.56-acre site is located on the south side of W. Broad Street St. (U.S. Route 250) approximately 200 feet west of Spring Oak Drive on part of parcels 737-762- 4724 and 738-762-3715. The zoning is B-1C, Business District (Conditional), B-2C, Business District (Conditional) and WBOS, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

51

52 Mr. Kennedy - The applicant requests deferral to the July 23, 2003, meeting.

53

54 Mr. Jernigan - Is there any opposition to the deferral of POD-39-03, Promenade Shops?

55 No opposition.

56

57 Mr. Taylor - There is no opposition, Mr. Chairman, so I will move deferral of POD-
58 39-03, Promenade Shops – Shopping Center, to July 23, 2003, meeting at the request of the
59 applicant.

60

61 Mr. Vanarsdall Second.

62

63 Mr. Jernigan - We have a motion by Mr. Taylor and seconded by Mr. Vanarsdall. All
64 in favor say aye...all opposed say nay. The ayes have it, the motion is passed.

65

66 At the request of the applicant, the Planning Commission deferred POD-39-03, Promenade
67 Shops – Shopping Center – 11647 W. Broad Street, to its July 23, 2003, meeting. (Mr.
68 Glover had not arrive)

69

70

70 **PLAN OF DEVELOPMENT (ARCHITECTURAL PLANS) (Deferred from the May 28,**
71 **2003, Meeting)**

72

POD-30-03
Uno's @ Short Pump Town
Center (POD-6-01 Revised)

Carter Design for Short Pump Town Center, LLC and Short Pump Investment Group, LLC: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,722 square foot restaurant. The 1.49-acre site is located 680 feet north of W. Broad Street (U.S. Route 250) and approximately 1,500 feet west of Lauderdale Drive on parcel 736-764-3817. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. Private water and sewer. **(Three Chopt)**

73

74 Mr. Kennedy - The applicant requests deferral to the July 23, 2003, meeting.

75

76 Mr. Jernigan - Is there any opposition to the deferral of POD-30-03, Uno's @ Short
77 Pump Town Center (POD-6-01 Revised)? No opposition.

78

79 Mr. Taylor - Mr. Chairman, I will move deferral of POD-30-03, Uno's @ Short
80 Pump Town Center to the July 23, 2003, meeting at the request of the applicant.

81

82 Mr. Vanarsdall Second.

83

84 Mr. Jernigan - We have a motion by Mr. Taylor and seconded by Mr. Vanarsdall. All
85 in favor say aye...all opposed say nay. The ayes have it, the motion is passed.

86

87 At the request of the applicant, the Planning Commission deferred POD-30-03, Uno's @ Short
88 Pump Town Center (POD-6-01 Revised), to its July 23, 2003, meeting. (Mr. Glover had not
89 arrive)

90

91 **SUBDIVISION (Deferred from the May 28, 2003, Meeting)**

92

Hanover Estates
(April 2003 Plan)

Potts, Minter & Associates, P.C. for CGDS Development Company, LLC: Request for approval of a conditional subdivision lots pursuant to Section 19-4(c) of the Henrico County Code. The 27.7-acre site is located on the east line of Hanover Road at 445 and 505 Hanover Road approximately 1,000 feet north of Graves Road on parcels 831-723-4522 and 5867. The zoning is A-1, Agricultural District and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina) 21 Lots**

93

94 Mr. Kennedy - The applicant requests deferral to the July 23, 2003, meeting.

95

96 Mr. Jernigan - Is there any opposition to the deferral of subdivision Hanover Estates
97 (April 2003 Plan)? No opposition. With that, I'll make a motion to defer Hanover Estates
98 Subdivision to July 23 by request of the applicant.

99

100 Mr. Vanarsdall Second.

101

102 Mr. Jernigan - We have a motion by Mr. Jernigan and seconded by Mr. Vanarsdall.
103 All in favor say aye...all opposed say nay. The ayes have it, the motion is passed.

104

105 At the request of the applicant, the Planning Commission deferred subdivision Hanover Estates
106 (April 2003 Plan), to its July 23, 2003, meeting. (Mr. Glover had not arrive)

107

108 **SUBDIVISION (Deferred from the May 28, 2003, Meeting)**

109

Newstead Landing
(A Resubdivision of Newstead
Landing, Section A and a Portion
of Newstead Farms)
(September 2002 Plan)

Engineering Design Associates for Newstead Landing L.C.:
The 52.7-acre site is located on the south line of Kingsland
Road 140 feet east of Osborne Landing (private road) on
parcels 808-670-1962, 3363, 4865, 6169, 1028; 808-668-9806
and 809-668-6715. The zoning is A-1, Agricultural District.
Private central water and central sewer system. **(Varina)**
30 Lots

110

111 Mr. Kennedy - The applicant requests deferral to the July 23, 2003, meeting.

112

113 Mr. Jernigan - Is there any opposition to the deferral of Newstead Landing? No
114 opposition. I'll make a motion to defer Newstead Landing subdivision to the July 23, 2003,
115 meeting at the request of the applicant.

116

117 Mr. Vanarsdall Second.

118

119 Mr. Jernigan - We have a motion by Mr. Jernigan and seconded by Mr. Taylor. All in
120 favor say aye...all opposed say nay. The ayes have it. The motion is passed.

121

122 At the request of the applicant, the Planning Commission deferred subdivision Newstead
123 Landing (A Resubdivision of Newstead Landing, Section A and a Portion of Newstead Farm)
124 (September 2002 Plan) to its July 23, 2003, meeting. (Mr. Glover had not arrive)

125

126 Mr. Mariles - Mr. Chairman, the next item on the agenda is the Expedited Agenda.
127 And just for citizen's information in the audience, cases that are on the Expedited Agenda are
128 cases which the staff is recommending approval, and the Planning Commission member from
129 the district has no issues or objections and there is no known citizen opposition. If there is
130 citizen opposition then the case can be pulled off the Expedited Agenda and heard in its normal
131 rotation. Mr. Kennedy.

132

133 Mr. Kennedy - The first item on the Expedited Agenda is on page 2.

134 **SUBDIVISION**

135

Windsor Estates, Section C **Engineering Design Associates for L. N. & Doris L. Baker:**
(June 2003 Plan) The 9.163-acre site is located at 5063 Windsor Road,
approximately 1,400 feet east of White Oak Road on parcel
858-705-6543. The zoning is A-1, Agricultural District.
Individual well and septic tank/drainfield. **(Varina) 2 Lots**

136

137 **Mr. Jernigan** - Is there any opposition to subdivision Windsor Estates, Section C (June
138 2003 Plan)? No opposition. With that, I will make a motion to approve subdivision Windsor
139 Estates, Section C (June 2003 Plan) on the expedited agenda subject to the annotations on the
140 plan, the standard conditions for subdivisions not served by public utilities, and the following
141 additional conditions Nos. 11 and 12.

142

143 **Mr. Vanarsdall** Second.

144

145 **Mr. Jernigan** - We have a motion by Mr. Jernigan and seconded by Mr. Vanarsdall.
146 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

147

148 The Planning Commission granted conditional approval to subdivision Windsor Estates,
149 Section C (June 2003 Plan) subject to the annotations on the plan, the standard conditions for
150 subdivisions not served by public utilities and the following additional conditions. (Mr. Glover
151 had not arrive)

152

153 11. Provide at least the 150-foot minimum lot width required and as regulated by Chapter 24,
154 of the Henrico County Code.

155 12. Any necessary offsite drainage easements must be obtained prior to approval of the
156 construction plan by the Department of Public Works.

157

158 **TRANSFER OF APPROVAL**

159

POD-71-02 **Williams Mullen for G3 Investments, LLC:** Request for
Tom Leonard's @ approval of a transfer of approval, as required by Chapter 24,
Brookhollow Section 24-106 of the Henrico County Code from Brookhollow
of Virginia, Inc. to G3 Investments, LLC. The 6.29-acre site is
located along the north line of Brookriver Drive and the south
line of I-64, approximately 650 feet north of W. Broad Street
(U. S. Route 250) on parcel 743-762-6518. The zoning is M-
1C, Light Industrial District (Conditional) and WBSO, West
Broad Street Overlay District. **(Three Chopt)**

160

161 **Mr. Kennedy** - The next item on the Expedited Agenda is on page 7.

162

163 **Mr. Jernigan** - Is there any opposition to the transfer of approval for POD-71-02, Tom

164 Leonard's @ Brookhollow? No opposition.

165

166 Mr. Taylor - No opposition, Mr. Chairman, I'll move approval of the transfer of
167 approval for POD-71-02, Tom Leonard's @ Brookhollow, on the expedited agenda.

168

169 Mr. Vanarsdall Second.

170

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

173

174 The Planning Commission approved the transfer of approval request for POD-71-02, Tom
175 Leonard's @ Brookhollow, from Brookhollow of Virginia, Inc. to G3 Investments, LLC. (Mr.
176 Glover had not arrive)

177

178 **SUBDIVISION**

179

Sadler Oaks
(June 2003 Plan)

E. D. Lewis & Associates, P.C. for Matthew C. Davis and Willbrook, LLC: The 18.6-acre site is located on the east line of Sadler at its intersection with Trexler Road (private) on parcels 748-766-1856, 2289; 747-766-9196 and 747-767-3704. The zoning is R-3AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt)**
35 Lots

180

181 Mr. Kennedy - The next item on the expedited agenda is on page 12.

182

183 Mr. Jernigan - Is there any opposition to subdivision Sadler Oaks (June 2003 Plan)? No
184 opposition.

185

186 Mr. Taylor - No opposition, Mr. Chairman, I will move approval of subdivision
187 Sadler Oaks (June 2003 Plan), subject to the annotations on the plan, the standard conditions
188 for subdivisions served by public utilities and additional conditions Nos. 12 through 15 on the
189 expedited agenda.

190

191 Mr. Archer - Second.

192

193 Mr. Jernigan - We have a motion by Mr. Taylor and seconded by Mr. Archer. All in
194 favor say aye...all opposed say nay. The ayes have it. The motion is passed.

195

196 The Planning Commission granted conditional approval to subdivision Sadler Oaks (June 2003
197 Plan) subject to the annotations on the plan, the standard conditions for subdivisions served by
198 public utilities and the following additional conditions. (Mr. Glover had not arrive)

199

200 12. The proffers approved as part of the zoning case C-54C-02 and C-12C-03 shall be
201 incorporated in this approval.

- 202 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted
203 on the plat and construction plans and labeled "Limits of 100 year floodplain."
204 Dedicate floodplain as a "Variable Width Drainage & Utilities Easement."
205 14. The detailed plant list and specifications for the landscaping to be provided within the
206 25-foot-wide planting strip easement along Sadler Road shall be submitted to the
207 Planning Office for review and approval prior to recordation of the plat.
208 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
209 the maintenance of the common area by a homeowners association shall be submitted to
210 the Planning Office for review. Such covenants and restrictions shall be in form and
211 substance satisfactory to the County Attorney and shall be recorded prior to recordation
212 of the subdivision plat.

213

214 **PLAN OF DEVELOPMENT**

215

POD-35-03
Laburnum Center Office
Park, Building #4
4825 Laburnum Avenue
(POD-74-94 Revised)

Engineering Design Associates for ARKS, LLC: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 16,000 square foot medical office building. The 3.065-acre site is located along the east line of Laburnum Avenue, approximately 500 feet south of Finlay Street at 4825 S. Laburnum Avenue on parcels 816-715-3226 and 816-714-4088. The zoning is B-2C, Business District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

216

217 Mr. Kennedy - The next item is on page 13.

218

219 Mr. Jernigan - Mr. Kennedy, we are going to have to pull this off of the Expedited
220 Agenda. I have to add a condition in during the regular meeting. Okay.

