

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 at
3 Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Tuesday, June 30, 1998

4

5 Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
6 Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairman (Tuckahoe)
7 Mr. David A. Zehler, C.P.C. (Varina)
8 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
9 Mrs. Mary L. Wade (Three Chopt)
10 Mr. James B. Donati, Jr., Board of Supervisors Representative
11 (Varina)
12 Mr. John R. Marlles, AICP, Secretary

13

14 Others Present: Mr. Randall R. Silber, Assistant Director
15 Mr. David D. O'Kelly, Jr., Principal Planner,
16 Mr. Jim P. Strauss, CLA, County Planner
17 Mr. E. J. (Ted) McGarry, III, County Planner
18 Mr. Kevin D. Wilhite, County Planner
19 Mr. Mikel C. Whitney, County Planner
20 Ms. Leslie A. News, CLA, County Planner
21 Mr. R. Kirby Smith, Drafting Technician
22 Mr. Robert J. Eagle, Associates County Planner
23 Mr. L. Jerry Peay, Planning Technician
24 Mr. Todd Eure, Assistant Traffic Engineer
25 Mr. Alvin Hicks, Dept. of Public Works
26 Mr. Tom Tokarz, County Attorney
27 Ms. Diana B. Carver, Recording Secretary
28 Mrs. L. B. Ann Cleary, Office Assistant

29

30 Mr. Archer - Good morning, everyone. We have quite a bit of business to conduct
31 today. I know we did this at our zoning meeting, but those of you who have not met him, let me
32 introduce the new Director of Planning, Mr. John Marlles who also serves in the capacity as
33 Secretary to the Commission. And with that, I'll turn it over to him.

34

35 Mr. Marlles - Good morning, Mr. Chairman and members of the Commission. We do
36 have a quorum this morning. We also have several deferrals this morning and I believe Mr.
37 Wilhite is going to handle that.

38

39 Mr. Wilhite - Good morning, Mr. Chairman, Commission members, ladies and
40 gentlemen. Staff at this time is aware of four requests for deferrals and withdrawals on your nine
41 o'clock agenda. The first one is on page 8, POD-22-98, Oakton Apartments.

42 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION (Deferred from the March 24,**
43 **1998, Meeting)**

44

POD-22-98
Oakton Apartments

Horton & Dodd, P.C. for Estate of H. G. Fralin, Et Al and Castle Development Corporation: Request for approval of a plan of development and special exception as required by Chapter 24, Sections 24-94(b) and 24-106 of the Henrico County Code to construct 12, three-story multi-family apartment buildings totalling 144 units. The 14.78-acre site is located on the south line of Audubon Lane approximately 165 feet west of Oakleys Lane on parcel 162-A-72B. The zoning is R-5, General Residence District. County water and sewer (**Varina**)

45

46 Mr. Wilhite - The applicant is requesting withdrawal of this case.

47

48 Mr. Archer - Is there anyone here who objects to the withdrawal of POD-22-98, Oakton
49 Apartments? No opposition.

50

51 Mr. Zehler - Mr. Chairman, I move POD-22-98, Oakton Apartments be withdrawn per
52 applicant's request.

53

54 Ms. Dwyer - Second.

55

56 Mr. Archer - The motion was made by Mr. Zehler and seconded by Ms. Dwyer all in
57 favor say aye...all opposed say nay. The motion passes.

58

59 At the request of the applicant, the Planning Commission withdrew POD-22-98, Oakton
60 Apartments.

61

62 Mr. Wilhite - Our next deferral is on page 9.

63

64 **SUBDIVISION**

65

Elkridge Parkway
(June 1998 Plan)

(A dedication of a
portion of Elkridge
Parkway)

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

66

67 Mr. Wilhite - The applicant is requesting a two-week deferral to your agenda on July 9,
68 1998.

69

70 Mr. Archer - Is there anyone here in opposition to the deferral of Elkridge Parkway to

71 the July 9 meeting? No opposition. I move deferral of subdivision Elkrige Parkway to the July
72 9, 1998, meeting at the applicant's request.

73

74 Mr. Vanarsdall - Second.

75

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

78

79 At the request of the applicant, the Planning Commission deferred subdivision Elkrige Parkway
80 (June 1998 Plan) (A dedication of a portion of Elkrige Parkway), to its meeting on July 9, 1998.

81

82 Mr. Wilhite - The next request appears on page 11 of your agenda, subdivision Windsor
83 Business Park.

84

85 **SUBDIVISION**

86

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

**TIMMONS for Robert B. Ball, Sr. Et Al and General
Investment & Development Company:** Located along the north
line of Parham Road approximately 2,400 feet east of the
intersection of Park Central Drive, Windsor Business Parkway would
extend 1,600 feet northwardly to its terminus on part of parcels 54-
A-1A and 2. The zoning is M-1C, Light Industrial District
(Conditional) and O-2C, Office District (Conditional). **(Fairfield) 0
Lot**

87

88 Mr. Wilhite - The applicant is requesting a 30-day deferral to your July meeting.

89

90 Mr. Archer - Is there anyone in the audience in opposition to the deferral of subdivision
91 Windsor Business Park to the July 28, 1998, meeting? No opposition. I move that subdivision
92 Windsor Park be deferred to the July 28, 1998, meeting at the applicant's request.

93

94 Mr. Vanarsdall - Second.

95

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

98

99 At the request of the applicant, the Planning Commission deferred subdivision Windsor Business
100 Park (June 1998 Plan) (A dedication of a portion of Windsor Business Parkway) to its meeting on
101 July 28, 1998.

102

103 Mr. Wilhite - On page 12, the companion case, POD-67-98, Windsor Business Park, the
104 applicant, once again, is requesting deferral for 30 days, until July 28, 1998.

105 **PLAN OF DEVELOPMENT**

106

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

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

107

108 Mr. Archer - Is there anyone in the audience in opposition to POD-67-98, Windsor
109 Business Park Master Plan? No opposition. I move the deferment of POD-67-98 to the July 28,
110 1998, meeting at the applicant's request.

111

112 Ms. Dwyer - Second.

113

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

116

117 At the request of the applicant, the Planning Commission deferred POD-67-98, Windsor Business
118 Park Master Plan and Building #1, to its meeting on July 28, 1998.

119

120 Mr. Wilhite - That's all that staff is aware of for the nine o'clock agenda.

121

122 Mr. Archer - Okay. Thank you, Mr. Wilhite.

123

124 Mr. Vanarsdall - Mr. Chairman, can we just announce the ten o'clock deferments in case
125 there is someone here for the ten o'clock agenda?

126

127 Mr. Archer- Certainly, Mr. Vanarsdall.

128

129 Mr. Wilhite - Yes. We have two requests from the ten o'clock agenda, page 18, Fort
130 King Subdivision. The applicant is requesting a 30-day deferral until July 28, 1998. And on page
131 25, POD-58-98, Downtown Short Pump, the applicant is requesting a deferral until July 28 as
132 well.

133

134 Mr. Archer - Thank you, Mr. Wilhite. The reason for doing that is so that if there is
135 someone here who needs to hear those cases you will know that more than likely they will be
136 deferred. Although, we can't say that absolutely until at such time they are brought up on the
137 agenda.

138 Mr. Vanarsdall - They were advertised for ten o'clock so we can't legally defer it until the
139 time comes.

140

141 Mr. Archer - In other words, we haven't done it yet but it looks like we are going to. Is
142 that it, Mr. Wilhite?

143

144 Mr. Wilhite - Yes, sir.

145

146 Mr. Archer - All right, Mr. Secretary, would you like to continue?

147

148 Mr. Marles - Yes. Mr. Chairman, the first case this morning is a request for a transfer of
149 approval of a plan of development for Chris White for Brookside Property Associates Limited
150 Partnership. This is POD-86-96, Blockbuster Square.

151

152 **TRANSFER OF APPROVAL (Deferred from the May 26, 1998, Meeting)**

153

POD-86-96

Blockbuster Square

(POD-87-81 Revised)

Chris White for Brookside Property Associates Limited Partnership: Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Southeast Properties 1, L.C. to Brookside Property Associates Limited Partnership. The 1.8-acre site is located at the southwest corner of W. Broad Street (U.S. Route 250) and Tanelorn Drive (private) on parcel 59-3-A-2A. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

154

155 Mr. Vanarsdall - Mr. Chairman, when we finish this we need to go back to the
156 subdivision extensions of conditional approvals. We passed by that.

157

158 Mr. Archer - Yes. We were just made aware of that. We will get to it. Okay is there
159 anyone here in opposition to the transfer of POD-86-96, Blockbuster Square? No opposition.