221

222 **THE PLANNING COMMISSION WITHDREW THIS CASE FROM THE EXPEDITED**
223 **AGENDA AND IT WAS HEARD IN ITS REGULAR ORDER ON THE REGULAR**
224 **AGENDA.**

225

226 **PLAN OF DEVELOPMENT**

227

POD-36-03
Abundant Life Church of
Christ - 3300 Neale Street
(POD-38-92 Revised)

Isaac Edgerton for Abundant Life Church of Christ: Request for approval of a temporary plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to permit existing temporary classroom space to remain for a period not to exceed one year. The 37.8-acre site is located at the northwest corner of Neale Street and Goodell Road at 3300 Neale Street on parcel 808-735-4785. The zoning is A-1, Agricultural District. County water and sewer. **(Fairfield)**

228 Mr. Kennedy - The next item on the expedited agenda is on page 15.
229
230 Mr. Jernigan - Is there any opposition to POD-36-03, Abundant Life Church of Christ?
231 No opposition. Mr. Archer.
232
233 Mr. Archer - Mr. Chairman, I move approval on the expedited agenda POD-36-03,
234 Abundant Life Church of Christ, subject to the annotations on the plan, the standard conditions
235 for developments of this type and additional conditions Nos. 23, 24 and 25.
236
237 Mr. Vanarsdall Second.
238
239 Mr. Jernigan - We have a motion by Mr. Archer and seconded by Mr. Vanarsdall. All
240 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.
241
242 The Planning Commission approved POD-36-03, Abundant Life Church of Christ – 3300
243 Neale Street (POD-38-92 Revised) subject to the annotations on the plan, the standard
244 conditions for developments of this type, and the following additional conditions. (Mr. Glover
245 had not arrive)
246
247 23. The two temporary classroom trailers shall be removed from the site on/or before **June**
248 **27, 2004**. An approved POD is required for any future expansion.
249 24. The owner has agreed to reseed the sloped area on the south side of the entrance drive
250 by July 16, 2003.
251 25. On or before **November 1, 2003**, the applicant shall submit a report to the Planning
252 Office setting forth their plans for permanent classroom space.
253
254 **SUBDIVISION**
255
Mountain Spring, Section A **Foster & Miller, P.C. for Harris Plumbing & Heating, Inc.**
(June 2003 Plan) **and Atack Properties:** The 9.5-acre site is located on the
northeast corner of Staples Mill Road (U.S. Route 33) and
Mountain Road on parcel 761-770-9057. The zoning is R-2AC,
One-Family Residence District (Conditional). County water and
sewer. **(Brookland) 17 Lots**
256
257 Mr. Kennedy - The next item on the expedited agenda is on page 22. There is a
258 recommendation for approval on the addendum.
259
260 Mr. Jernigan - Is there any opposition to subdivision Mountain Spring, Section A (June
261 2003 Plan)? No opposition. Mr. Vanarsdall.
262
263 Mr. Vanarsdall - I move Mountain Springs, Section A (June 2003 Plan) be approved on
264 the expedited agenda with the annotations on the plans and the standard conditions for
265 subdivisions served by public utilities and additional conditions Nos. 12 through 17.
266

267 Mr. Archer - Second.

268

269 Mr. Jernigan - We have a motion by Mr. Vanarsdall and seconded by Mr. Archer. All
270 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

271

272 The Planning Commission granted conditional to subdivision Mountain Spring, Section A
273 (June 2003 Plan) subject to the annotations on the plan, the standard conditions for
274 subdivisions served by public utilities and the following additional conditions. (Mr. Glover had
275 not arrive)

276

277 12. Each lot shall contain at least 13,500 square feet.

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

280 14. The proffers approved as part of zoning case C-103C-89 shall be incorporated in this
281 approval.

282 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
283 the maintenance of the common area by a homeowners association shall be submitted to
284 the Planning Office for review. Such covenants and restrictions shall be in form and
285 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
286 the subdivision plat.

287 16. Any future building lot containing a BMP, sediment basin or trap and located within the
288 buildable area for a principal structure or accessory structure, may be developed with
289 engineered fill. All material shall be deposited and compacted in accordance with the
290 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
291 professional engineer. A detailed engineering report shall be submitted for the review
292 and approval by the Building Official prior to the issuance of a building permit on the
293 affected lot. A copy of the report and recommendations shall be furnished to the
294 Directors of Planning and Public Works.

295 17. The detailed plant list and specifications for the landscaping to be provided within the 10-
296 foot-wide landscape buffer around the exterior perimeter of the subject property shall be
297 submitted to the Planning Office for review and approval prior to recordation of the plat.

298

299 **LANDSCAPE PLAN**

300

LP/POD-2-03
BMW Parking Lot

**E. D. Lewis & Associates, P.C. for Virginia Home for Boys
Richmond:** 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 1.34-acre site is located at 8716
W. Broad Street on part of parcel 760-757-5611. The zoning
is B-3, Business District. **(Brookland)**

301

302 Mr. Kennedy - This is the last item on the expedited agenda on page 25.

303

304 Mr. Jernigan - Is there any opposition to the landscape plan for LP/POD-2-03, BMW
305 Parking Lot? No opposition.

306

307 Mr. Vanarsdall I move landscape plan LP/POD-2-03, BMW Parking Lot be approved on
308 the expedited agenda with the annotations on the plan and the standard conditions for landscape
309 plans.

310

311 Mr. Taylor - Second.

312

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

315

316 The Planning Commission approved the landscape plan for LP/POD-2-03, BMW Parking Lot,
317 subject to the annotations on the plan and the standard conditions for landscape plans. (Mr.
318 Glover had not arrive)

319

320 Mr. Jernigan - All right, Mr. Secretary, our next case.

321

322 Mr. Marlles - Yes, sir. The next item on the agenda is requests for subdivision
323 extensions of conditional approval. Mr. Wilhite will address these. Mr. Wilhite.

324

325 **FOR PLANNING COMMISSION APPROVAL**

326

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Cedar Grove (June 1998 Plan)	Fairfield	191	22	2	1 Year 06/23/04

327

328

329 **FOR INFORMATIONAL PURPOSE ONLY**

330

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Westerre Parkway (June 1999 Plan)	Three Chopt	0	0	3	1 Year 06/23/04

331

332 Mr. Wilhite - Good morning. We have one subdivision on the agenda for Planning
333 Commission's extension and that is Cedar Grove (June 1998 Plan) located in the Fairfield
334 District. Staff is recommending a one-year extension to June 23, 2004. We also have one
335 subdivision extension being extended administratively by the Director of Planning and that's
336 Westerre Parkway (June 1999 Plan) in the Three Chopt District. If you have any questions,
337 I'll be happy to answer them.

338

339 Mr. Jernigan - Are there any questions for Mr. Wilhite? Is there any opposition to
340 Cedar Grove subdivision? Mr. Archer.

377

378 Mr. Jernigan - We have a motion by Mr. Taylor and seconded by Mr. Vanarsdall. All
379 in favor say aye...all opposed say nay. The motion passes.

380

381 The Planning Commission approved Transfer of Approval for POD-91-95, The Colonnade
382 Building @ Innsbrook (Formerly The Oxford Building), subject to the new owners accepting
383 and agreeing to be responsible for continued compliance with the conditions for the original
384 approval, and the following additional condition. (Mr. Glover had not arrive)

385

386 1. All site deficiencies, as identified in the inspectors report, dated **December 31, 2002**,
387 shall be corrected by **July 31, 2003**

388

389 **PLAN OF DEVELOPMENT**

390

POD-35-03 Laburnum Center Office Park, Building #4 4825 Laburnum Avenue (POD-74-94 Revised)	Engineering Design Associates for ARKS, LLC: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 16,000 square foot medical office building. The 3.065-acre site is located along the east line of Laburnum Avenue, approximately 500 feet south of Finlay Street at 4825 S. Laburnum Avenue on parcels 816-715-3226 and 816-714-4088. The zoning is B-2C, Business District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. (Varina)
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391

392 Mr. Jernigan - Do we have opposition to POD-35-03, Laburnum Center Office Park,
393 Building No. 4? We have opposition. Mr. McGarry, you may proceed.

394

395 Mr. McGarry - Staff has reviewed the revised plans. The review is complete and we can
396 recommend approval of the plan. I'll be happy to answer any questions you may have.

397

398 Mr. Jernigan - Are there any questions of Mr. McGarry from the Commission? We
399 have opposition on this. That's the reason why I started the meeting late because I was
400 discussing with Mr. Allen some issues. Brad, why don't you just come on up. I think pretty
401 much that everybody knows this case so I don't see any reason for Ms. Isaac to come up here.
402 Would you give your name for the record please?

403

404 Mr. Allen - Sure. I'm Claude B. Allen, Jr. and I live at 4800 Allenshaw Drive.

405

406 Mr. Jernigan - Brad, we discussed this case before the meeting. Now, other than the
407 driveway issue, do you have any other concerns?

408

409 Mr. Allen - I am in objection to the DRIVIT on the building but I understand other
410 means can be done so that's not as great of an issue as the entrance and the exit down Finlay
411 Street. That's really the main thing. I understand that the County has verified this thing and

412 looked through all the proffers and they do meet the proffers that were originally established
413 when they got the zoning for this, the zoning changed and the drainage and all that will be
414 handled by the County, and so forth and so on, at a later date. So, we have no objection to
415 that.

416

417 Mr. Jernigan - The DRIVIT was granted by the Commission in 1995.

418

419 Mr. Allen - Right.

420

421 Mr. Jernigan - Changing the proffers on that.

422

423 Mr. Allen - That was a special condition that the County allowed. It is a County
424 facility, basically, and it's leased I think from the property owners. But, I don't think that its
425 really been keeping with the rest of the neighborhood. Everything in there is based on brick.
426 The new BB&T Bank that's being built on the other corner is brick. We had originally in our
427 proffers or list of proffers based on brick, constructural stone or glass or something. That was
428 a more presentable construction. But at that time when the County came through and reviewed
429 it as a good use for that neighborhood so we did, just like we are doing now, expressed our
430 opposition to it but the County overrode us and went on with it. Of course, I feel like there is
431 some concern there because it is a County facility. That's just the way that stands. Basically,
432 what we are trying to do is get this entrance and exit resolved at the bank because in our
433 opinion it creates a monstrous situation there. I don't want to hold back progress or anything
434 but I really think at that entrance the health and safety of the public, the people that uses the
435 facilities here, that something needs to be resolved about that entrance. It's not right.

436

437 Mr. Jernigan - There is a problem there. Ms. Isaac, would you come up please?

438

439 Mr. Vanarsdall - I'm glad that you said that that you have never gotten attention or
440 nobody ever really tried to solve it?

441

442 Mr. Allen - I don't understand.

443

444 Mr. Vanarsdall - You said there is a real problem there.

445

446 Mr. Allen - Yes. If you can see right here on the left bottom corner (referring to
447 map on the screen) that's the entrance of one.... They do have another entrance to the existing
448 Bank of America there on Laburnum. All of the tellers.... After they have gone through the
449 tellers and everything, exit from the entrance on Finlay Street. A good deal of the people,
450 especially anybody coming from the west, has got to turn left and uses that entrance as an
451 entrance into the bank. The only people that really uses it as an entrance from the bank are
452 coming from the south on Laburnum. They use the Laburnum exit to get in. But they very
453 seldom, ever, use the entrance to get out. So, all of the traffic sooner or later is going to run
454 Laburnum into Finlay. The entrance into that is extremely narrow and what is transpiring is if
455 a car comes out of that bank and gets just the least bit towards Laburnum then the people
456 trying to get in can't get in. So, then they back out, well if there is any traffic coming down

457 Finlay then the people have blocked the intersection, sort of speak, can't get out.

458

459 We have seen traffic back all the way back out to Finlay, roughly 100 to 200 feet, and it backs
460 out onto Laburnum. So, that's a real situation. Now, the entrance to the BB&T Bank which is
461 directly across the street, has an entrance now, right directly across from the existing bank.
462 So, now we are going to have traffic trying to get in and out of there coming from both
463 directions. Traffic trying to get out of the existing bank, and it's a real bottleneck. And then
464 to turnaround and put another entrance right in there. In my opinion, it's disastrous and it's
465 dangerous.

466

467 We understand that there are two separate properties there. So, what we are asking for is a
468 real hard meeting of the minds that the Bank of America and the property owner here get
469 together and form one entrance and straighten this situation out. I mean, I can't believe
470 reasonable people, it's beyond belief that the Bank of America would want that situation
471 created. It would relieve their situation and certainly relieve this other situation and we don't
472 really know how to handle it. Years ago, 12 or 13 years ago, Mr. Penley was involved in it,
473 and they said that they investigated it but it's somewhere they talk about different elevations
474 but they are both coming out of the same elevation. So, it should be some type of buildup
475 there or something. Grade elevation certainly couldn't.... I can't see any reason in the world
476 why a grade elevation could be a real problem. It could be worked out in some manner.
477 That's basically it. We really don't want to ask for a deferment but we won't somebody to
478 make a legitimate hard effort to straighten that situation out because it is dangerous.

479

480 Mr. Jernigan - Thank you, Brad.

481

482 Mr. Vanarsdall - Mr. Chairman, we have Todd Eure and Mike Jennings here from
483 Traffic.

484

485 Mr. Jernigan - That's why I was late starting the meeting because I was discussing this
486 with them and what I want to do, I want to add it in on the record, the conversation we had.
487 Ms. Isaac, the reason I want you up here is prior to this meeting that we discussed with the
488 developer and with Traffic that there is a possibility that if we can talk to the bank that they
489 maybe able to share one larger entrance rather than two separate. I just want a commit from
490 you that we will look into that. I will look into the banking facility and want a commit from
491 the developer that we will work together. I don't want to hold this up with a deferment I just
492 assume go on and pass it because if the bank says no then we are back to where we are
493 anyway. But, what I do want is a commitment that we will work together and see if we can
494 share an entrance with the Bank of America.

495

496 Ms. Isaac - Yes, you have that commitment and we would be happy to accept a
497 condition on the approval of this saying "best efforts would be made to work on this entrance
498 and access problem with the bank."

499

500 Mr. Jernigan - Okay, thank you, Ms. Isaac.

501 Ms. Isaac - Thank you.

502

503 Mr. Jernigan - Mr. Secretary, we will just add that in as condition No. 31, that it would
504 be best effort that the applicant discuss the shared parking lot with Bank of America.

505

506 Mr. Mariles - Yes, that's fine.

507

508 Mr. Jernigan - Brad is there anything else?

509

510 Mr. Allen - No.

511

512 Mr. McGarry - We should add to that condition that this needs to be done before we give
513 final construction plan approval.

514

515 Mr. Jernigan - Okay. That will be item No. 32 or should we just incorporate it with
516 No. 31?

517

518 Mr. McGarry - Yes, sir, 31.

519

520 Mr. Jernigan - All right, so with that, I'll make a motion to approve POD-35-03,
521 Laburnum Center Office Park, Building No. 4 at 4825 Laburnum Avenue and this is a revision
522 of POD-74-94, with that to the standard conditions for developments of this type, and the
523 following additional conditions Nos. 23 through 30 and the addition of No. 31 as stated at this
524 hearing.

525

526 Mrs. Ware - Second.

527

528 Mr. Jernigan - We have a motion by Mr. Jernigan and seconded by Mrs. Ware. All in
529 favor say aye...all opposed say nay. The motion carries.

530

531 The Planning Commission approved POD-35-03, Laburnum Center Office Park, Building #4 –
532 4825 Laburnum Avenue (POD-74-94 Revised) subject to the annotations on the plans, the
533 standard conditions for developments of this type, and the following additional conditions.
534 (Mr. Glover had not arrived)

535

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

538 24. The proffers approved as a part of zoning case C-35C-88 shall be incorporated in this
539 approval.

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

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

546 27. Insurance Services Office (ISO) calculations must be included with the plans and

- 547 contracts and must be approved by the Department of Public Utilities prior to the
548 issuance of a building permit.
- 549 28. Approval of the construction plans by the Department of Public Works does not
550 establish the curb and gutter elevations along the Henrico County maintained right-of-
551 way. The elevations will be set by Henrico County.
- 552 29. The location of all existing and proposed utility and mechanical equipment (including
553 HVAC units, electric meters, junction and accessory boxes, transformers, and
554 generators) shall be identified on the landscape plans. All equipment shall be screened
555 by such measures as determined appropriate by the Director of Planning or the
556 Planning Commission at the time of plan approval.
- 557 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
558 Planning Office and approved prior to issuance of a certificate of occupancy for this
559 development.
- 560 31. Applicant shall make best faith efforts to work with Bank of America to achieve a joint
561 access to Finlay Street, prior to construction plan approval.

562

563 **PLAN OF DEVELOPMENT**

564

POD-37-03
Jamerson Park @ Twin
Hickory, Sections A and B

Youngblood, Tyler & Associates, P.C. for HHHunt Corporation: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 124, two-story townhouses for sale. The 29.68-acre site is located at the intersection of proposed Hickory Bend Drive and proposed Parkland Drive, on parcel 745-768-7374. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer.
(Three Chopt)

565

566 Mr. Jernigan - Is there anyone in the audience in opposition to POD-37-03, Jamerson
567 Park @ Twin Hickory? We have opposition. Okay. Mr. Kennedy, you may proceed.

568

569 Mr. Kennedy - Good morning. This POD originally appeared before the Planning
570 Commission as a conditional subdivision that was approved two months ago at the Planning
571 Commission's meeting. This would permit construction of 124 townhouses. Staff does not
572 have any concerns, the developer agrees with the conditions and we are satisfied with the
573 design. There are some annotations on the plans referring to recreational amenities,
574 recreational trails, basically park improvements it would be like a neighborhood park on the
575 site. The opposition from the neighborhood is concerned with what those are going to look
576 and the applicant has agreed to No. 9 amended where the landscaping would come back to the
577 Planning Commission. Those features would be shown on the landscape plan, the park and
578 basically there are trail improvements, where the applicant has agreed to a fitness trail and
579 some trails in the Virginia Power easement as well as location of some recreational facilities on
580 a designated site next to Building "Q" and those features will be shown on the landscape plan
581 which will come back to the Planning Commission.

582 Mr. Jernigan - Are there any questions for Mr. Kennedy from the Commission?

583

584 Mr. Taylor - I have a question in regard to the fitness trails within that VEPCO
585 easement, Mr. Chairman. Mr. Kennedy, have those been formally addressed from the design
586 stage?

587

588 Mr. Kennedy - No they haven't. They haven't identified the location yet. They still
589 have to work out with Virginia Power where the appropriate location would be.

590

591 Mr. Taylor - The fitness trails were one amenity, were there others?

592

593 Mr. Kennedy - Yes. There was a specify, designated, recreation area next to Building
594 Q. It's identified by a little square on your plan. At that location they are talking about
595 amenities that are appropriate to their clientele. They haven't decided whether it would be a
596 gazebo or something more suitable for older people or playground equipment which would be
597 suitable for families. They are looking at their marketing criteria right now.

598

599 Mr. Taylor - In looking over the geographical review of this development, there seems
600 to be a considerable amount of sloped area and wetlands and buffer areas. Am I looking at
601 that right?

602

603 Mr. Kennedy - Yes. There's about 300 feet between the rear of the residents and the
604 interstate. So, there is a significant area back there which is basically natural area.

605

606 Mr. Taylor - And that is all treed now?

607

608 Mr. Kennedy - Well, it isn't all treed because you have Virginia Power easements, you
609 have a plantation pipeline easement. There are a lot of trees there, so it's natural. So, the
610 objective is to make these amenities available to these residents, since they are separated from
611 the County's park and Twin Hickory's Lake House.

612

613 Mr. Taylor - How will VEPCO easement work?

614

615 Mr. Kennedy - It's always had power lines and there are trails along Virginia Power
616 easements already in, Twin Hickory along Holly Glen Subdivision further down along that
617 easement. There is a trail there, that is a paved trail and it extends to Short Pump Middle
618 School. So it is available. There are no other amenities other than the trail on that easement.

619

620 Mr. Taylor - And there wouldn't be any opportunity for building to be constructed
621 there or major surface features other than trails, hiking trails.... Is there a bicycle trail over
622 there now or motorcycle trail?

623

624 Mr. Kennedy - No. The trails themselves within the community are available for
625 bicycles and pedestrian, they are paved trails. They have a lot of sidewalks. It's a very
626 pedestrian community.

627 Mr. Taylor - And VEPCO basically has no objection to that being used for that

628 purpose?

629

630 Mr. Kennedy - No they don't.

631

632 Mr. Taylor - Have they signed something with the developer to allow that?

633

634 Mr. Kennedy - They have to work out the locations and the details, but they haven't
635 objected to it in the past.

636

637 Mr. Taylor - Okay, thank you, sir. I have no further questions.

638

639 Mr. Jernigan - Are there any further questions for Mr. Kennedy? Thank you, Mr.
640 Kennedy. Mr. Taylor, we have opposition. Do you want to hear from the applicant?

641

642 Mr. Taylor - Well, we have 10 minutes....

643

644 Mr. Vanarsdall - You have opposition, you should hear from the applicant.

645

646 Mr. Taylor - Let's hear from the opposition first and we will see what it is and then
647 we will ask George to come up.

648

649 Mr. Mullens - Good morning. My name is Mike Mullens and I live at 4916
650 Saddleridge Court. It's not really opposition because we haven't seen the plans or the trails or
651 anything, but I just wanted to go on record just stating that I want to see some improvements
652 on the trails that we've seen so far. Right now we have got trails behind Holly Glen that
653 we've talked about. It is suppose to be maintained by the Holly Glen community and basically
654 the grass is getting real high. The people that I've talked to that utilize the trails feel like their
655 children aren't as safe on these trails because the weeds are so high. There are a lot of clovers
656 which attracts bees. There is some construction trash, and my wife and I are concerned that
657 this might happen here. We'd like to see this being taken over by the HOA so that we can
658 maintain it to the standards that we want. The fitness trail would be a great addition to our
659 community. We don't have anything like that. We want to see this available for the entire
660 community not just for the residents of Jamerson Park. That's our concern.

661

662 We would like to see these paths a little bit wider than they are now. With young riders, a lot
663 times when two bikes meet there's not enough room to go. When you let the weeds grow on
664 either side of the paths there's not enough room for a small child to get off the path safely for
665 an adult rider or two children going by. So, a little bit wider than five feet maybe six feet or
666 just making sure that the strip is maintained around these two areas so that it is lowly cut and
667 people can walk around it. That would be nice. Landscaping would also be a prime addition
668 to this. If we had some sort of bushes that should where somebody would cut where the grass
669 would be low and then if the grass gets high behind it because it only gets cut three times a
670 year, it wouldn't be a major concern and it would still be beautiful to the people in the
671 community.

672 If there is any possibility, we would like to see, there is a conservation area that goes all the

673 way down toward the lake area. It would be nice if we could get some sort of path going to
674 the lake area, the pool area, they would be a part of that amenity. If the people of Jamerson
675 Park are going to come to the pool area, they have to go along Hickory Bend Drive, which on
676 the south side of Hickory Ben Drive there are no walkways. That's going to be a four-lane
677 road. There's going to be Office coming in and O-3C that might be utilizing that road. So,
678 it's going to be a heavy traffic area. And, if there's any way we can have these 124 homes
679 being able to get to the pool and the tennis court amenities safely, that would be recommended.
680 I know it's after the fact, but maybe there's a way there could be a sidewalk added to the
681 south side of Hickory Bend Drive but that would be hard to do now that the apartments are
682 already there and constructed everything that they have.

683

684 But, I just wanted to get on record with these concerns. I am proud that you put an
685 amendment on here to allow us to see this before, get the proposed landscaping and proposed
686 paths. Thank you for adding that amendment, Mr. Moore. Are there any questions?

687

688 Mr. Jernigan - Thank you, Mr. Mullens. Are there any questions of Mr. Mullens from
689 the Commission?

690

691 Mrs. Ware - I just have one. The trails that you are speaking of that aren't
692 maintained, are they currently the responsibility of HHHunt to maintain those or whose are
693 they, do you know?

694

695 Mr. Mullens - Well, right now the trails are behind Holly Glen. From what my
696 understanding is it's maintained by the Holly Glen Association. And they are part of Twin
697 Hickory but it would be better if it was maintained by the Twin Hickory Association because
698 we would have more control over it. Now we've got the separate Homeowners Association
699 that we have to try to talk to deal with. And, if it was all under our control it would be
700 easier to get done. We are still under the control of the developer now. So, that's a harder
701 thing for us to deal with.

702

703 Mr. Vanarsdall - You said that you would like to see the HOA take it over. Have you
704 talked to anybody about that?

705

706 Mr. Mullens - My wife has talked to a lot of people and she's the one y'all normally see
707 up here unfortunately she couldn't make it during the day.

708

709 Mr. Vanarsdall - Did you talk to the president of the HOA?

710

711 Mr. Mullens - I haven't personally. George, has my wife talked to you about this
712 before? He's the president of the Homeowners Association.

713

714 Mr. Moore - Yes, I'll be glad to discuss it when I get up there.

715

716 Mr. Jernigan - All right. Are there any more questions of Mr. Mullens? Okay. Thank
717 you, Mr. Mullens.

718

719 Mr. Taylor - Mr. Chairman, I think at this time maybe we could ask Mr. Moore to
720 come up.

721

722 Mr. Jernigan - I think Mr. Kennedy wants to say something first.

723

724 Mr. Kennedy - I just want to say a couple of things. As far as the sidewalk along the
725 apartment complex on the south side of Twin Hickory Bend Drive, there is a sidewalk it just
726 meanders. A section of the trail meanders down the hill because the slopes of the road was
727 such that we could not put a sidewalk there, but there is a continuous path that extends from
728 Twin Hickory Lake Drive down Hickory Bend Drive to this new Jamerson Park. There is a
729 continuous path on both sides of the road. It just meanders away from the road. In a couple
730 of cases quite far but it is there. So, we have provided for that. And it is my understanding
731 with Holly Glen there is grass there. It's supposed to be Crown Veg which is a flowering type
732 plant which grows about three inches high. However, that has not been established yet. So,
733 the developer has to maintain and cut the grass just as any homeowner would. They have a
734 responsibility to do that. And I believe the Homeowners Associations has been following up
735 with Holly Glen Associates to do that. And I'll turn it over to Mr. Moore.

736

737 Mr. Moore - Mr. Chairman and Planning Commission members, my name is George
738 Moore and I'm with HHHunt Corporation. I guess I'll deal first with the concern about the
739 Holly Glen path. He is correct, that path is being maintained by the Holly Glen HOA, which
740 is a separate Homeowners Association a part from the Twin Hickory's Homeowners
741 Association. We have been in contact with the developer of that neighborhood and they have
742 cut the grass once in that powerline easement. I think the bigger problem is that, as Michael
743 Kennedy alluded to, is that the landscape plan that was originally submitted for that has not
744 come in like it was expected. It was supposed to be a Crown Veg, which is a grown cover that
745 would eventually take over that whole area and would create a low-maintenance situation but
746 would also give you something attractive to look at. I personally talked to the developer about
747 this and their HOA president and talked about specifically how they are going to deal with this.
748 I have not heard back from them yet but we expect to hear from them soon. So, not only is
749 HHHunt concerned about it but as a Board member for the Twin Hickory HOA, we are also
750 looking into it from that perspective.