160 Mr. Wilhite.

161

162 Mr. Wilhite - Mr. Chairman, staff has not had an opportunity to speak to the applicant.
163 The staff has made an inspection of the site. We have found some deficiencies as far as some
164 landscaping and a missing handicapped parking space. We attempted to contact the applicant last
165 night and were not able to do so and I'm not sure if he is here today. If he's not here, we may
166 need to defer this for 30 days.

167

168 Mr. Archer - Okay. Mrs. Wade, what is your preference?

169

170 Mrs. Wade - So, it was before that that they agreed to be responsible for continued
171 compliance, which is what our agenda says? Have some things come up since then, is that what
172 you are saying?

173

174 Mr. Wilhite - I thought we were looking at the Baptist Bookstore on the addendum.

213 Mrs. Wade - Now, let's go back to POD-86-96, Blockbuster Square.

214

215 **TRANSFER OF APPROVAL (Deferred from the May 26, 1998, Meeting)**

216

POD-86-96
Blockbuster Square
(POD-87-81 Revised)

Chris White for Brookside Property Associates Limited Partnership: Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Southeast Properties 1, L.C. to Brookside Property Associates Limited Partnership. The 1.8-acre site is located at the southwest corner of W. Broad Street (U.S. Route 250) and Tanelorn Drive (private) on parcel 59-3-A-2A. The zoning is B-2C, Business District (Conditional) (**Three Chopt**)

217

218 Mr. Wilhite - All right. We are now back at Blockbuster Square. Staff recommends
219 approval of the transfer.

220

221 Mrs. Wade - I move POD-86-96, Blockbuster Square, transfer of approval be approved.

222

223 Mr. Zehler - Second.

224

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

227

228 The Planning Commission approved the transfer of approval request for POD-86-96, Blockbuster
229 Square (POD-87-81 Revised) from Southeast Properties 1, L.C. to Brookside Property
230 Associates Limited Partnership.

231

232 Mr. Marllles - Mr. Chairman, the next item will be extensions of conditional subdivision
233 approval. I believe there are three of those items and Mr. Wilhite will present those.

234

235 Mr. Archer - We are back to page 1.

236

237 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

238

<u>Subdivision</u>	<u>Magisterial District</u>	<u>Remaining Lots</u>	<u>Previous Extensions</u>
Greensprings (Master Plan)	Three Chopt	12	2
Lakefield (September 1986 Plan)	Varina	28	12
Varina Station (May 1993 Plan)	Varina	19	4

239

240 Mr. Wilhite - We have a request from the developer of Greensprings to withdraw that
241 extension. They are going to let that subdivision die. The other two we can recommend for
242 extension.

243

244 Mr. Vanarsdall - Which one did you say?

245

246 Mr. Wilhite - Greensprings, the applicant requested a withdrawal.

247

248 Mr. Zehler - Mr. Chairman, before we make a motion. Is the applicant for Lakefield
249 present? I understand that he was supposed to be here today. Could you please come forward,
250 sir? I don't know if I spoke to you last year or not, but I spoke to a representative from this
251 project. And I had concerns about this being extended for 12 years and now we are doing it again
252 for the 13th year. Could you explain the reason why?

253

254 Mr. Tucker - Again, I wasn't the one that was here last year. These are single family
255 homes. We have a rental community in the same area, and 18 of the lots, I guess, have been
256 approved for final. We have 28 that we were looking for. There is a community just down the
257 street that we were hoping would test out the market to know whether or not if single families in
258 this area are really buyable. To this point we have not felt that we wanted to move forward with a
259 "For-Sale" product in the neighborhood. But it looks like right now there is a lot of employment
260 growth around the Airport and that this may well make sense. So, we would hope to take this to
261 final within this next couple of months.

262

263 Mr. Zehler - But, that is your intention to take it to final in the next couple of months?

264

265 Mr. Tucker - It's either to take it to final or to withdraw it.

266

267 Mr. Simon - We understand there is some single family that will be coming up in the
268 area and we are hoping to see how they are testing the water, because there haven't been many
269 single-family developments right there, right on Gay Avenue. And we don't want to be the
270 pioneers. So, we are waiting. That's the reason.

271

272 Mr. Zehler - Like I said, I don't know if I had this conversation with you or with your
273 representative, but 13 years is long enough. So, we need to make a decision. I'll give you 12
274 more months. It will either go forward or we withdraw it by the time it comes to us next year.

275

276 Mrs. Wade - Would you all introduce yourselves, please?

277

278 Mr. Simon - Yes. My name is Ben Simon.

279

280 Mr. Tucker - And I'm Kevin Tucker.

281 Mr. Zehler - With that, Mr. Chairman, I move we approve the subdivision extensions of
282 conditional approval for 12 more months.

283

284 Mr. Vanarsdall - Second.

285

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

288

289 The Planning Commission voted to approve subdivision extensions of conditional approval for 12
290 months, June 22, 1999, for Lakefield (September 1986 Plan) and Varina Station (May 1993 Plan),
291 and Greensprings (Master Plan) was withdrawn, per applicant's request.

292

293 **TRANSFER OF APPROVAL**

294

POD-109-96
Bed, Bath and
Beyond

**Hirschler, Fleischer, Weinberg, Cox and Allen for Commercial
Net Lease Realty, Inc.:** Request for transfer of approval of a plan of
development, as required by Chapter 24, Section 24-106 of the
Henrico County Code, from W. Niles Freeman, Jr., Buckley-Shuler
Properties and Paul Seversan to Commercial Net Lease Realty Inc.
The 5.1-acre site is located on West Broad Street (U.S. Route 250)
approximately 300 feet west of Gaskins Road on parcel 48-A-33A,
34, and part of 48-A-1. The zoning is B-2C, Business District
(Conditional) and B-1C, Business District (Conditional). (**Three
Chopt**)

295

296 Mr. Archer - Is there anyone in the audience in opposition to POD-109-96, Bed, Bath
297 and Beyond for transfer of approval? No opposition. Mr. Wilhite.

298

299 Mr. Wilhite - The staff recommends approval of this transfer.

300

301 Mrs. Wade - The request is to transfer to Commercial Net Lease Realty, the receivers of
302 the transfer?

303

304 Mr. Wilhite - Yes, ma'am.

305

306 Mrs. Wade - Okay. I move the transfer of approval for POD-109-96 be approved.

307

308 Mr. Vanarsdall - Second.

309

310 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
311 in favor say aye...all oppose say nay. The motion passes.

312

313 The Planning Commission approved the transfer of approval request for POD-109-96, Bed, Bath
314 and Beyond from W. Niles Freeman, Jr. Buckley-Shuler Properties and Paul Seversan to
315 Commercial Net Lease Realty Inc.

316 **PLAN OF DEVELOPMENT (Deferred from the February 24, 1998, Meeting)**

317

POD-115-97
Huguenot Crossing
Shopping Center

Jordan Consulting Engineers, P.C. for M. A. Carneal and W. T. P., LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 30,000 ± square foot shopping center. The 3.84-acre site is located on the south line of Huguenot Road (State Route 147) on parcel 126-A-8. The zoning is B-1, Business District. County water and sewer (**Tuckahoe**)

318

319 Mr. Archer - Is there anyone here in opposition to POD-115-97? We have opposition.
320 We will get to you in a few minutes, sir. Mr. Wilhite.

321

322 Mr. Wilhite - In your packet you have revised site plan and architectural plans. These
323 are plans that we received prior to our last meeting. The revised site plan shows a shift in the
324 easternmost entrance onto the site, further to the east, and away from the existing median
325 crossover. This was done because the Virginia Department of Transportation would not support
326 a stop light at that location and wanted to get an entrance that was primarily right-in and right-
327 out. The traffic engineer for the County has seen that and agrees with the revised site plan. The
328 revised site plan also shows an outdoor dining area in the rear. B-1 zoning does not allow for
329 outdoor dining and that will be removed from the plan, although, the applicant may retain that as
330 a pedestrian and landscaped area. The applicant also agrees to widen the landing in the rear to
331 eight feet. He's also agreeable to providing a sidewalk along Huguenot Road. Staff has reviewed
332 this and we have sufficient information provided for water quality and floodplain impact to
333 recommend approval.

334

335 On the revised architecturals, we do have information on the color and the type of materials. The
336 note B-1 zoning of this property has existed since 1962. Staff has reviewed the plan and we are
337 recommending approval of this revised site plan. I'd be happy to answer any questions you may
338 have.

339

340 Mr. Archer - Thank you, Mr. Wilhite. Are there any questions of Mr. Wilhite by the
341 Commission?

342

343 Ms. Dwyer - Mr. Chairman, I would like to, if we can deviate somewhat from our
344 normal procedure, which is to proceed with the case, because I intend to make a motion for a
345 deferral in a few minutes. But, before I do that, I would like to address some of the preliminary
346 issues that I see as extremely important in this case. If I may, I would first like to address the
347 question of a plan of development versus a zoning case and have some discussion on that point?

348

349 Mr. Archer - Certainly, Ms. Dwyer.

350

351 Ms. Dwyer - As Mr. Wilhite indicated, this case was, this property was rezoned in 1962
352 for B-1 zoning which does permit the type of shopping center that is proposed at this location. Is
353 that correct, Mr. Wilhite?

354

355 Mr. Wilhite - Yes, ma'am.

356

357 Ms. Dwyer - And, just for the record, I think it is important to know that there is a
358 difference between a Planning Commission hearing and a rezoning case and a Planning
359 Commission hearing for a plan of development. And I wonder if I could ask Mr. Tokarz from our
360 County Attorney's Office to answer a few questions about that, just so that it is clear. I know we
361 have a number of people here – I've received a number of letters and many phone calls from
362 people asking me to simply deny this case. It is my understanding that's not within the
363 Commission's authority at this juncture because the property has been rezoned. Mr. Tokarz, I
364 wonder if you could elaborate and explain a little bit about the difference between the
365 Commission's authority in a plan of development case which is what we are here for today versus
366 a zoning case in which we may have somewhat more discretion?

367

368 Mr. Tokraz - Thank you, Ms. Dwyer. I'm Tom Tokraz. I'm an Assistant County
369 Attorney. And as members of the Commission know, I represent the Planning Commission and
370 the Board of Supervisors in much of the land use litigation we've had over the past seven years.
371 One of the things that's confusing to people, new to the land use process is that there are two
372 distinct processes that come before the Planning Commission in hearings like this. The first type
373 of case is a case for rezoning of property. In zoning it's simply a decision made by, ultimately by
374 the Board of Supervisors in which they classify property into uses permitted by the zoning
375 ordinance. For example, if a piece of property is zoned agricultural an applicant may request that
376 it be rezoned for use in residential development, industrial development, or business development.
377 The legislative process that accompanies the rezoning of any property allows the Board of
378 Supervisors, ultimately, upon the recommendation of the Planning Commission to consider a wide
379 range of factors. And the Courts have held over the years that as long as there is a reasonable
380 basis for the Board of Supervisors decision on the rezoning of the property that decision will be
381 upheld. It's viewed to be in what's known as legislative discretion of the Board of Supervisors.
382 And the Planning Commission's role in the rezoning process is important because the Planning
383 Commission hears evidence from citizens, the developers, from various County agencies in
384 making a recommendation as to whether a rezoning application is indeed a good application that
385 can be recommended to the Board of Supervisors.

386

387 The process for plans of development, which is what is before the Commission today, is different.
388 Rather than the Board of Supervisors being the final decision maker in the plan of development
389 process it is the Planning Commission. And the reason for that is because the plan of
390 development process is not a discretionary process. The Courts refer to this as a ministerial or an
391 administrative process. It only occurs when the zoning is already in place for a property. In this
392 particular case, as Ms. Dwyer just indicated, the zoning on this property was done in 1962. The
393 property has been rezoned to B-1. Under the County Code in effect right now, a neighborhood
394 shopping center is permitted by right as long as the development meets all of the applicable
395 requirements of the zoning ordinance. So, when a plan of development comes before the
396 Planning Commission. The Planning Commission's role is to review the plan to determine
397 whether it meets the zoning requirements. And this is set forth very clearly in the State Code of
398 Virginia, which is the enabling authority for plan of development review.

399

400 Because it is an administrative process, a ministerial process, the Planning Commission's scope of
401 review, as I said earlier, is not a discretionary scope to review and the public input that is so
402 important at the rezoning period of time is much less important at the plan of development time
403 because the Courts do not permit the Planning Commission to consider public opposition as being
404 a criteria for denial. The criteria for denial of a plan of development would be noncompliance
405 with the zoning ordinance requirement. This doesn't mean that the Planning Commission is going
406 to be a rubber stamp because the fact of the matter is the Planning Commission has discretion,
407 well I shouldn't say discretion, has the ability and the authority to review whether the plans do in
408 fact meet all of the requirements of the ordinance. For example: One of the requirements in the
409 zoning ordinance is that the plan has to be reviewed by the Commission as to the entrances and
410 exits to the property. And if the Planning Commission were to find that the entrances and exits to
411 the property were hazardous, they are required by the ordinance to deny the application. So,
412 there is some review that makes the review process not to be a rubber stamp

413

414 But, the important thing, and the thing I'm glad I have the opportunity to come back and do
415 preventive maintenance on today, is for us to understand that during the plan of development
416 review process, once the ordinance requirements have been found to be complied with by the
417 Planning Commission, you do not have the discretion to deny the application.

418

419 Ms. Dwyer - So, maybe, to summarize it in laymen terms, once this property was
420 rezoned in 1962, any owner of that property has the legal right to develop a shopping center
421 there.

422

423 Mr. Tokraz - That is correct.

424

425 Ms. Dwyer - And then subsequent to that a POD, the County requires a plan of
426 development to be filed and at that point, which is where we are now in this case, the only
427 questions are, does the site plan, does the building, does the arrangement of the shopping center
428 meet all the legal requirements for developing a shopping center?

429

430 Mr. Tokraz - Yes, ma'am. The use may not be denied. The requirements are set forth in
431 detail in Section 24-106 of the County Code, and they deal with such things as traffic, entrances,
432 water and sewer, and those types of things.

433

434 Ms. Dwyer - I think to people who aren't lawyers or planning professionals it's
435 confusing because the process looks the same for a zoning case and a POD case. We have notice,
436 we have a public hearing, we sit in this big room and we invite the public to come in and to
437 comment. But, I guess what you are saying is that in a POD, we are asking the public to
438 comment on the site design not the use.

439

440 Mr. Tokraz- That's correct. The public certainly is invited to comment on whether the
441 plan does meet the ordinance requirements as set forth and Section 24-106 and any other
442 applicable provision of the Code, but there is no authority under the State Code for a denial based
443 on whether they believe the use is a good use or a bad use because that was determined in the

444 zoning process.

445

446 Ms. Dwyer - So, whether or not this Commission thinks the shopping center is a good
447 idea at this location, the fact is we don't have the authority to deny that use.

448

449 Mr. Tokarz - That decision was made in 1962 by the previous Board of Supervisors.

450

451 Ms. Dwyer - Thank you, Mr. Tokarz.

452

453 Mr. Tokarz - Are there any other questions by the Commission?

454

455 Mr. Archer - Are there any other questions of Mr. Tokarz by Commission members?

456 Thank you, sir. Ms. Dwyer.

457

458 Ms. Dwyer - There is one question that has been raised in many of the letters and the
459 phone calls that I have received, is the question of the traffic situation around the existing River
460 Road Shopping Center and near where this shopping center will be located. I think that there are
461 a lot of good questions that have been raised. Some of you have asked for the case to be deferred
462 so that the traffic situation can be studied some more. And I wonder if I can call on Mr. Eure
463 from our Traffic Department to come and just speak to the traffic study question for a moment?

464

465 Mr. Eure - Good morning. I'm Todd Eure, I'm the assistant traffic engineer for
466 Henrico County.

467

468 Ms. Dwyer - Good morning, Mr. Eure. Mr. Eure, I know that you have spoken to many
469 of the concerned neighbors and you and I have spoken at length about the traffic situation. It is
470 my understanding, when you recommended that this case could be approved by the Commission,
471 you were basing that on the fact that there would be relatively few cars generated by this
472 relatively small shopping center. But, I would like to know.... I guess.... Is there any written
473 report or any traffic study required or submitted to you to support that assessment?

474

475 Mr. Eure - No, ma'am. A traffic study is not typically required for a plan of
476 development submittal of this size.

477

478 Ms. Dwyer - I know that the shopping center is relative small in your view, but would
479 there be any advantage to having a traffic study done so that we could have some more specific
480 data, some more information that specifically relates to this site and the traffic issues that are
481 unique to this site? Would there be any advantage to having such a study done in this case?

482

483 Mr. Eure - Yes, ma'am. It could potentially provide us with some more data to help
484 support our assessment of the impact that this development would have on traffic. So, it could
485 provide us some additional information basically to back up our recommendation.

486

487 Ms. Dwyer - What's the procedure then for having a traffic study conducted.

488

489 Mr. Eure - The developer is the one required to conduct the study and to submit the
490 report. The report is submitted to Henrico's Department of Public Works and the traffic
491 engineering staff reviews it. In this case, the Virginia Department of Transportation would also
492 review the study since Huguenot Road is a State maintained facility.