751

752 As far as the paths go around Jamerson Park, it is our intent to build the pedestrian path
753 around Jamerson Park so it would tie back into Hickory Bend Drive. That path would be five
754 feet which is consistent with all the other sidewalks and pedestrian paths that have been built in
755 Twin Hickory up to this point which we feel is a sufficient width.

756

757 As far as making a connection of Jamerson Park to the Swim and Racquet Club along I-295,
758 the majority of that area is wetlands and environmental area. A good part of it is even
759 underwater so there's really no feasible way to make a connection back there. As Mike
760 Kennedy said, there is a sidewalk that exists along Hickory Bend Drive. We will be building
761 sidewalks on Hickory Bend Drive all the way from Twin Hickory Lake Drive to Twin Hickory
762 Road on both sides of the road. So, we feel that they will be more than adequate, pedestrian

763 connection for Jamerson Park to get to the amenities of Twin Hickory. I think that covered
764 most of the items.

765

766 Mr. Taylor - There were a couple of more I thought Mr. Mullens referred to was, and
767 I kind of think they were included, but specifically I don't know that you mentioned, Mr.
768 Moore. He wanted the landscaping that that's going to be improved as a part of the
769 construction process.

770

771 Mr. Moore - Yes. We will be submitting a landscape plan to staff for their review and
772 we will show all of the landscaping for the entire Jamerson Park project, which will include
773 entrances, landscaping within the project, landscaping that we propose along the pedestrian
774 path and the proposed park area that we are going to do. So, it will be an all encompassing
775 plan.

776

777 Mr. Taylor - What I will do is I will add No. 9 amended which means the landscaping
778 plan will come back to the Planning Commission, if you agree.

779

780 Mr. Moore - That's fine.

781

782 Mr. Taylor - It seems to me that the issue of fitness trails are easy to resolve.
783 Certainly, I think Mr. Mullen's comments of access can be handled as a part of the design.
784 Would you agree?

785

786 Mr. Moore - Yes, sir.

787

788 Mr. Taylor - Then he mentioned something about Hickory Bend Trail and a
789 conservation area in there. Are they going to be separate areas or are they going to be
790 together?

791

792 Mr. Moore - I think that was the conservation area behind Jamerson Park between
793 Jamerson Park and I-295, that's the wetlands area back there.

794

795 Mr. Taylor - And you do have a group, a recreation advisory group on the HOA.

796

797 Mr. Moore - Yes, there is a separate committee.

798

799 Mr. Taylor - Are you on it?

800

801 Mr. Moore - No, I'm not on the recreational committee, but I'm one of the Board
802 members. Those committees report to the Board.

803

804 Mr. Taylor - Within Jamerson Park itself when it's constituted as a mini community,
805 is there going to be a separate Jamerson Park recreational advisory group as a representative to
806 meet that group that you are on the Board?

807 Mr. Moore - No, there won't be a separate recreation committee for Jamerson Park.

808 They will become part of the Twin Hickory's Homeowners Association and the recreation
809 committee would have some input into that eventually.

810

811 Mr. Taylor - What I am concerned about hoping that it's resolved is that Mr. Mullens
812 and the other people who are concerned would have direct access to the Jamerson Park.

813

814 Mr. Moore - Yes, they would have access to the pedestrian path that would go around
815 Jamerson Park. I think the park itself that we create would be more specifically suited to that
816 neighborhood. Not to say that somebody couldn't use it but it's kind of in the middle of
817 Jamerson Park and we are trying to tailor it so it meets the specific profile of the buyer in
818 Jamerson Park.

819

820 Mr. Taylor - Well that's specifically Jamerson Park and it's residents would have
821 direct access to the assembled group.

822

823 Mr. Moore - That's right.

824

825 Mr. Taylor - That's what I said, they would have their own person on there.

826

827 Mrs. Ware - But, won't that be addressed in No. 9 amended?

828

829 Mr. Taylor - I'm not sure if it would.

830

831 Mr. Moore - They will have a representative just like every other neighborhood in
832 Twin Hickory. They will report to the Board and cast votes for their neighborhood just like all
833 other neighborhoods.

834

835 Mr. Taylor - Well, frankly, that sounds adequate to me. I wonder if Mr. Mullens is
836 satisfied with that.

837

838 Mr. Moore - We will be happy to meet with Mr. Mullens and anybody else to review
839 the plans before we come back to the Planning Commission.

840

841 Mr. Taylor - Okay. Thank you, Mr. Moore.

842

843 Mr. Jernigan - Mr. Taylor, I'll let you know. After our last meeting, remember Mr.
844 Glover was discussing about landscaping and actually what you can do if you want to meet
845 with them and settle this out, you can handle that administratively and not have to bring it back
846 to the Commission unless you want to. That's your choice.

847

848 Mr. Taylor - Well, and I think that probably happens through the staff so I think I'll
849 just make that a part of the motion.

850

851 Mr. Jernigan - You can get with staff and Mr. Mullens and Mr. Moore and you all can
852 come to an agreement. You can handle that administratively.

853

854 Mr. Taylor - I think for me, Mr. Chairman, that clears it up. So, I'll move to approve
855 POD-37-03, Jamerson Park @ Twin Hickory, Sections A and B, subject to the annotations on
856 the plans, the standard conditions for developments of this type and additional condition No. 9
857 amended, which will bring the landscaping and trail plan back to the Planning Commission or
858 as an alternative to the staff, either one is as far as I am concern is acceptable. And, additional
859 conditions Nos. 23 through 36.

860

861 Mrs. Ware - Second.

862

863 Mr. Jernigan - We have a motion by Mr. Taylor and seconded by Mrs. Ware. All in
864 favor say aye...all opposed say nay. The motion passes.

865

866 The Planning Commission approved POD-37-03, Jamerson Park @ Twin Hickory, Sections A
867 and B, subject to the annotations on the plans, the standard conditions for developments of this
868 type, and the following additional conditions. (Mr. Glover had not arrived)

869

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

873 23. The subdivision plat for Jamerson Park at Twin Hickory shall be recorded before any
874 building permits are issued.

875 24. The right-of-way for widening of Hickory Bend Drive as shown on approved plans
876 shall be dedicated to the County prior to any occupancy permits being issued. The
877 right-of-way dedication plat and any other required information shall be submitted to
878 the County Real Property Agent at least sixty (60) days prior to requesting occupancy
879 permits.

880 25. The easements for drainage and utilities as shown on approved plans shall be granted to
881 the County in a form acceptable to the County Attorney prior to any occupancy permits
882 being issued. The easement plats and any other required information shall be submitted
883 to the County Real Property Agent at least sixty (60) days prior to requesting
884 occupancy permits.

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

889 27. The developer shall provide fire hydrants as required by the Department of Public
890 Utilities and Division of Fire.

891 28. A standard concrete sidewalk shall be provided along the south side of Hickory Bend
892 Drive.

893 29. The proffers approved as a part of zoning case C-13C-02 shall be incorporated in this
894 approval.

895 30. Prior to issuance of a building permit, the developer must furnish a letter from
896 **Dominion Virginia Power** stating that this proposed development does not conflict
897 with their facilities.

- 898 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in
899 a form acceptable to the County Attorney prior to final approval of the construction
900 plans.
- 901 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
902 approved by the County Engineer prior to final approval of the construction plans by
903 the Department of Public Works.
- 904 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with
905 County standard and specifications. The developer shall post a defect bond for all
906 pavement with the Planning Office - the exact type, amount and implementation shall be
907 determined by the Director of Planning, to protect the interest of the members of the
908 Homeowners Association. The bond shall become effective as of the date that the
909 Homeowners Association assumes responsibility for the common areas.
- 910 34. Insurance Services Office (ISO) calculations must be included with the plans and
911 contracts and must be approved by the Department of Public Utilities prior to the
912 issuance of a building permit.
- 913 35. Approval of the construction plans by the Department of Public Works does not
914 establish the curb and gutter elevations along the Henrico County maintained right-of-
915 way. The elevations will be set by Henrico County.
- 916 36. The owners shall not begin clearing of the site until the following conditions have been
917 met:
- 918
- 919 (a) The site engineer shall conspicuously illustrate on the plan of development or
920 subdivision construction plan and the Erosion and Sediment Control Plan, the
921 limits of the areas to be cleared and the methods of protecting the required
922 buffer areas. The location of utility lines, drainage structures and easements
923 shall be shown.
- 924 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
925 clearing or grading operations of the site, the owner shall have the limits of
926 clearing delineated with approved methods such as flagging, silt fencing or
927 temporary fencing.
- 928 (c) The site engineer shall certify in writing to the owner that the limits of clearing
929 have been staked in accordance with the approved plans. A copy of this letter
930 shall be sent to the Planning Office and the Department of Public Works.
- 931 (d) The owner shall be responsible for the protection of the buffer areas and for
932 replanting and/or supplemental planting and other necessary improvements to
933 the buffer as may be appropriate or required to correct problems. The details
934 shall be included on the landscape plans for approval.
- 935
- 936

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

937

POD-40-03
Kroger Food Store #525
1510 Eastridge Road

VHB – Scott Coleman, P.E. for Kroger Mid-Atlantic:
Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 106.2 of the Henrico County Code to construct a one-story, 58,000 square foot grocery store, parking, drainage and utility infrastructure. The transitional buffer deviation would permit the required 35-foot transitional buffer along Eastridge Road to be reduced to 19 feet. The 8.04-acre site is located at 1510 Eastridge Road, approximately 800 feet to Parham Road on parcel 754-744-6868. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

938

939 Mr. Jernigan - Is there anyone in the audience in opposition to POD-40-03, Kroger
940 Food Store #525? No opposition. Mr. Kennedy, you may proceed.

941

942 Mr. Kennedy - There's a change in the staff's recommendation. Regarding condition
943 No. 31, the applicant requested that we delete that. After additional consideration, staff has
944 agreed that that could be deleted. The access easements that are there are not going to be a
945 factor and the new access easements are going to work out subject to construction design. So,
946 we would like to delete condition No. 31. Otherwise, staff can recommend approval. As far
947 as the transitional buffer deviation, in your packet, being displayed right now, is a cross
948 section of the landscaping along Eastridge Road, a schematic plan. There is a 25-foot
949 transitional buffer requirement along Eastridge Road. They are requesting reduction to 19
950 feet. Normally, as an alternative, if there was a fence provided or an above grade wall, we
951 could reduce it automatically by the alternative, two for one. However, it's actually below
952 grade wall, it is actually a retaining wall as you can see on the cross section. So, technically
953 they don't qualify but in reality that provides the required screening. So, you are not going to
954 be able to see the cars from Eastridge Road and it's going to be adequate landscaping. And it
955 meets the full intent of the Ordinance. I guess you can say it exceeds it because of the height
956 of retaining wall, two for one. It more than exceeds the requirement. So with that, staff can
957 recommend approval of both the transitional buffer deviation and the POD. We will need
958 separate motions.

959

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

961

962 Mr. Vanarsdall - Mr. Kennedy, No. 31 was that the ingress/egress that they tried to work
963 out with Mr. Marchitti?

964

965 Mr. Kennedy - Yes. This way they stay with the same conditions that they have now
966 without forcing anybody to an agreement.

967

968 Mr. Vanarsdall - The other question is, process of the rezoning. They wanted the entire
969 building covered with the same brick and mortar, facing the shopping center as it did anywhere

970 else.

971

972 Mr. Kennedy - It is brick finish around the entire building and that's a proffer
973 requirement.

974

975 Mr. Vanarsdall - That's all the questions that I have, Mr. Chairman.

976

977 Mr. Kennedy - And the plans have been annotated to show that the wall surface be
978 completely finished surfaces.

979

980 Mr. Jernigan - Are there any other questions for Mr. Kennedy?

981

982 Mr. Taylor - I don't have any questions. Staff handled it very well.

983

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

985

986 Mr. Taylor - Well, Mr. Chairman, the first thing I want to do on case POD-40-03,
987 Kroger Food Store #525 at 1510 Eastridge Road, I want to make a motion to approve the
988 transitional buffer from 25 feet to 19 feet, noting the difference in width to be more than offset
989 by the fact that there is a large retaining wall between the site and the parking area.

990

991 Mr. Vanarsdall - Second.

992

993 Mr. Jernigan - We have a motion on POD-40-03 to reduction of the transitional buffer
994 by Mr. Taylor and a second by Mr. Vanarsdall. All in favor say aye...all opposed say nay.
995 The motion carries.

996

997 The Planning Commission approved the transitional buffer deviation for POD-40-03, Kroger
998 Food Store #525 - 1510 Eastridge Road. (Mr. Glover had not arrived)

999

1000 Mr. Taylor - And then, Mr. Chairman, I will move approval of POD-40-03, Kroger
1001 Food Store #525, subject to the annotations on the plan, the standard conditions for
1002 development of this type, and conditions No. 9 amended and Nos. 23 through 32 and deleting
1003 No. 31.

1004

1005 Mr. Vanarsdall - Second.

1006

1007 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All
1008 in favor say aye...all opposed say nay. The motion carries.

1009

1010 The Planning Commission approved POD-40-03, Kroger Food Store #525 - 1510 Eastridge
1011 Road, subject to the annotations on the plan, the standard conditions for developments of this
1012 type and the following additional conditions. (Mr. Glover had not arrived)

1013

1014 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for

1050 Mr. Kennedy - Good morning again. The POD for the subject property was originally
1051 approved by the Planning Commission at the December 13, 2000, meeting. At that time it
1052 authorized construction of 41, senior restrictive apartments and 62, assisted living units
1053 pursuant to a special exception for the assisted living units, nursing homes and assisted living
1054 requiring special exception. The POD was administratively amended in 2000 to convert the
1055 assisted living units to apartments and they reduced it from a total of 102 units to 100 units.
1056 And at that time, they applied for VHDA tax credits. The construction plans were approved in
1057 April of this year for 100 senior restricted apartments.

1058

1059 On June 6, the applicant requested reconsideration of the previously approved POD and special
1060 exception to substitute a three-story building for the previously approved two and a half-story
1061 building. The two and a half-story building provided the same number of units however some
1062 of the units were ground floor, kind of half basement, apartments with a the ground floor
1063 slightly below grade.

1064

1065 Staff had expressed concern, especially since right now we have been have more rain and
1066 problems with ground floor units with flooding and that sort of thing. The developer came
1067 back with a plan for a three-story building, which reduces the footprint of the building,
1068 provides elevators and gets rid of the groundfloor units. So, we don't have any below grade
1069 units with retaining walls. Basically, all units will be above grade. So, the difference in the
1070 approval would be going from a two ½-story to a three-story building. With the elimination of
1071 the assisted living units, the previously approved special exception is no longer required.
1072 These units were at that time freed to be just general multi-family units and it could have been
1073 family units as well as senior restricted. However, with the condition, with the special
1074 exception, provides staff the opportunity to recommend a condition to the special exception as
1075 well as the Planning Commission will approve the condition to the special exception. That,
1076 again, restricts these units to senior living.

1077

1078 With that, the staff has prepared some recommendations which are on the addendum. The first
1079 one, specifically, restricts the use of the buildings to senior citizens, those persons 62 and
1080 older. The second one refers back to the elevations of the plans that were presented to show
1081 that the quality of the development would be high more than 50% of the elevation is shown
1082 which would now be almost in a sense proffered because it would be a condition of the special
1083 exception and it would be more than 50% brick. The second condition also has conditions
1084 reflecting the fact that it's senior restricted. The building will be completed sprinkled. There
1085 will be game rooms, a library, a community meeting room with a service kitchen, trash shoots,
1086 tenants storage areas and laundry rooms on each floor. The developer also agreed to a
1087 condition requiring landscaping and lighting to meet the multi-family standards and that the
1088 bedrooms and bathrooms would have emergency pull station that would be monitored by staff
1089 or by a separate agency.

1090

1091 And then we are recommending that the area within the 100-Year Floodplain be restricted to
1092 open-space uses just for trails and things and that no building exceeds three stories in height as
1093 a condition of the special exception. So, those are those conditions that we are recommending
1094 and those are conditions Nos. 1 through 4 on the addendum.

1095 Mr. Jernigan - Thank you, Mr. Kennedy. Are there any questions for Mr. Kennedy
1096 from the Commission? I've got one. On the addendum it says, going to the special exception,
1097 "Would permit the Planning Commission to re-impose the restriction to senior apartments
1098 only."

1099

1100 Mr. Kennedy - That's right. Otherwise, this property is zoned R-5 and it permits
1101 family, multi-family apartments by right. So, by having the exception for a height exception,
1102 it permits the Planning Commission to impose a restriction on that and that restriction we are
1103 recommending is senior restricted, senior living.

1104

1105 Mr. Jernigan - So, we have to add that in as a condition?

1106

1107 Mr. Kennedy - Yes, you do.

1108

1109 Mr. Jernigan - Okay. That's what I wanted to clear up.

1110

1111 Mr. Kennedy - And then the other item was I believe an amendment to a condition
1112 having to do with access, restricting access when they can substitute fire access, for instance.

1113

1114 Mr. Jernigan - Well, I hadn't read it in here, even in the addendum about... We will
1115 impose that as an additional condition. Well we will have to put it as condition No. 36.

1116

1117 Mr. Kennedy - Well, that would be conditions Nos. 1 through 4 of the special exception.
1118 So, you will have a separate motion on the special exception. You will have one motion on
1119 the special exception and one motion on the POD.

1120

1121 Mr. Jernigan - Okay. So, I will add it in with the special exception.

1122

1123 Mr. Kennedy - Right.

1124

1125 Mr. Jernigan - I just wanted to make sure we were legal. Thank you, Mr. Kennedy.

1126 Ms. Isaac.

1127

1128 Ms. Isaac - Good morning, Laraine Isaac. This project has had a very, very, long,
1129 bumpy past. The last approval, as Mr. Kennedy said, was for independent living, assisted
1130 living, and it also had an Alzheimer's center in it. When they decided to go with 100%
1131 independent living, those living units got bigger because they became apartments. They are
1132 hospital-type rooms. So, as the units got bigger there were several options. One would be to
1133 completely redesign the building or to work with the existing footprint. So, that's when they
1134 added a basement. And who wants to spend their golden years as a mole person. So, it was
1135 decided to eliminate the basement and put on a third floor. So we are dealing with the same
1136 number of units, we are just going a little higher.

1137

1138 The conditions Mr. Kennedy has offered are acceptable except for one. And that is the age of
1139 62. The developer wishes it to be 55 and that is what is allowed under his funding.

1140 Mr. Jernigan - Why didn't ya'll say something before now?
1141

1142 Ms. Isaac - I only got an answer on this yesterday. I've been putting calls out.
1143 Although, I would think the average age is going to be well above that. I don't know many
1144 people 55 who are retiring.
1145

1146 Mr. Jernigan - Well, the only problem that I see right now, now this has been advertised
1147 as age 62. You realized that the Federal Fair Housing Act at age 55 20% of those apartments
1148 have to be reserved for people under the age of 55. I'm I correct, Mr. Kennedy? I know that
1149 that came up in a discussion before. That age 55 that 20% of the apartments can be reserved
1150 for people under the age of 55. At age 62, every person, the tenant has to be 62 plus.
1151

1152 Mr. Vanarsdall - I think you are right on that, Mr. Chairman.
1153

1154 Mr. Jernigan - Because I couldn't understand why age restricted 55 was still letting
1155 younger people in.
1156

1157 Ms. Isaac - Right.
1158

1159 Mr. Jernigan - Not that I'm against young people. But, I mean it's the way the Federal
1160 Fair Housing Act is written up.
1161

1162 Ms. Isaac - We've both been blindsided. I wasn't aware of that. Like I said, I just
1163 got an answer yesterday.
1164

1165 Mr. Marlles - Ms. Isaac, is the developer requesting VHDA tax credits for this project?
1166

1167 Ms. Isaac - Yes.
1168

1169 Mr. Marlles - Are you aware of any conditions related to the County's support for the
1170 tax credits that dictated the age?
1171

1172 Ms. Isaac - It's been a while, but I believe you wrote a letter listing certain
1173 conditions that you expected to be met. Like I said, it's been quite a while since I... I can't
1174 recall it verbatim.
1175

1176 Mr. Marlles - It's been a while. I haven't looked at that letter either but it seems to me
1177 that there was an age restriction on the County's support for the tax credits and I believe it was
1178 62. I was going to suggest to the Chairman that we might want to consider deferring this to
1179 clarify that matter.
1180

1181 Mr. Jernigan - Well, that's what I am going to do. When you said 55, we've advertised
1182 it at 62. I'm not going to vote on it on 55 with an advertisement of 62.
1183 Ms. Isaac - Would it be possible to defer this to the next night meeting instead of
1184 another month?

1185

1186 Mr. Jernigan - Yes, we can do that.

1187

1188 Ms. Isaac - If this is the only issue, and I know we do have opposition, and we will
1189 hear what that opposition is, and if this is the only question we have then we could probably,
1190 possibly hear is without testimony.

1191

1192 Mr. Jernigan - Well, I've just been informed that we have a very heavy schedule for
1193 zoning that night. We deferred about 10 cases last month.

1194

1195 Ms. Isaac - Okay.

1196

1197 Mr. Jernigan - So, we may want to camp out here and it may be my turn to be on the
1198 last. So, you don't want to be here until mid-night or one o'clock in the morning.

1199

1200 Ms. Isaac - You are right about that.

1201

1202 Mr. Jernigan - What I am going to do, if you are requesting to change this to age 55, I
1203 am going to ask you to defer it, or either I'm going to defer it.

1204

1205 Ms. Isaac - I think this is something we definitely need clarification. I need to get
1206 back to the developer for clarity.

1207

1208 Mr. Jernigan - Mr. Vanarsdall has been in on it too. I believe that I'm right on that. I
1209 think I am.

1210

1211 Mr. Vanarsdall - I know there is a reason for a lot of them to be build at 62 because of
1212 some of the loop holes.

1213

1214 Mr. Jernigan - Yes. There are some loop holes in age 55. All right. Well, I do want
1215 to hear from the opposition. Are you asking for a deferral for 30 days?

1216

1217 Ms. Isaac - If you are not going to give me one, I'm going to ask for one.

1218

1219 Mr. Jernigan - Yes, I'll do it. I mean, it's just up to you. I'll either use my
1220 Commission deferral...

1221

1222 Ms. Isaac - Well, I would rather... Well, we have got to clarify this situation.

1223

1224 Mr. Jernigan - Are you requesting the deferral or you want me to use my Commission
1225 deferral?

1226

1227 Ms. Isaac - I would love for you to use you Commission deferral.

1228 Mr. Jernigan - You want to save that \$100.00, don't you. Okay, I will. Sir, would you
1229 come up please. Good morning.

1230

1231 Mr. Lucus - Good morning. My name is Charles Lucus. That entrance that they
1232 have going along my property. I live in a low-line area and all the water from that area is
1233 running into my yard, and I have a septic system there, where it goes down hill.

1234

1235 Mr. Jernigan - Do you live in the house....

1236

1237 Mr. Lucus - I live right beside it 514 E. Williamsburg Road.

1238

1239 Mr. Jernigan - Right beside the church?

1240

1241 Mr. Lucus - The way they took cut that path though there, it may cause all the water
1242 to backup on my property. I already get all the water from up the road coming down, now I'll
1243 be getting the water off that hill running down into the yard and into the septic system and it is
1244 killing the septic system. They can bring a septic line down there, I'll be happy to hook up but
1245 there is not any way my septic system is going to hold up with all that water running in that
1246 direction.

1247

1248 Mr. Jernigan - I know you probably haven't seen a copy of the staff report but condition
1249 No. 28 states: Any necessary off-site drainage and/or water and sewer easements must be
1250 obtained in a form acceptable to the County Attorney prior to final approval of the construction
1251 plans. The Department of Public Works will make sure that the drainage is straight before
1252 there is a final approval on this. Once this have conditional approval here, it still has to go
1253 through the final approval process which is through the County's staff. And that has to go
1254 through the Department of Public Works and the other staff to make sure that everything is
1255 right. They are not just going to come through there and let all of that water run into your
1256 yard. Our Department of Public Works will make sure that that's taken care of. Now, I don't
1257 know, you don't have a wetlands condition now behind your house?

1258

1259 Mr. Lucus - Back behind where that development is wetlands but I don't have
1260 wetlands. I really don't know what you are talking about on there, but I just know that the
1261 way it is now, so much water runs from up the road down from there in every direction into
1262 that area and runs back behind there into the woods.

1263

1264 Mr. Jernigan - And that is, next to the church, there is a type of a gully there. But,
1265 what will happen. Your situation will get better rather than worse with this because that
1266 entrance comes onto Williamsburg Road between your house and the church.

1267

1268 Mr. Lucus - Yes, but it goes down hill. Williamsburg Road sits up and I sit down.
1269 See I'm sitting low, I'm not sitting as high as the church. I'm lower than the church.

1270

1271 Mr. Kennedy - But there is curb and gutter on both sides of the road which picks up the
1272 water.

1273 Mr. Lucus - No, it doesn't. Nothing picks up the water all of the water runs into my
1274 yard.

1275

1276 Mr. Vanarsdall - It didn't happen until it was cleared.

1277

1278 Mr. Jernigan - What year was that cleared? That's been like that for sometime, right?

1279

1280 Mr. Lucus - See right here (referring to map) where it goes around, this side is 14 E. Williamsburg Road, I'm right next to the church. My house is right next to the church and where they have this driveway cut right here, this goes downhill, down here goes downhill and the water off of here goes down here. I'm right here in the middle of all that water.