493

494 Ms. Dwyer - And could you just briefly tell us what kind of information would we be
495 able to glean from a traffic study.

496

497 Mr. Eure - In this particular case it would potentially provide us with some additional
498 information regarding the estimated traffic to and from this development as well as the directional
499 distribution of this traffic which direction it would be coming from and heading to when it left the
500 shopping center. It would also provide us an analysis of the two proposed entrances to the
501 shopping center, including the existing entrance which would be a shared entrance with the
502 Virginia Eye Institute and the crossover on Huguenot Road at that location. And it could also
503 include a capacity analysis of this segment of Huguenot Road which would help determine any
504 affects on the existing level of service for that facility.

505

506 Ms. Dwyer - Will we be looking at accidents and also the potential for having a signal at
507 this site? Would that be a part of the study as well?

508

509 Mr. Eure - Yes, ma'am. The study would also identify any improvement including
510 warrant of a traffic signal that would be the result of this development. And, accidents are not
511 necessarily a formal part of the traffic impact study process but it would be something that the
512 County staff and VDOT would be reviewing as a part of this study process.

513

514 Ms. Dwyer - I would like to have this traffic study conducted, so would you be
515 coordinating that with VDOT and with the applicant?

516

517 Mr. Eure - Yes, ma'am.

518

519 Ms. Dwyer - Thank you, Mr. Eure.

520

521 Mr. Archer - Mr. Eure, before you sit down, what would be the timeframe for the
522 completion of the study?

523

524 Mr. Eure - The normal timeframe for a traffic impact study that's submitted to both
525 the County and VDOT requires a 45-day approval process through the County and VDOT. But,
526 in this case, because of the size of the development and because of the, I guess, the sensitive
527 nature of the development in trying to get the plans approved or recommended, we could estimate
528 the study to be reviewed in a matter of a few days, between the County and VDOT's staff. So, it
529 really depends on how quickly the developer could get the study done or have his consultant get
530 the study done, but I think a 30-day turnaround time frame would be reasonable.

531

532 Ms. Dwyer - So, we would be able to have a hearing and have the data from the traffic
533 study in our hands in time for our hearing on the 28th of July ?

534

535 Mr. Eure - From our perspective, we don't see a problem with that. And based on my
536 preliminary conversation with the developers and their traffic engineer, I don't think he would
537 have a problem with it, but I don't really want to speak for him in this case.

538

539 Ms. Dwyer - Thank you, Mr. Eure. I'm going to assume that the traffic study can be
540 conducted based on what Mr. Eure said, usually, within the 30-day time period within which we
541 would be having another plan of development meeting and can review this case again. Mr.
542 Chairman, it is my motion then to defer POD-115-97, Huguenot Crossing Shopping Center to our
543 July 28, 1998, plan of development meeting and in the meantime we will be looking specifically
544 and in more detail at the traffic issues on this site.

545

546 Mr. Vanarsdall - Second.

547

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

550

551 Mr. Fain - Before the Commission votes, could the applicant be heard briefly?

552

553 Mr. Archer - I suppose we can. The motion is to defer it so we don't want to take a lot
554 of time with it.

555

556 Ms. Dwyer- Three minutes, how about that? This is limited to addressing the deferral
557 only, not the merits of the case. We do not want a hearing on the merits today. We are going to
558 reserve that for July 28, for both parties. Thank you.

559

560 Mr. Fain - My name is Hugh Fain, I'm an attorney here in Richmond and I represent
561 the developer. We would like to thank the Commission very much for letting us have the
562 opportunity to respond to the motion, and I will try to be brief. We appreciate very much the
563 hard work that has been put in by the staff already. We appreciate the responsibility this
564 Commission has in making this very important decision. We would like to point out just a couple
565 of things about this motion that you are about to vote on.

566

567 What has been asked is for further traffic study on a site that we believe, the record has shown in
568 past use of this site, is really unnecessary. As pointed out this morning, this master plan of zoning
569 was approved in 1962 and this site has been zoned B-1 since 1962. What has not been pointed
570 out is that in 1984 when the Virginia Eye Institute put in its plan of development, the same types
571 of questions were raised then. In fact, one of the Commission members asked when someone
572 raised the idea of a traffic study at that point, one of your own members said that this has been
573 one of the most studied stretches of the highway in Henrico County. You've also heard from Mr.
574 Eure who says that a typical stretch of highway this size just doesn't warrants that type of study.
575 It's important, we think, just for the Commission to take into account the fact that when Virginia
576 Eye Institute had its plan of review without a traffic study, at that point in time approximately
577 40,000 cars used that stretch of highway daily. Since then, in 1992, the Ed Willey bridge has
578 opened thus reducing the actual amount of traffic along that stretch of highway by approximately

579 8,000 to 10,000 per day. Therefore, when no traffic study was required in 1984 with more traffic,
580 we simply think that at this point in time, based on the advice of your own Planning Commission,
581 that further traffic study is not warrant.

582

583 I would also say that it's not as if no analysis has been conducted... and I know I'm running out
584 of time and I will try to be brief. But, since we brought this before the Planning Commission 30
585 days ago, we have already been through one deferral. We asked for a 30-day deferral. During
586 that 30 days a lot has gone on. VDOT has looked at this and has answered specific questions
587 brought up by the concerned citizens. I believe Mr. Sternheimer, who has raised these concerns,
588 really, who is the neighbor adjacent to the site and whose family also own commercial property to
589 the east end of this site. Mr. Sternheimer addressed very specific and pointed concerns to VDOT
590 and VDOT answered each one of them with respect in particular to the entrance. And I would
591 just like to read very briefly the response from VDOT. Question, from Mr. Sternheimer. Is the
592 existing stacking lane for entrance into the Virginia Eye Institute sufficient to handle this new
593 traffic? VDOT's response, "yes." Now additionally ladies and gentlemen, this came up last
594 Thursday, I believe. Ms. Dwyer suggested that a traffic study would be a good idea. Since then,
595 we have engaged Wilbur Smith & Associates to take a look at this traffic at this location. He's
596 here today if the Commission would like to hear from him and Tom Flenn of Wilbur Smith &
597 Associates has also concluded that a traffic study for a development of this size is simply not
598 warranted. So, we would ask, respectfully, that the Commission deny the motion and go ahead
599 and vote. This has been deferred once already and we appreciate very much you taking the time
600 to let us put forth our position. And we simply believe that the zoning is appropriate. Further
601 traffic study and analysis is not warranted. We understand your concerns, Ms. Dwyer, we really
602 do and we are not trying to be cavalier about it but we don't think we have been. We think this
603 area has been studied adequately and we would just like to ask that the motion be denied and the
604 vote be brought forward. Thank you very much for your time.

605

606 Mr. Archer - Do the Commission members have any questions of Mr. Fain.

607

608 Ms. Sternheimer - I would like to make a comment.

609

610 Ms. Dwyer - I knew we would get into this. The only issue on the floor is whether or
611 not to defer the case. That's the sole issue.

612

613 Dr. Dyerly - May I speak to that?

614

615 Ms. Dwyer - A three-minute response on the issue of deferral only, not on the merits of
616 the case, but whether or not we should defer the case for 30 days, and no rebuttal. Three minutes
617 for the opposition. Are you opposing or supporting the deferral ma'am?

618

619 Ms. Sternheimer - I'm supporting the deferral on your request of having a traffic analysis
620 study. In respect to Mr. Fain, it's been a long time since I've seen Mr. Fain. However, he....

621

622 Mr. Archer - I'm sorry ma'am, but would you identify yourself for the record, please?

623

624 Ms. Sternheimer - I'm Jane Sternheimer. I'm president of Charles Swartzchilds at the east
625 end of the property of this development. Having been a resident in this area for 30 years and
626 conducting a business in the area for the last 10 years, when the River Road Shopping Center was
627 expanded and an additional 30,000 square feet was added on to that development in the last year,
628 there was a traffic study done. I'm not familiar with what was done with the Virginia Eye
629 Institute but the entire area is very concerned about the amount of traffic and specifically the
630 response that VDOT gave to a question that we asked about the impact of the traffic, State Route
631 147, the response was solely in response to the amount of flow on State Route 147 and not the
632 fact that all of the traffic that's going to be generated by this shopping center with making left-
633 hand turns in and out of the shopping center. So, we are talking about several hundred and
634 possibly thousands of cars making left-hand turns in front of the Virginia Eye Institute and the
635 Huguenot bridge, and that is our concern, sir, and Ms. Dwyer. We gleefully accept your proposal
636 to have an in depth traffic study for an area of the road which is highly developed and has a
637 tremendous amount of traffic flowing left and right every day all day long. Thank you.