1284

1285 Mr. Kennedy - Do you live on Old Williamsburg Road?

1286

1287 Mr. Lucus - I live on Williamsburg Road.

1288

1289 Mr. Jernigan - He's right next to the church, Mr. Kennedy.

1290

1291 Mr. Kennedy - Okay. And the driveway separates you two.

1292

1293 Mr. Lucus - Right. The water is running down that way (referring to map) running off the road and running from every direction directly into my septic system.

1295

1296 Mr. Kennedy - But the access road will have curb and gutter to direct to keep the flow within the road.

1298

1299 Mr. Marlles - Mr. Chairman, I was going to suggest since this is going to be deferred anyway, I think it would be good, Mike, if you could the gentleman's name and we could contact Public Works and perhaps have a representative come out and meet with you and review the drainage situation. Also, you can meet with the staff both in Planning and Public Works who can review the plans and how the drainage will be handled but I think that's probably the best way of addressing your concerns at this point in time. But, make sure you give Mr. Kennedy your name and address and telephone numbers.

1306

1307 Mr. Jernigan - Do you have any other concerns on that, Mr. Lucus?

1308

1309 Mr. Lucus - No, that's all, that was the concern.

1310

1311 Mr. Jernigan - You came today and I wanted to hear what you had to say even though we are going to defer this case. But, now you can get with Mr. Kennedy and we will get you cleared up. All right. Ms. Isaac, do you have anything else to say?

1314

1315 Ms. Isaac - No. Just the fact, that this entire site will have curb and gutter and drop inlets. So, we will be picking up the water that's now flowing off the site and getting it into the public system.

1318 Mr. Jernigan - Like I said, his situation will get better rather than worse. With that, I will move for deferment of POD-104-00, Sandston Plateau, to the July 23 meeting.

1320

1321 Mr. Vanarsdall - Second.

1322

1323 Mr. Jernigan - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

1324 All in favor say aye...all opposed say nay. The motion carries.

1325

1326 The Planning Commission deferred POD-104-00, Sandston Plateau (Reconsideration) 600 Old

1327 Williamsburg Road, to it July 23, 2003, meeting. (Mr. Glover had not arrive)

1328

1329 **Mr. Glover arrived during the next case.**

1330

1331 **PLAN OF DEVELOPMENT**

1332

POD-38-03 **Hankins & Anderson for Retlaw 100, LCC:** Request for approval of
Retail Shops – a plan of development as required by Chapter 24, Section 24-106 of the
Town Center @ Henrico County Code to construct a one-story, 7,000 square foot retail
Twin Hickory center. The 0.67-acre site is located approximately 800 feet north of the
intersection of Nuckols and Twin Hickory Roads on parcel 746-773-
1046. The zoning is B-2C, Business District (Conditional). County
water and sewer. **(Three Chopt)**

1333

1334 Mr. Marlles - The staff report will be given by Mr. Cooper.

1335

1336 Mr. Jernigan - Is there any opposition to POD-38-03? We have resident input. OK.

1337 Thank you. Mr. Cooper, you may proceed.

1338

1339 Mr. Cooper - Good morning, Mr. Chairman, and members of the Commission. As
1340 you aware, The Town Center @ Twin Hickory is an ongoing project. The most recent
1341 proposed addition is POD-38-03, which you see before you now. The proposed building calls
1342 for a mix of retail uses including a possible restaurant, totaling approximately 7,000 sq. ft.
1343 The one-story building will be located just to the west of the McDonald's Restaurant and north
1344 of Miller's Neighborhood Market. In regards to the architectural elements, the exterior of the
1345 proposed building will match the existing buildings including a brick and e.i.f.s. façade, and a
1346 standing-seam metal roof, which will be copper in color. Staff does have some concerns for
1347 the overall conceptual master plan associated with this shopping center. According to Proffer
1348 10 of Rezoning Case C-19C-94, "No more than 65% of the property may be covered by
1349 buildings, driveways, and parking areas." With the proposed retail building, the total
1350 impervious area will reach 58%. The remaining 7% of potential impervious area equates to
1351 approximately 1.3 acres.

1352

1353 The conceptual master plan before you today shows four additional buildings after this plan of
1354 development, which staff feels will exceed that proffered condition. Therefore, staff has asked
1355 the applicant to provide a revised conceptual master plan demonstrating how the remaining 1.3
1356 acres will be developed. A condition has been added in your addendum to address this
1357 concern, requiring a revised conceptual master plan and site calculations to be submitted prior

1358 to approval of final construction plans. Additionally, staff has received comments from
1359 residents of Twin Hickory expressing their concern for a lack of amenities on this site,
1360 including park benches, upgraded trees or landscaping, and decorative lamp posts. These
1361 items were shown on the conceptual master plan presented to the Twin Hickory residents, as
1362 you will see on your screen now (referring to rendering).

1363

1364 With that, staff has requested that the landscape and lighting plans come back before the
1365 Commission for approval to address these concerns related to this particular plan of
1366 development. The staff will also ask the applicant to address these concerns in relation to the
1367 entire site with the revised conceptual master plan to be submitted prior to approval of final
1368 construction plans.

1369 With that, staff can recommend approval of this plan of development. The applicant and his
1370 representative are here today and Ms. Zuercher is here, as well, and I am also happy to answer
1371 any questions you may have.

1372

1373 Mr. Jernigan - All right. Are there any questions for Mr. Cooper from the
1374 Commission?

1375

1376 Mrs. Ware - This amendment happened after I spoke with you?

1377

1378 Mr. Cooper - Yes, ma'am. This happened yesterday afternoon.

1379

1380 Mr. Jernigan - Any more questions?

1381

1382 Mr. Archer - Mr. Cooper, are you saying that these amenities that were omitted were
1383 shown on this plan and just not done?

1384

1385 Mr. Cooper - It appears that, and I can't speak fully to the issue, based on the fact that
1386 this is the first project in this shopping center that I have personally worked on, I have been to
1387 the site and reviewed the site as it exists now. I have found one park bench. There are some
1388 decorative lamp posts that appear at your entrance ways. The remaining light fixtures in the
1389 shopping center are the shoe box concealed source fixtures, and there is landscaping. As far as
1390 pedestrian paths are concerned, there is a sidewalk system that is in place on all of the
1391 buildings in that shopping center.

1392

1393 Mr. Archer - OK. Thank you.

1394

1395 Mr. Taylor - Mr. Cooper, I have one question to go over again. And it is the square
1396 footage that you discussed at the beginning. Would you review those numbers again, please.

1397

1398 Mr. Cooper - For the building itself?

1399

1400 Mr. Taylor - The site coverage?

1401 Mr. Cooper - OK. The proffered condition allows for no more than 65% of the total
1402 site to be covered by impervious area, which includes buildings, parking areas, and driveway.

1403 With this proposed building that is before you today, that will reach 58%. So, therefore, the
1404 remaining 7% equates to approximately 1.3 acres of development. To give you a rough idea,
1405 that would probably, if you are familiar with the CVS, that entire site project was about .7
1406 acres, so if you think of it in that sense, you can almost do two more of the CVSs, so that
1407 gives them a perspective on how much is left that they can develop.

1408

1409 Mr. Taylor - Does that have a relationship to the drainage issue?

1410

1411 Mr. Cooper - I believe the drainage issues will be addressed by Public Works at the
1412 time of plan of development review, not only for this project but for any remaining project that
1413 may come in.

1414

1415 Mr. Taylor - We really have the opportunity to add Nos. 9 and 11 Amended and have
1416 that come back to the Commission or we do have the opportunity that I could defer that at my
1417 option today, until we get the numbers and the drainage, as well as the amenities resolved.

1418

1419 Mr. Cooper - I have requested that Nos. 9 and 11 be Amended to allow for the
1420 landscape and lighting for this particular project to come back before the Planning
1421 Commission. I don't know of any drainage issues unless I have just been misinformed, but I
1422 believe the drainage issues are not a problem, that I am aware of.

1423

1424 Mr. Jernigan - One thing, Mr. Taylor, is the drainage issues would have to be handled
1425 before the final conceptual.

1426

1427 Mr. Taylor - I agree. All right. Thank you, Mr. Cooper. That is all of the questions
1428 that I have.

1429

1430 Mr. Jernigan - Thank you, Mr. Cooper.

1431

1432 Mr. Cooper - Yes, sir.

1433

1434 Mr. Jernigan - Mr. Taylor, would you like to hear from Ms. Zuercher, or would you
1435 like to hear from the applicant first?

1436

1437 Mr. Taylor - Well, I think, Mr. Chairman, what we should do is ask the applicant to
1438 speak now, because he can clarify these couple of issues and then, perhaps, we will ask Ms.
1439 Zuercher if she'd like to be back up here to clean all the bases.

1440

1441 Mr. Goode - Good morning, members of the Commission. My name is Reed Goode,
1442 Jr. with Goode Land Company and I am the applicant for this project.

1443

1444 Mr. Jernigan - I am sorry. I was talking. What was your name, sir?

1445

1446 Mr. Goode - My name is Reed Goode, Jr.

1447

1448 Mr. Jernigan - OK, Mr. Goode. You may proceed.
1449

1450 Mr. Goode - I would like for the members to understand that this whole 20-acre
1451 project was designed and approved years ago and cannot all be developed at once, to be done
1452 in stages. It is a commercial land subdivision is what it is. It is not, even though it looks like
1453 a shopping center that has one owner, it has several owners. This POD represents the 7th POD
1454 that has been filed for and hopefully approved on this same property. All of these have
1455 followed the same architectural guidelines and followed the master plan. The piece before us
1456 today is one of the smallest pieces. It is .6 of an acre of property to handle this 7,000 sq. ft.
1457 building, retail multi-tenant building. I think some of the issues that Mr. Taylor has talked
1458 about and some of the things that Ms. Zuercher is going to talk about have to do with the
1459 overall property, and it has to do with the remaining property. There is roughly 3-1/2 to 4
1460 acres of vacant property still left within this whole 20-acre development, and the issues with
1461 the impervious cover, I don't believe there are any drainage issues, but if there are any, those
1462 should be addressed as these other PODs are brought forward, and you know what the design
1463 and so forth of those sites will be. Outside of that, I will be glad to answer any other questions
1464 that you do have. One other thing, on the site amenities, those are typically handled in the
1465 land when the landscape plan is submitted. In the past, we typically dealt with lighting and
1466 landscaping and park benches and so forth during the landscape plan submission, and I
1467 planned, as I have in the past, to continue to work with the neighbors to give them what they
1468 want in that regard.

1469

1470 Mrs. Ware - Have you been with the shopping center since its inception?
1471

1472 Mr. Goode - I was the person that was originally at RealtiCorp. Yes. In 1997 I
1473 acquired the property from Hunt and did the original work on it.
1474

1475 Mrs. Ware - So you've been aware of the expectations as to how it should be
1476 developed from the beginning?
1477

1478 Mr. Goode - Certainly. Absolutely. Yes.
1479

1480 Mr. Taylor - Following that question from Commissioner Ware, as we go forward,
1481 you are kind of identifying, Mr. Goode, kind of a piece-meal approach as you go from
1482 building to building, and I think that is consistent with what you have done before. But, I am a
1483 little concerned about the percentages and the amenities, as we grow. What is there now, I
1484 think, is excellent, or at least good to excellent, and with some assurance that the amenities
1485 would be provided and the density won't be exceeded, this is a good project, and I wonder
1486 how you can guarantee those percentages and those amenities?
1487

1488 Mr. Goode - Mr. Taylor, I am no longer with RealtiCorp. I have my own
1489 development company now. I have no authorization to speak for the owners of the property on
1490 the remaining property. All that I have, I have a piece of property under contract, that the
1491 POD has been submitted for. I will be the one purchasing the .6 of an acre and building just
1492 the 6,000 sq. ft. building. There is other property remaining at the shopping center that is now

1493 vacant, that other individuals like myself are negotiating or have it under contract to buy and
1494 potentially build other buildings, where, at some point, as he talks about the impervious cover
1495 issue, with my building built, it would be 58%. It is proffered to not exceed 65%. So what
1496 happens after my building is something for you to take up directly with the owners of the
1497 remaining property. I am not a part of that. We do have Evan Painter here, who is the
1498 Regional Partner at RealtiCorp, that could certainly address any of those issues as well as the
1499 site engineer, Will Wheeler, is here and so forth. But what I ask that you do is that my
1500 building, the POD that is in question right now, has been with conditions approved by staff,
1501 and what I would not like to have happen is that my building and my project that I've been
1502 working diligently on be held up for the sake of something else that is not on the drawing
1503 board, yet, or that has not been submitted to the County at all yet.

1504

1505 Mr. Taylor - I understand that, and that maybe what we should do at this point is hear
1506 from the opposition, and then we will go back to the owner.

1507

1508 Mr. Goode - I will be glad to come back and answer anything. Yes, sir.

1509

1510 Mr. Jernigan - Have you heard of anything where they may want to make a proffer
1511 change to increase these percentages?