638

639 Mr. Archer - Thank you, Ms. Sternheimer.

640

641 Dr. Dyerly - Can I speak now?

642

643 Ms. Dwyer - How much time do we have, Mr. Secretary?

644

645 Mr. Strauss - We have a minute and thirty seconds.

646

647 Ms. Dwyer - Yes. You have a minute and thirty seconds, sir.

648

649 Dr. Dyerly - I'm Doctor Dyerly and I'm a 35-year resident of Westham Station Road
650 and I've been to many of these hearings. I would like to ask at least have those people who came
651 opposing this be allowed to stand so that you will have an idea of numbers.

652

653 Ms. Dwyer - I think they raised their hands earlier.

654

655 Dr. Dyerly - Oh. I'm sorry. I didn't know, I was late getting here. Secondly. There
656 have been two dedicated roads closed because of the traffic. Gambles Mill has been closed and
657 the recent closing of one of the entrances to the present parking lot has been closed. The other
658 side of Gambles Mill has been limited on how it can be used. So, already they have had traffic
659 problems. There have been two deaths there. Murry Freeman's wife was killed there. And there
660 have been several other accidents and I don't understand how accidents are not important. I
661 heard that said. That's all I have to say.

662

663 Mr. Archer - Thank you, sir.

664

665 Ms. Dwyer - In my view there is a benefit and an advantage to having a traffic study
666 done. I think some circumstances may have changed since the Eye Institute was built, and I think
667 it would certainly benefit me as I try to make a decision on this case and look at it more
668 specifically, to have data in more detail about turning maneuvers and specific accident data and

669 flow of traffic for this particular site. So, for that reason I'm asking for the traffic study and that
670 is the reason. I've made the motion for deferral which I believe is still before the Commission and
671 seconded by Mr. Vanarsdall.

672

673 Mr. Archer - Okay. The motion was made by Ms. Dwyer and seconded by Mr.
674 Vanarsdall. All in favor say aye...all oppose say nay. The motion for deferment is granted. The
675 Commission will take a five-minute recess.

676

677 **THE COMMISSION TOOK A BREAK AFTER THIS CASE**

678

679 Mr. Archer - Before we get started with the next POD, the Secretary has an
680 announcement he would like to read.

681

682 Mr. Marlles - Thank you, Mr. Chairman. For our applicants, this is just a reminder.
683 Starting in August revised proffered conditions for conditional rezoning requests, must be
684 submitted to the County no later than 48 hours prior to the scheduled public hearing. And, also,
685 revisions to plans of development, subdivision plans, landscape plans and lighting plans must be
686 submitted no later than 4:00 p.m. on the Friday before the Planning Commission meeting. Thank
687 you, Mr. Chairman.

688

689 Mr. Archer - Thank you, Mr. Secretary. All right. The next case.

690

691 **PLAN OF DEVELOPMENT**

692

POD-68-98

Virginia Home for
Boys

Jordan Consulting Engineers, P.C. for Virginia Home for Boys:
Request for approval of a plan of development, as required by
Chapter 24, Section 24-106 of the Henrico County Code to construct
a two-story, 8,580 square foot administrative office building, a one-
story, 3,200 square foot resident cottage and approval of a master
plan for building additions totaling 36,120 square feet. The 32.1-acre
site is located at 8716 W. Broad Street, 800 feet east of Homeview
Drive on the north side of W. Broad Street (U.S. Route 250) on
parcels 59-A-14A, 8A and 7A. The zoning is A-1, Agricultural
District, R-3, One-Family Residence District and B-3, Business
District. County water and sewer. **(Brookland)**

693 Mr. Archer - Is there anyone here in opposition to POD-68-98, Virginia Home for Boys?

694

695 Mr. Vanarsdall - Mr. Chairman, we have Mr. Paul Littleton over on the left who just wants
696 to ask a question. He's not here in opposition. So, when the time comes, I'd like for him to
697 come down.

698

699 Mr. Littleton - I've got it resolved.

700

701 Mr. Vanarsdall - Oh, you've already got it resolved. Good. Thank you.

702

703 Mr. Archer - Thank you, sir. Thank you, Mr. Vanarsdall. All right. Mr. Whitney.
704

705 Mr. Whitney - Thank you, Mr. Chairman. Staff would like to clarify for the Planning Commission
706 that Phase I of this approval would include a new administrative building, one resident cottage
707 conversion, which was the old administrative building, and one new resident cottage. The rest of
708 it will be in future phases that will be approved under a master plan for this project. The second
709 item I would like to clarify, is the annotation No. 4 regarding the adjustment of utilities to avoid
710 landscaped areas. I would like to point out in particular that on the western property line, staff
711 would like to see that the applicant look at this area and we not go into any buffers that have been
712 provided or remove any landscaping in those buffered areas. With that, I will take any questions
713 you may have.

714

715 Mr. Archer - Thank you, Mr. Whitney. Are there any questions of Mr. Whitney by
716 Commission members? No questions. Do you need to hear from the applicant, Mr. Vanarsdall?
717

718 Mr. Vanarsdall - Yes, sir.
719

720 Mr. Archer - Will the applicant come forward please.
721

722 Mr. Mills - Mr. Chairman and members of the Commission, my name is Malichi Mills
723 with Jordan Consulting Engineers and I represent the applicant on this case. The only thing I
724 would add to Mr. Whitney's report is just on his clarification on the utility location. We were in
725 agreement with the revision to annotation No. 4. Over the past 30 days, I've met with utilities
726 and Mr. Mike Nannery and Ralph Claytor to resolve those issues that.... Recognizing the
727 concerns of the existing landscaping, we have been able to shift those utilities and look at some
728 alternate layouts on the easement locations or whatnot so we can in fact work within that
729 annotation. If there are any other questions, I'm here to answer those. Jim Snowa with Winks &
730 Snowa Architects is here. Tod Balsbaugh the executive director with the home is here. Jerry
731 Reed president of the Board of Visitors of Virginia Home for Boys and John Monique who is the
732 chairman of the buildings and grounds committee and the master plan.

733

734 Mr. Archer - Are there any questions by Commission members?
735

736 Mrs. Wade - Are you going to leave the trees in the back there? You are not disturbing
737 the trees between here and the house are you?

738

739 Mr. Mills - I'd hate to say absolutely not we won't disturb any trees but, Mrs. Wade,
740 we recognize that there are some fabulous old trees that we are going to in every effort trying to
741 save as a part of the construction. I think specifically on the western edge of the existing
742 driveway, between the home's driveway that comes onto the property, paralleling the rear end of
743 the commercial properties that front on Homeview, there are some hedge rows and a few small
744 trees, we are talking about saplings, those will probably be disturbed but the old grow trees we
745 feel comfortable that we should be able to save all of those large oaks and some large pines.

746

747 Mrs. Wade - That's on the north.

748

749 Mr. Mills - Are you talking about the rear along Mapleview?

750

751 Mrs. Wade - Yes.

752

753 Mr. Mills - Oh. Okay. We don't expect to remove any trees, not within Phase I. The
754 future phases in that area do call for three residential cottages and two of them, one of them is in
755 an open field and the other one is likely to disturb several of those trees but we are maintaining a
756 50-foot buffer from the neighborhood back there. As far as setbacks, I don't think we will get
757 any of the trees along there.

758

759 Mrs. Wade - And what is the anticipated future population for the master plan?

760

761 Mr. Mills - The intent of the master plan for Phase I is to go from.... I think currently
762 the resident population is 57 or 58 children. With this Phase 1 expansion we should be able to
763 accommodate up to 90. The master plan shows an addition of six more cottages which could take
764 us to 150 in the future although it's more of the executive board's pleasure at the home. We
765 don't know. We are projecting way into the future for those needs. Right now, I think we are
766 going to be content with the 90 but we know there is a demand for this kind of service.

767

768 Mrs. Wade - They provide excellent service I know. It's been there a long time, before
769 any of the neighbors, actually.

770

771 Ms. Dwyer - What are the building materials.

772

773 Mr. Mills - We are looking at brick structures, brick all the way around. Jim would
774 you like to speak more on that. I'm just a dumb old dirt engineer. It's very similar in the
775 architectural design that's already there. It's all brick all the way around for these structures. Jim
776 Snowa, can answer that, Ms. Dwyer.

777 Mr. Snowa - I'm Jim Snowa with Wink & Snowa Architects. The cottage, the CAD
778 system sometime draws fine lines, sometime a wide line. But, since most of the structure,
779 virtually all of the structures out there are brick veneer. We anticipate doing brick veneer or
780 mason gables conditions. The vast majority of this thing will be brick veneer in keeping with the
781 rest of the theme of the home.

782

783 Mr. Archer - Are there any further questions?

784

785 Mr. Vanarsdall - I don't have any questions, Mr. Chairman.

786

787 Mr. Zehler- There's someone back in the corner that wants to speak.

788

789 Mr. Archer - Sir, you will have to come up and state your name.

790

791 Mr. Barnett - My name is Ricky Barnett and I live on Darnel Road. I haven't had a
792 chance to look at the drawings or anything. I just want to know what the buffer is going to be on
793 the eastern side of the property, in between Darnel Road and the Boys Home now?

794

795 Mr. Archer- Okay. Can someone answer his question?

796

797 **Mr. Mills came up to the podium to show Mr. Barnett the plans.**

798

799 Mr. Barnett- So you are not going pass that chain link fence area right through there?
800 Did you buy this piece right here? You did buy that, okay. And that's looking at a future
801 development on that site?

802

803 Mr. Archer - We would like to hear what you all are discussing down there.

804

805 Mr. Balsbaugh - My name is Tod Balsbaugh. I'm the Director of the Boys Home. At
806 present we don't have any plans and there nothing on the drawing board on our eastern side of
807 the campus. There is a 50-buffer owned by Mr. Stanley Owing. We don't own the property. It
808 was the developer who developed that property along Darnel so it's a 50-buffer all the way up
809 that property line there as it currently stands.

810

811 Mr. Barnett - That's fine.

812

813 Mr. Archer - Does that answer your question?

814

815 Mr. Barnett- Yes. As long as I keep my trees. Thank you.

816

817 Mr. Archer - Are there any other questions by anyone? Mr. Vanarsdall.

818

819 Mr. Vanarsdall - We had several meetings on the master plan and I want to thank Malichi
820 and Jim Snowa and Tod Balsbaugh for all of their cooperation and the staff. And with that, I
821 recommend POD-68-98, Virginia Home for Boys, be approved subject to the annotations on the

822 plans, the standard conditions for developments of this type and conditions Nos. 23 though 29.

823

824 Ms. Dwyer - Second.

825

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

828

829 The Planning Commission approved POD-69-98, Virginia Homes for Boys, subject to the
830 standard conditions attached to these minutes, the annotations on the plans and the following
831 additional conditions:

832

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

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

838 25. The developer shall provide fire hydrants as required by the Department of Public Utilities
839 in its approval of the utility plans and contracts

840 26. The certification of building permits, occupancy permits and change of occupancy permits
841 for individual units shall be based on the number of parking spaces required for the
842 proposed uses and the amount of parking available according to approved plans

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

846 28. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.

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

850

851 Mr. Archer- Mr. Secretary, before we go to the next case I think we need to take care
852 of the ten o'clock deferrals.

853

854 Mr. Marles - That's Correct. Mr. Wilhite.

855

856 Mr. Wilhite - Mr. Chairman, we have two deferrals for the ten o'clock agenda. The first
857 one is on page 18, Fort King subdivision.

858 **SUBDIVISION**

859

Fort King
(June 1998 Plan)

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

860

861 Mr. Wilhite -

The applicant is requesting deferral until July 28, 1998.

862

863 Mr. Archer -

Okay. Is there anyone here in opposition to the deferment of Fort King subdivision until the July 28, 1998, meeting? No opposition. I'll entertain a motion.

864

865 Ms. Dwyer -

Mr. Chairman, I move that we defer subdivision Fort King (June 1998 Plan) to our July 28, 1998, meeting, at the applicant's request.

866

867 Mr. Vanarsdall-

Second.

868

869 Mr. Archer -

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

870

At the request of the applicant, the Planning Commission deferred subdivision Fort King (June 1998 Plan) to its meeting on July 28, 1998.

871

872 Mr. Wilhite -

The other request we have is on page 25.

873

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

875

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

Balzer & Associates for Short Pump Investors, L.P. and Bee-Fit, Inc.: Request for approval of a plan of development and an transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 55,534 square foot theatre with 2,835 seats and 14 movie screens, and a two-story, 38,342 square foot retail/restaurant/office addition to an existing shopping center. The 12.19-acre site is located along the north line of West Broad Street (U.S. Route 250) approximately 320 feet west of Pouncey Tract Road on parcels 36-A-19D, 19G, 21, 22, 22N, 23 and 24. The zoning is B-2C, Business District (Conditional), M-1, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

881

882

883 Mr. Archer - Okay. Is there anyone here in opposition to the deferment of POD-58-98,
884 Downtown Short Pump, until the July 28, 1998, meeting? No opposition. Mrs. Wade.

885

886 Mrs. Wade - I move POD-58-98, Downtown Short Pump be deferred until the July 28,
887 1998, meeting at the applicant's request.

888

889 Mr. Vanarsdall- Second.

890

891 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
892 in favor say aye...all opposed say nay. The motion passes.

893

894 At the request of the applicant, the Planning Commission deferred POD-58-98, Downtown Short
895 Pump (POD-15-95 Rev.) and (POD-52-96 Rev.) to its meeting on July 28, 1998.

896

897 Mr. Archer - Is that it, Mr. Wilhite?

898

899 Mr. Wilhite - That's all that the staff is aware of.

900

901 Mr. Archer - All right, Mr. Secretary, our next case.

902

903 **LANDSCAPE & LIGHTING PLAN**

904

LP/POD-64-97
Overlook I – Phase I

CK Overlook Associates, LLC: Request for approval of a landscape and lighting plan for Phase I, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 12.4-acre site is located on Sadler Road (realigned) and Nuckols Road on parcel 28-A-35B, part of 28-A-23, part of 28-A-24A and part of 28-A-25. The zoning is O-2C, Office District (Conditional). **(Three Chopt)**

905

906 Mr. Archer - Is there anyone in the audience in opposition to the landscape and lighting
907 plan for LP/POD-64-97, Overlook I – Phase I? We have opposition. Mr. Strauss.

908

909 Mr. Strauss - Thank you, Mr. Chairman. This application for approval of a landscape
910 and lighting plan requires some background information before your action. First, the landscape
911 plan is approval for Phase I only. Second. The landscape for the proffered buffer area along the
912 north side of Sadler Road has been the object of much discussion between staff the adjacent
913 homeowners, VDOT, Bell Atlantic, and of course the applicant. Without taking too much of the
914 Commissions time this morning, I would like to limit my discussion to the essential facts only and
915 not digress with the details, for it is truly a "who shot John story" with enough bullets to go
916 around for everyone. The facts are that the original undisturbed 60-foot buffer has been disturbed
917 with the installation of a fiber optic cable; which was permitted by VDOT to Bell Atlantic, while
918 the land in this buffer was in control by VDOT. The applicant has worked extensively with the
919 adjacent homeowners to remedy the situation and the solution involves additional supplemental
920 landscaping to be installed in the disturbed area of the buffer. A proffer amendment, which the
921 Commission will be hearing in more detail on your July 9 session, is forthcoming to allow this

922 fiber optic cable to be in that undisturbed buffer.

923

924 After numerous meetings, staff concluded, (and in one “additional” meeting last night - as a
925 matter of fact) these meetings with the owners and the adjacent owners have produced the
926 additional annotations which have been handed out to you this morning. My recommendation
927 would be that these additional annotations become an attachment to the plan. They are rather
928 lengthy. I don’t know if we could make an approval letter that would contain all of these
929 conditions but I would propose that we simply staple them to the approved landscape plan.
930 Basically, these additional annotations specify the type, quantity, location and the conditions for
931 planting. These have been viewed by the homeowners, they have made their comments, and they
932 are basically in agreement. The owner, after discussion this morning, is also in agreement. There
933 are some minor points or tweaking if you will, which I would like to read now, which I propose
934 to make apart of the document that’s been handed out to you. Basically, the changes which I
935 think we can recommend at this point, would involve all references to approval of the plan by the
936 Homeowners Association, and all field location of plant materials which will be done by the
937 Homeowners Association or the representative, should be a mutual approval of the Homeowners
938 Association and the owners representative. That occurs in three places, item 1, item 3 and item 4.
939

940 In addition, I would like to point out, we would like to make a correction of the slopes
941 stabilization landscaping mentioned in item 2. We would like for the first sentence to say “the
942 side slopes of the owner’s buffer area” for clarification. I believe those are all of the changes that
943 we are proposing to these annotations at this time.