1512

1513 Mr. Goode - I understand that in order to develop all of the remaining property out
1514 here, the remaining 3-1/2 to 4 acres of vacant land, my understanding is in order to develop all
1515 of that with the normal parking and so forth that you could actually, the property would need
1516 to be more than 65% impervious, and I don't know if it is all the way to 70% or if it is 68 or
1517 69% impervious, but more buildings and parked on this property than 65%, and I think it is a
1518 small amount. When we originally started this, I know when Hunt originally zoned the
1519 property back in the early 1990s, nobody knew what this was going to be. Wyndham wasn't
1520 even there. And they just didn't want to have a Broad Street-type shopping center out here,
1521 and that is not what we have. I think that everything, my knowledge over the past 10 years of
1522 this project is resulted in a high quality community-type, not a big strip center, big box, but
1523 lots of small and a collection of individual buildings, which is what the intent all along has
1524 been.

1525

1526 Mr. Marlles - Mr. Cooper, is this conceptual master plan, was this proffered as part of
1527 the original rezoning?

1528

1529 Mr. Cooper - What I just placed on the screen before you now was accepted by the
1530 Planning Commission in 1999 with the Rezoning Case, C-68C-99, and that added some
1531 amendments to the original three or four prior rezoning cases.

1532

1533 Mr. Marlles- But it was proffered?

1534

1535 Mr. Cooper - It appears that it was accepted by the Planning Commission according to
1536 the note that is on it in the file with the approval letter. Yes, sir. So, it would be my
1537 understanding that it was. Just to clarify, I guess, if you look at the screen, there is a u-shaped

1538 building that is to the west, to the top of your page. That is one of the buildings that is yet to
1539 be built that is shown on the plan. The conceptual master plan that we were presented also
1540 showed three more buildings in addition, two being up at the corner of Nuckols Road and Old
1541 Nuckols Road, and then one more in addition to a building that you see along Old Nuckols
1542 Road right now.

1543

1544 Mr. Mariles - Mr. Goode, I think the problem here is that certain representations were
1545 made, I think both to the staff and the Planning Commission, as part of the original rezoning
1546 regarding the character and the amenities that were provided as part of this center. In fact, I
1547 remember very clearly what we were discussing with the village concept for this particular
1548 development, and I think, as you mentioned, I think it has been incrementally developed with
1549 seven PODs and different owners, and I think the question is arising whether that amenity
1550 package that was proposed for the overall development is actually being provided. I think
1551 what staff has indicated is that at least at best only portions of that amenity package. One
1552 bench and some lighting has been provided. I understand your concern about being held up,
1553 but I also think that there is a legitimate question as far as what was committed to at the time of
1554 rezoning, which does involve the overall site, even though there are maybe some multiple
1555 property owners there, but I think it does raise the concern, Mr. Chairman, on the part of the
1556 staff whether we are getting what was committed to at the time of the rezoning.

1557

1558 Mr. Goode - I didn't understand your comment. If you look at this proposed
1559 conceptual master plan that was approved, it is obviously not a detailed plan that has every
1560 bench location and every single detail. It was intended to be a guide as we go along that you
1561 all and staff would use on each and every POD, primarily on the landscaping side, to be your
1562 guide on how to comment on those things, and I think what now I am hearing is that perhaps
1563 the way it has turned out may not be exactly as proposed, but I hope it is in the ball park. I am
1564 very proud of what has happened out here, but I think, perhaps, it would be a good idea for
1565 staff to get together with the owner of the rest of the property, RealtiCorp, and to look at, with
1566 the current owners, to see exactly what is lacking. Is it, what do you know it is? Is it one
1567 more park bench? Is it 10 more? Is it...

1568

1569 Mrs. Ware - I think we are talking about the spirit and intent here and whether or not
1570 you are meeting the intent of what was, obviously, proposed when it was rezoned, and you're
1571 saying that things are piece meal and you just have one little part, so who can speak for the
1572 whole development?

1573

1574 Mr. Goode - Well, now that the whole development is several land owners, we have
1575 an association on the property, and we would need to, once again, RealtiCorp is probably the
1576 best messenger to get everyone together, but they have got to deliver a message, and we'd like
1577 that message to be as detailed as possible as to what exactly needs to be done.

1578

1579 Mrs. Ware - Maybe that needs to happen.

1580

1581 Mr. Taylor - Madam Commissioner, not to cut you off in mid-sentence, but what I
1582 would enjoy in pursuit of that point is, we've got a representative from the community here,

1583 and what I would suggest is, let us hear from that and then see where we are, and what the
1584 community concerns are before we think of what we might do to bring back the holistic plan
1585 for this entire site. And I agree with Mr. Goode that because it has been developed over a
1586 protracted period of time and since Mr. Goode has changed his association with that property
1587 over that time, I think, basically, what we have lost over that period is a certain cohesiveness
1588 in the planning concept, and I think that is exactly what Commissioner Ware is saying, and I
1589 share her view, that maybe we have to go back a step and regain that perspective, because as I
1590 look at this diagram on the, before us, this plan is dated, it says PC, which I think is probably
1591 Planning Commission, is 99, so this is really the first time I have looked at a “master plan”
1592 since 1999, and I think a lot of things have happened that are not consistent with this plan, and
1593 I think it would be reasonable to hear from the community, then see what we can do to gain
1594 cohesiveness.

1595

1596 Mr. Goode - I just think that the people that live there are the ones that have been
1597 consulted originally and on each and every POD since, and so, let’s certainly hear from Ms.
1598 Zuercher and see what she says.

1599

1600 Mr. Taylor - Thank you, Mr. Goode. In all indicting it as being not a great
1601 development, but there might be some things that we can do to improve it. Ms. Zuercher.

1602

1603 Ms. Zuercher - Good morning, Mr. Chairman, and members of the Planning
1604 Commission. I am Lucy Zuercher and I live in Twin Hickory at 5109 Dorin Hill Court. I am
1605 here on behalf of a number of Twin Hickory residents with a strong interest in the way our
1606 community is developing, and we are a proud of it. It is a great community, but it is in the
1607 process. It is a work in process and we’d like to have our input considered in the decisions
1608 that will affect us. I know staff has received some e-mails from residents on this case. Our
1609 goal is to see the Town Center @ Twin Hickory developed with a unified plan and a cohesive
1610 appearance, despite the fact that small parcels are being developed piece meal. We ask the
1611 County Planning Department for assistance in assuring all development within our Town
1612 Center has consistent aesthetic features and pedestrian focus, which was how this community
1613 was marketed to home buyers. Features such as urban plantings, details on the text of the
1614 conceptual master plan, and staff has defined urban plantings to mean as plantings in planters
1615 appropriate to pedestrian traffic, as you pass by, on the sidewalk, sit on the park benches, etc.
1616 The stamped red brick accents on the roadways are a feature we’d like to see consistent
1617 throughout the Town Center, pedestrian access via connective sidewalks and matching
1618 decorative street lamps, as well as the addition of park benches which match from parcel to
1619 parcel, despite the developer of the individual parcel to encourage the small town feel and the
1620 village nature of this Town Center, and these features are all detailed on that 1999 conceptual
1621 master plan.

1622

1623 As rapid development proceeds, we would like to ask the Planning Department to assign all
1624 Twin Hickory cases to a single staff planner, who can follow up and insure that each POD
1625 within the Town Center conforms to this overall design, regardless of who develops it. We
1626 would like to see that site coverage conform with the master plan as well.

1627

1628 Residents also would like to be consulted on the types of businesses brought to our Town
1629 Center. On March 3 of this year a number of residents met with RealtiCorp designer, Neil
1630 Rankins, I believe he may no longer be with RealtiCorp, I think people seem to come and go
1631 very quickly, at Reynolds Development, J. Sargeant Reynolds, to discuss further plans for the
1632 Town Center at Twin Hickory. At that time Neil and Sarge were seeking input from the
1633 community because they had this parcel, it was under contract, as I understand it, and the one
1634 on the plan near Food Lion, which Mr. Cooper was pointing out, that u-shaped concept
1635 building, they had that under contract as well, and I believe they still do. Their plan was to
1636 develop 9 to 5 office space, where you see the u, minimizing evening and weekend traffic and
1637 noise for the surrounding residences, and this met with the community's approval and interest.
1638 They also responded to our input as to what businesses residents would like to see added to
1639 this Town Center by pursuing Starbucks, a movie rental store, an ice cream shop that we can
1640 walk or bike to with our children, and perhaps a florist, gift shop, or a fine bakery. We would
1641 be interested in a fine restaurant, as well, toward Nuckols Road, rather than your Avery
1642 Green, but residents would like to see (unintelligible) up front stay on Broad Street's
1643 commercial corridor. We all greatly appreciated the fact that Neil and Sarge had asked to meet
1644 with us, and they were trying to do right by the residents of the community as they developed
1645 their properties, and we applaud that kind of community sensitivity; however, it seems in this
1646 case the property is under different ownership now and these plans are no longer in effect,
1647 resident input has not been sought and we have strong concerns about what is going to happen
1648 in our Town Center. As I said, we want to see a cohesive appearance for all development in
1649 the Town Center that abides by that conceptual master plan in spirit, as well as in fact, and
1650 have input into the type of businesses that would be added. We ask your assistance in
1651 providing both oversight of future development and in directing the developers to work with
1652 residents. Mr. Goode speaks of my building, but those of us who live in the area have a long-
1653 term interest in the result of all the decisions made here. Thank you.

1654

1655 Mr. Jernigan - Thank you, Ms. Zuercher. Are there any questions for Ms. Zuercher
1656 from the Commission?

1657

1658 Mr. Taylor - Ms. Zuercher, have you been or has the community been working with
1659 any single management association at all?

1660

1661 Ms. Zuercher - No, sir. When Neil Rankins and Sarge Reynolds asked to meet with us,
1662 it was because they had those two parcels under contract, and that was March 3, and we were
1663 under the impression that things were going well. It was news to me, as this hearing neared,
1664 that it was under different ownership.

1665

1666 Mr. Taylor - To the best of your knowledge, is there any single development authority
1667 in this area?

1668

1669 Ms. Zuercher - Well, as you know I am pretty plugged into as to what happens in Twin
1670 Hickory, and I am not aware of any such single management authority.

1671 Mr. Taylor - That is partly why I asked the question. OK. My question really boiled
1672 down to "Who is in charge?"

1673

1674 Ms. Zuercher - I am not sure, sir.

1675

1676 Mr. Jernigan - Thank you, Ms. Zuercher.

1677

1678 Mr. Taylor - Thank you, Ms. Zuercher. Who would like to take the microphone
1679 next? Or who is in charge?

1680

1681 Mr. Glover - The Chairman himself.

1682

1683 Mr. Taylor - I know that and I thought we were in good shape.

1684

1685 Mr. Glover - I thought I'd let you know.

1686

1687 Mr. Jernigan - That gentleman had his hand up.

1688

1689 Mr. Painter - Good morning, Mr. Chairman, and members of the Commission. My
1690 name is Evan Painter. I am the manager of the Virginia office for RealtiCorp. I want to start
1691 out by answering a couple of these questions. As far as Mr. Taylor's question about the
1692 management authority, we have a number of chiefs watching over this property. First, as part
1693 of the Wyndham Concourse, which includes the office buildings, the Capital One Office
1694 Buildings, the BB&T, the FasMart on the other side of the street, I believe all the way up to
1695 Walgreen's. Highwood Properties is the property manager for that whole commercial
1696 Wyndham Concourse area.

1697

1698 In our shopping center, the owner of the Food Lion and the strip center is a large community
1699 shopping center owner out of South Carolina called Edens and Avant.

1700

1701 In our easements, covenants and restrictions, they are the approving party and the management
1702 authority of the common area of the shopping center. So, I feel there is some kind of
1703 management people in charge out there. We honestly have to say we still have like, as Mr.
1704 Goode said, approximately three and a half remaining vacant acres on the property. For us to
1705 fully develop per the master plan, we would be beyond the 65% impervious cover. I have
1706 spoken with the County officials, several different departments. We had a meeting, and that
1707 was probably last summer to discuss these issues. The property was designed for the drainage
1708 and runoff for 65% impervious cover. We have actually already received approval from
1709 Public Works for our recommended adjustments to any drainage, to address any needed
1710 impervious cover. Ms. Zuercher alluded to the u-shaped building. That property has another
1711 contract with a group who has had relations with RealtiCorp before, and who, Mr. Rankin, in
1712 fact, said did this original master plan. And he met with the County and also showed some
1713 conceptual things they were thinking to do up at the corner. They actually, a couple of months
1714 ago, submitted an application to the Planning Office for an amendment to the proffer adjusting
1715 the impervious cover. That has been, I don't know if it was withdrawn or held back,
1716 whatever, because only RealtiCorp could sign the property. The County made the
1717 determination that we needed everybody's signature in the development to address that. It had

1718 been my hope and indication that we could address some of the overall areas that you in the
1719 community would like to see additional pedestrian friendly aspects, and the cohesive aesthetic
1720 use that Ms. Zuercher mentioned, we had hoped to address some of those issues during any
1721 proffer amendment case, and kind of bring everything back together, because, like I said, it is
1722 a little piece meal, but we have just kind of assumed that each POD and each landscape and
1723 lighting plan – that they were all getting approved per the master plan that we had approved
1724 with you before. We obviously have not been trying to skirt anything on this property. Any
1725 property that we are marketing to the potential users, we have been very clear of the high
1726 quality building and property that we want on this project, and, obviously, there is definitely a
1727 lack of park benches and we can add even some additional amenities to it as times goes on,
1728 but...