944

945 Ms. Dwyer - We were also going to have the debris clean up from....

946

947 Mr. Strauss - Oh. I’m sorry. One additional point. On item 4, landscaping of parcels
948 “C” and “D”. Item C. Debris, trash and dead or diseased plant materials shall be removed from
949 this area by the owner of the Overlook project. The citizens would like to see, or the adjacent
950 owners would like to see that item C is also added as item C to item 1. Staff can, with these
951 annotations, recommend approval of the landscape and lighting plan. I would like to commend
952 both the applicant and the Homeowners Association and their representatives for their
953 perseverance and the sprit of cooperation in resolving this matter. There were many issues and
954 obstacles. We have had many meetings. We have truly come a long way on this project. I’d be
955 happy to answer any questions you may have, and I believe we have representatives here from
956 Childress Klein as well as the adjacent Homeowners Association.

957

958 Ms. Dwyer - So everyone is in agreement with these staff’s annotations?

959

960 Mr. Strauss - Unless I hear otherwise, I believe we have an agreement.

961

962 Ms. Dwyer - I just have a few questions for clarification. Is there a statement anywhere
963 in the conditions that these changes that we are approving today on the landscape plan are
964 contingent upon the revised proffers being approved by the Board?

965 Mr. Strauss - No. I imagine I could add that as an annotation to the staff plan.

966

967 Ms. Dwyer - Could we do that just to make that clear. I think that the Commission
968 needs to be aware too that part of the reason all this negotiation has been going on is because
969 there are some existing situations in the field that violates the proffers. So, we are trying to
970 compensate for some changes that were made with the landscaping and proffer amendments do
971 need to be approved by the Board before what we have agreed to can come about.

972

973 Mr. Strauss - We can certainly do that.

974

975 Ms. Dwyer - What if there is a disagreement between the Homeowners Association and
976 the owner as to field location or any other aspect of this annotation?

977

978 Mr. Strauss - I've thought about this. I think the only recourse we would have would be
979 to bring the plan back to the Commission for arbitration, unless we want to make staff the
980 arbitrator.

981

982 Ms. Dwyer - No. I think the Commission should probably bare that burden. The other
983 question I have relates to the phase line. We are talking about landscaping that's not included in
984 Phase I.

985

986 Mr. Strauss - The annotated plan extends Phase I, the demarcation of Phase I, to include
987 the buffer area that's been the topic of all of our discussions.

988

989 Mrs. Wade - All of the street frontage now is included in Phase I.

990

991 Mr. Strauss - Yes, ma'am.

992

993 Mrs. Wade - I would like to relieve Mrs. Dwyer of this burden.

994

995 Ms. Dwyer - The Bell Atlantic letter that has been written that essentially guarantees
996 the....

997

998 Mr. Strauss - I was remiss in not handing that out. I have a copy of that letter in this file
999 here, but I would like to make that a part of the approval or a reference to the approval because
1000 that is essential for the landscaping to take place in the manner they agreed to.

1001

1002 Ms. Dwyer - But what I'm wondering, if we make it a part of the file is that prominent
1003 enough for all future purposes?

1004

1005 Mr. Strauss- I would imagine so. We could make that a part of the plan; staple a copy
1006 of the letter to each approved plan.

1007

1008 Ms. Dwyer- Because I don't want that to be lost in the paperwork. All right. That's all
1009 that I have.

1010 Mr. Archer - I have one question for Mr. Strauss. Did we take care of the issue on what
1011 was handed out to us this morning about the light poles conflicting with proposed trees?

1012

1013 Mr. Strauss - I discussed that and like many other cases we've had, we are suggesting
1014 either the tree be relocated or the pole be relocated, and the lighting plan be resubmitted for final
1015 signature. But, I don't see that as a reason to withhold approval of the lighting plan, because it
1016 can be accommodated.

1017

1018 Mr. Archer- It can be done, fairly easily?

1019

1020 Mr. Strauss - Yes.

1021

1022 Mr. Zehler - Is the applicant in agreement with that?

1023

1024 Mr. Strauss- Yes. I discussed that this morning with Mr. Macfarlane and Brenda
1025 Hartless and Leon Shadowen and they don't see any problem in doing that.

1026

1027 Mrs. Wade - There's no picture of the fixture but you described it here pretty much.

1028

1029 Mr. Strauss- The fixture catalogue cuts, I received late. But I do have some copies of
1030 those. They are a shoe box fixture. There is a drop lens that's not acceptable and I've discussed
1031 using a flat lens and they appear to be agreeable to that.

1032

1033 Ms. Dwyer - And you have indicated that on the plan also.

1034

1035 Mr. Strauss- Right. It's a 400-watt high pressure sodium fixture.

1036

1037 Mr. Archer - Okay. Thank you, Mr. Strauss. I believe we need to hear from the
1038 applicant. Do we need to hear from the applicant, Ms. Dwyer?

1039

1040 Ms. Dwyer- I don't think we need to, unless you would like to make an extensive
1041 presentation. Just to know that you are in agreement with the staff's annotations that have been
1042 presented and all of the statements made by Mr. Strauss this morning.

1043

1044 Mr. Macfarlane - My name is Charles Macfarlane, partners with Childress Klein Properties.
1045 The applicant, I have with me, Leon Shadowen and Brenda Hartless, also with Childress Klein.
1046 We are in agreement, generally. I would like to ask for one minor change and that is the reference
1047 for it coming back to the Planning Commission if we are not able to reach mutual agreement. I
1048 think we are comfortable that we can reach mutual agreement and actually the placement of the
1049 trees really doesn't matter to us. It's more, and the reason we are doing what we are doing is for
1050 the purpose to address what the neighbor's issues are. So, I rather not have that in there and if
1051 you want to be the person to decide or the Director of Planning or the Planning staff, we would
1052 prefer that.

1053 Ms. Dwyer- It's not in writing. I was just trying to think ahead what could go wrong.
1054 I just wanted to make sure we had some type of provision in case there is a disagreement. It
1055 appears that all that is left now is to place the trees and as you said that's really not your... you
1056 don't have a particular desire one way or the other for that. If there is some future disagreement,
1057 you all have worked together so well, so far, you know given the obstacles you had to overcome I
1058 don't have a particularly concern about that. So, I wasn't looking for it to be a part of an
1059 annotation just wondering out loud what would happen since we are building in this requirement
1060 to agree, what happens if we don't?

1061

1062 Mr. Macfarlane - I would feel comfortable deferring it to staff or to whoever the appropriate
1063 would be, but I would rather do it as that as oppose to a public hearing.

1064

1065 Ms. Dwyer - I agree. I don't want to put anything in writhing. And the natural course
1066 would be staff would be aware of it, staff would probably get involved in it. If they couldn't
1067 handle it or felt it was something they need to bring back to the Commission they would and
1068 that's the way we handle everything. So, it would just be that standard procedure. Is that
1069 satisfactory?

1070

1071 Mr. Macfarlane- Sure.

1072

1073 Mr. Archer - Are there any more questions of Mr. Macfarlane before he leaves? Thank
1074 you, sir. I believe we had someone who wanted to say something. Come on down, sir.

1075

1076 Mr. Lowery - My name is Wayne Lowery and I abut the property on the westernmost
1077 side. I have approximately 600 feet of land that abuts this property. I have tried from day one to
1078 protect myself and give myself as much privacy as possible. When I originally sold some property
1079 to the prior owner Mr. Gibson Wright, I had a statement in there that I would have a 50-foot
1080 natural buffer, no earth disturbance whatsoever. That was to be proffered. He did indicate to me
1081 that it would be a part of the proffer and it would run with the land so it would be transferred to
1082 the developer that's currently developing the property. My problem is I've been to all the
1083 meetings, I've been trying to be patient, I've asked consistently for the final drawing telling me
1084 where the trees that will abut the westernmost side of the property will be planted. On April 27 I
1085 sent a letter to Childress Klein. I outlined all of the agreements that I had in place that I thought
1086 protected me on nothing being planted in that natural buffer. And I asked for a reply if they
1087 interpreted the agreements any differently. I did not get any reply. Yesterday afternoon we had a
1088 meeting and I asked Mr. Strauss and Mike Whitney and the developer where in fact the trees
1089 would be planted. My problem is the conceptual drawings I saw prior to, and I guess the existing
1090 drawing, don't' really show the plants anywhere on the line to five feet within the line.