1729

1730 Mrs. Ware - It just seems like you are getting to the end of this plan. And it might be
1731 a good thing for you to get your chiefs together.

1732

1733 Mr. Glover - Do you have a Geronimo in that crowd? You talking about an Indian
1734 chief, do you have a one Geronimo?

1735

1736 Mr. Painter - Probably no.

1737

1738 Mr. Glover - Let me ask you a question.

1739

1740 Mr. Painter - Yes, sir.

1741

1742 Mr. Glover - You use the term “kind of a little bit piece meal”. Tell me what you
1743 mean by that.

1744

1745 Mr. Painter - Just the fact that we are not the long term owners of this property and we
1746 are not...

1747

1748 Mr. Glover - How can you be a little bit piece meal?

1749

1750 Mr. Painter - We sold, one piece was 40% of the property and we’ve sold some other
1751 parcels. I don’t think...

1752

1753 Mr. Glover - You want the County to bail you out?

1754

1755 Mr. Painter - No, sir, not at all. We want to work with you and comply with the
1756 master plan.

1757

1758 Mr. Glover - Since you have been there at that mike, I have listened very carefully,
1759 and you really haven’t said a whole lot except that what you might be able to do in the future,
1760 and what you...

1761 Mr. Painter - I am referred to by the guidance of the County what you all
1762 recommended. We had hoped to work with you on whatever recommendations. I don’t

1763 necessarily want to put any recommendations. I'd rather you all and the community and us
1764 work together and come up with some ideas on what everybody wants.

1765

1766 Mr. Glover - What do you think of the idea that came up in 1999? You don't think
1767 that is too good?

1768

1769 Mr. Painter - I honestly don't see where we are drastically differing from the plan.

1770

1771 Mr. Glover - Well, let's leave it like it is then.

1772

1773 Mr. Painter - With what respect?

1774

1775 Mr. Glover - You have to have an amendment to the proffers to change it, wouldn't
1776 you?

1777

1778 Mr. Painter - Yes, sir.

1779

1780 Mr. Glover - So, since you said it is not so drastically different, let's leave it like it is.

1781

1782 Mr. Painter - Well, I mean, if you see our as-built master plan, which was included on
1783 one of the sheets on the POD, our layout is very similar to what is shown there.

1784

1785 Mr. Jernigan - I have a question. And I started to ask it earlier, but I figured being that
1786 this was piece meal out, the proffer amendment was in the wind. What percentage did you
1787 want coverage?

1788

1789 Mr. Painter - I believe, and Mr. Goode was also our engineer for the overall from the
1790 beginning on this project, I believe it was 71 or 72%.

1791

1792 Mr. Jernigan - OK. Any more questions for Mr. Painter.

1793

1794 Mr. Taylor - No, Mr. Chairman, I don't have any, but I have some observations here.

1795

1796 Mr. Jernigan - Thank you, Mr. Painter.

1797

1798 Mr. Taylor - Mr. Chairman, I think this is a work in progress and I think that the
1799 neighborhood has been working very hard along with the developers to develop this in a very
1800 high quality manner. I think at the start there was a unified plan. I think, perhaps, over the
1801 time we've had that somewhat diffused and I seem to think here that working with the
1802 community might bring back the cohesiveness that we started. We talked about Ms.
1803 Zuercher's comments, aesthetics, amenities, pedestrian focus, planting, park benches, small
1804 town feel, site coverage, cohesiveness. And those are all laudable things, because we have
1805 been working with Mr. Goode on this for over five years now, easily. Yet, I think that what
1806 we need to do is gain the ground and bring it all back together, so we have, we redeem the
1807 focus and we can all, we can define a controlling development authority, work with them, and

1808 come up with a plan. And I think we need some time and I think we need the opportunity to
1809 meet with the community to do that, and I think that is in everybody's best long-term
1810 advantage. To a sailor, with your sailor background and my sailor background, I would think
1811 that we have somewhat lost the horizon here, and my feeling is that we should defer this for a
1812 month or so, meet together with the neighbors, meet together with the developers and the staff
1813 and perhaps the first meeting with the staff, to get an idea of what we are trying to do, and
1814 then the second with the community to see what we can do there, and the best way I know to
1815 do that is for me to request a 30-day deferral at my request, no cost to the applicant, to get the
1816 plan back together, work with the community, work with the staff, and bring forward this
1817 cohesive plan, because I do agree with what Mr. Goode says. They have tried from the
1818 beginning to make this a really good development for all of Twin Hickory. And I think if we
1819 take one month to get things back in focus, it really would help us. So, I hereby move for a
1820 30-day deferral at the request of the Commission.

1821

1822 Mr. Vanarsdall - Second. It is July 23, 2003.

1823

1824 Mr. Jernigan - We have a motion. Well, before we vote on it, I want to make a
1825 statement. I think that this has been a pretty good lesson for us, because what happens in
1826 shopping centers like this where one developer comes in and then it gets piece-mealed out,
1827 nobody is really in charge. So, I think from now on when a development, we may want to talk
1828 to staff about this, but when a development of a shopping center comes before us, five years
1829 down the road, even if they do piece meal it out, we are going to have somebody that we are
1830 going to call that is going to be responsible for the original conceptual plan on that.

1831

1832 All right. We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor say
1833 aye. All opposed say no. The motion passes.

1834

1835 The Planning Commission deferred POD-38-03, Retail Shops – Town Center @ Twin Hickory
1836 to its meeting on July 23, 2003.

1837

1838 **VARINA:**

1839 *Deferred from the June 12, 2003 Meeting:*

1840 **C-26C-03 Gloria Freye for Debbie Stoddard:** Request to conditionally rezone from A-1
1841 Agricultural District to R-2C, R-2AC and R-3C, One Family Residence Districts
1842 (Conditional), B-1C Business District (Conditional) and C-1 Conservation District, Parcels
1843 810-702-9087, 811-702-2097, 811-702-2273, 811-702-3350, 811-702-3828, 811-702-2019,
1844 811-702-2204, 811-701-2679, 811-701-2654, and 810-702-5017, containing approximately
1845 48.6 acres (R-3C - 11.795 ac.; R-2C - 6.169 ac.; R-2A - 24.885 ac.; B-1C - 3.159 ac.; and C-
1846 1- 2.59 ac.), located at the southwest intersection of Darbytown and Willson Roads. A single
1847 family residential and neighborhood commercial development is proposed. The applicant
1848 proffers a maximum density of 2.0 dwelling units per acre for the residential development.
1849 The R-2, R-2A, and R-3 Districts allow minimum lot sizes of 18,000, 13,500, and 11,000
1850 square feet, respectively. The commercial use will be controlled by proffered conditions and
1851 zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to
1852 2.4 units net density per acre, and Environmental Protection Area. The site is also in the

1853 Airport Safety Overlay District.

1854

1855 Mr. Marilles - Staff report will be given by Mr. Tom Coleman.

1856

1857 Mr. Jernigan - Is there any opposition to Zoning Case C-26C-03? No opposition. Mr.

1858 Coleman, good morning.

1859

1860 Mr. Coleman - Good morning. The revised black line proffers have been distributed to
1861 you today that do not require waiving the time limit. Staff believes this application is
1862 important because it could set a precedent for a large tract of undeveloped land between the
1863 subject property and New Market Road to the south. Several changes have been made to the
1864 application since the last Planning Commission meeting, and I would like to direct you to a few
1865 of the changes. On Proffer#2 they did increase the house sizes. Proffer #3, they have
1866 increased the number of houses that had garages and have committed to minimum sizes.
1867 Proffer #6, they have increased the amount of brick and stone that is included in the facades of
1868 the building. In the commercial district, they have committed to a 25 foot transitional buffer
1869 around the perimeter of the site, and they have committed to limiting the height of the building
1870 on the commercial property to one-story.

1871

1872 I, of course, would be happy to answer any questions about any of the other details for the
1873 Planning Commission.

1874

1875 Mr. Jernigan - One question. On the brick, and I believe we settled in on this that they
1876 had all of the houses in R-2 would have some brick. We changed it to that 50% of the houses
1877 would have 100% brick on the front. OK. Did you get that? OK. Any questions for Mr.
1878 Coleman from the Commission? Are you satisfied with this now?

1879

1880 Mr. Coleman - Well, there are issues that were not addressed and recommended in the
1881 staff report, for example, lot width in the R-2A District. Staff believes that taken as a whole
1882 that this request does set the appropriate precedent and has the assurances of quality that we
1883 were looking for, and we are prepared to recommend approval.

1884

1885 Mr. Jernigan - Well, on the 85 ft., I did tell them that 85 would be OK. I know you all
1886 requested 90, but that is that every lot will be 85 ft. So rather than working with the square
1887 footage, we are working with a flat distance across the front. OK. Any other questions of Mr.
1888 Coleman? Thank you, Mr. Coleman. Mrs. Freye, would you like to come up, please? We
1889 don't have opposition on this.

1890

1891 Ms. Freye - For the record, my name is Gloria Freye, and I am an attorney here on
1892 behalf of the applicant, and we do appreciate the two-week deferral that you gave us to
1893 continue to work with staff to address the concerns that they had. Just to follow up on your
1894 comment, Mr. Jernigan, in the R-2A there will be some 85 ft. wide lots as a minimum, but
1895 there will be many more that are 90 and greater. We have been very sensitive to staff's
1896 concern and to the official's concern about setting a precedent in this area, and have 18 very
1897 high quality proffers on the residential property, and we think good proffers on the commercial

1898 neighborhood corner piece that will protect not only the existing residents but the proposed
1899 new residents. I will be glad to answer any questions about any of the other proffers that we
1900 have been able to work out.

1901

1902 Mr. Jernigan - Are you all comfortable with everything now?

1903

1904 Ms. Freye - Yes, sir, we are.

1905

1906 Mr. Jernigan - OK. That is all I need. Thank you. Any questions for Mrs. Freye from
1907 the Commission? With that, I would like to make a motion to approve Zoning Case C-26C-03,
1908 Debbie Stoddard, in the Varina District.

1909

1910 Mrs. Ware - Second.

1911

1912 Mr. Jernigan - I have a motion by Mr. Jernigan and a second by Mrs. Ware. All in
1913 favor say aye. All opposed say no. The motion passes. (Mr. Glover abstained).

1914

1915 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs. Ware, the Planning
1916 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1917 request because it generally conforms with the objectives and intent of the County's
1918 Comprehensive Plan and the proffered conditions will assure a level of development otherwise
1919 not possible.

1920

1921

1922 **APPROVAL OF MINUTES:**

1923

1924 Mr. Marlles - Yes, May 28, 2003 Planning Commission meeting.

1925

1926 Mr. Jernigan - Mr. Glover, I did want to, in reading through the minutes the other
1927 night, I am supposed to give you an answer today on our conversation on landscaping. You
1928 missed it earlier, but I reminded Mr. Taylor that we will remind everybody else now, and I
1929 think what happened is that we did not know until you brought it up, that we can handle
1930 landscaping administratively rather than have to bring it back to the Commission. I didn't
1931 know, anyway.

1932

1933 Mr. Glover - You don't have to give me an answer.

1934

1935 Mr. Jernigan - I think everybody is pretty comfortable with that, that they can work
1936 with the neighbors and the developer on a local basis, and settle problems rather than having to
1937 bring it back to the Commission.

1938

1939 Mr. Glover - That could be on a case-by-case.

1940

1941 Mr. Jernigan - Yes, sir. Not all cases, but those that are pretty cut and dried.

1942

1943 OK, so are there any corrections to the May 28, 2003. OK, well, I will make a motion to
1944 approve the minutes of the May 28, 2003 meeting.

1945

1946 Mrs. Ware - Second.

1947

1948 Mr. Jernigan- We have a motion by Mr. Jernigan and a second by Mrs. Ware. All in
1949 favor say aye. All opposed say no. The minutes are approved.

1950

1951 The Planning Commission approved the May 28, 2003, minutes.

1952

1953 Mr. Vanarsdall - I move we adjourn.

1954

1955 Mr. Taylor - Second.

1956

1957 Mr. Jernigan- We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
1958 favor say aye. All opposed say no. That is it. We are adjourned.

1959

1960 On a motion by Mr. Vanarsdall and seconded by Mr. Taylor, the Planning Commission
1961 adjourned its June 25, 2003, meeting at 11:10 a.m.

1962

1963

1964

1965

1966

E. Ray Jernigan, C.P.C., Chairperson

1967

1968

1969

1970

1971

John R. Marlles, AICP Secretary

1972