1091

1092 I asked yesterday, where are the trees going to be planted? He indicated that he thought they
1093 were.... Now the problem is this is in the second phase. The curb and gutter is not in position
1094 currently and it is hard to tell if there is additional land there to allow the planting of those bushes.
1095 He indicated that he thought there was five feet between the 50-foot buffer line and the curb and
1096 gutter. There is also a drop of about two feet in elevation between the current land and where the
1097 curb and gutter would be. He indicated that there was five feet there but he didn't feel like he was

1098 obligated to plant there. That if he wanted to plant in the buffer area he felt like he had that
1099 prerogative. All I'm asking is per the final drawing that you have, now, I've been told for the last
1100 30 days that a final drawing will be submitted to me, an initial drawing by Mr. Shadowen, also by
1101 Mrs. Hartless, that the initial drawing would probably be changed extensively and that there
1102 would be a final drawing that I would get to view. Now, yesterday, I asked the question, I'm
1103 asking the question again. All I want to know is where are those trees going to be placed? Are
1104 they going to be placed in the buffer? I called Mr. Shadowen last night and offered to allow them
1105 to plant the center line of the bushes right on the 50-foot buffer line. That meaning that they
1106 could plant them up the two-foot higher elevation so hopefully I could get a future buffer. All
1107 they are planting are three-foot tall wax myrtles. That will be some time before they grow and
1108 before I get a buffer. So, all I'm asking is one question. If they plan on planting them in a buffer I
1109 want to know about it now so I can protect myself. And through the agreements I interpret
1110 indicating they can not plant them in that area, get it straighten out before they do curb and gutter
1111 and if in fact is interpreted differently by somebody else that curb and gutter have to be removed.

1112

1113 Second. I asked them to tell me when the plants would be planted and I assume per your
1114 question, Ms. Dwyer, a second ago, asking if the plantings in the second phase went with the
1115 first.... In other words, dividing into two phases are those plants on that westernmost side going
1116 to be planted with this first phase and also are the trees around the pond and shrubbery around the
1117 pond going to be planted with the first phase. So, actually, I have two questions. Are the trees
1118 going to be planted in my buffer? And when are they going to be planted?

1119

1120 Ms. Dwyer - Let me just get this straight. So, at most the screened plants on the
1121 western boundary might go five feet inside the buffer line. Is that your concern? You don't want
1122 the trees anywhere inside that 50-foot buffer?

1123

1124 Mr. Lowery - No. I indicated to them I'd be willing to allow the center line to be right on
1125 the buffer line. I just don't want them to come way inside the buffer line.

1126

1127 Ms. Dwyer - All right. Suppose they come in five feet, would that be a problem?

1128

1129

1130 Mr. Lowery- I would prefer they didn't.

1131

1132

1133 Ms. Dwyer - Because as I read the proffers, supplemental evergreen planting maybe
1134 placed in the buffer area, according to proffers.

1135

1136 Mr. Lowery- I think that supplemental planting proffer was applied at the night of the
1137 Planning Commission and I think prior to that it indicated that it was a 50-foot natural buffer no
1138 earth disturbance whatsoever. Now that is the agreement that I had with the owner I sold the
1139 property to. That there would be no earth disturbance whatsoever. It had nothing to do with
1140 supplemental planting. I think there is a problem. I may interpret supplemental planting as
1141 different. There were 20 trees that were damaged during some other construction.

1142

1143 Ms. Dwyer - We are not talking about those.
1144

1145 Mr. Lowery- I know. That's a different deal. But, I had a separate agreement with them
1146 for these 55 waxmyrtles, prior to POD, that they were going to put those in.
1147

1148 Ms. Dwyer - They are not a part of the proffers. The waxmyrtles and leyland cypress on
1149 the western border are not a part of the proffers.
1150

1151 Mr. Lowery - Right. I had a separate agreement that they would be planted along that
1152 line and abutting that line, not in the line. It's probably hard for you to answer, Ms. Dwyer. I
1153 want them to tell me where they plan to plant them? That's all I ask. That's all I want to know.
1154

1155 Ms. Dwyer- If it's a separate agreement that you had with them and it's not a part of
1156 the proffers and is not required by the landscape ordinance, I think that's something you need to
1157 work out with them. And, also, the proffers do permit supplemental plantings in the buffer.
1158

1159 Mr. Lowery- Isn't it appropriate at this point that on the drawings you some how you
1160 tell me what's going to happen. So, again, if there going to be other recourse, based on other
1161 agreements I have with them, I can go ahead and proceed with that at this point.
1162

1163 Ms. Dwyer - Let me ask Mr. Strauss a question. The plants that Mr. Lowery is talking
1164 about are noted on here. Is that a part of Phase II?
1165

1166 Mr. Strauss - Yes. They will be in an area that... I've scaled the area, it's scaled 55 feet,
1167 which indicates to me that if the face to curb is put where the plans says, it's going to be five feet
1168 outside the 50-foot buffer and Mr. Lowery wouldn't have any concern then. They would be
1169 outside the undisturbed buffer area.
1170

1171 Ms. Dwyer - This is Phase II which we will approve at a later date. It appears that you
1172 have, you have scaled it and there is five feet of planting area between the buffer and the face of
1173 curb.
1174

1175 Mr. Strauss- Now, if for some reason the face to curb ends up not being, there I can't
1176 tell you that, if they build it to the plan there should be a planting space there. I don't know how
1177 to remedy that situation.
1178

1179 Mrs. Wade - There's a note on here about 20 additional trees.
1180

1181 Ms. Dwyer - That's to replace ones that were knocked down.

1182 Mr. Lowery - Now, is it my understanding that these trees irregardless are not going to
1183 be planted until the second phase? These trees are going to go in now.

1184

1185 Ms. Dwyer- Are they?

1186

1187 Mr. Lowery - That's what I've been told.

1188

1189 Mr. Dwyer- Let's get the applicant up here and ask him about this. I was assuming
1190 these were for phase two and you were just noting that they were there. But, maybe I'm wrong
1191 on that.

1192

1193 Mr. Macfarlane- It is our understanding, and we had intended to plant them, for the
1194 benefit of Mr. Lowery, in Phase I. But, I'll be honest with you, the letter agreement we have with
1195 him, which is outside of all of the other things that we have done with him and for him, state that,
1196 and I'll read you the condition: Plant 50 to 60 three-foot waxmyrtles, red tip photinas or similar
1197 shrubs along the northern property line curb line. These plants will be placed where you and we
1198 mutually agree on providing the best screening possible. And, our understanding was, to be
1199 perfectly honest, we were going to get the greatest benefit out of putting them in the best place
1200 where they would live, where they would provide the best screening and if it crosses a few inches
1201 over the buffer line, and we did not, quote, "We are not allowed to disturb the buffer line." We
1202 didn't interpret, to be perfectly honest, and I'm not sure I understand what the issue is but we
1203 didn't interpret that planting a shrub or a tree that's to his benefit to maximize the screening was
1204 detrimental to him if it didn't, quote, disturb the buffer. I fail to miss the significance of the point
1205 but if we have got the five feet and we plant it down slope from him, you know, we will do that.
1206 It just amazes me that this is even an issue but we will do what he wants.

1207

1208 Mr. Lowery - I beg to differ. First of all the letter he just read to you, it was sent to me
1209 via fax. I've got all of the faxes here. I marked the letter, his drawing up, and I put on it shrubs
1210 to be planted along and abutting the buffer line. They fail to recognize the fact that Brenda
1211 Hartless and I had numerous faxes back and forth of what I actually agreed too. Now, at this
1212 point, again, I have no problem if they plan on planting them. Just tell me. Are they going to
1213 plant them in the five feet? That's all I want. And if they want to plant them up right on the line I
1214 have no problem. I just don't want them coming five to ten feet inside that line. Because what I
1215 foresee is putting in root balls and disturbing other trees. They have already cut the soil right up
1216 to the line, down two feet that probably numerous trees along the line are going to die anyway. I
1217 just don't want any future problems. I've tried to alleviate all of this discussions via my letters to
1218 them but they fail to answer my simple question, where are they going to plant the trees.

1219

1220 Ms. Dwyer- So, you don't want to have any of the supplemental plantings in the buffer
1221 at all, even at the foot? Could we limit it to five feet?

1222

1223 Mr. Lowery- Five feet is fine. If the root ball needs to come within five feet I don't have
1224 a problem with that. I just don't want any more disturbance then necessary, you know, just keep
1225 encroaching inch by inch by inch getting closer to my home. And, again, from day one, Mrs.
1226 Wade and Ms. Dwyer, you are aware, I've tried to protect my privacy in that 50-foot buffer, and I

1227 specifically in the initial wording with Gibson Wright, put no earth disturbance whatsoever. And I
1228 think that is a part of the proffer, it's natural state.

1229

1230 Ms. Dwyer- As I read the proffer.... Let me just see if I can just quickly review where
1231 we are. We have 55 waxmyrtles, is what we are talking about, along the adjacent property line
1232 that's adjacent to your property. And those are to be installed now with Phase I even though this
1233 curb and gutter will not be installed because curb and gutter is part of Phase II, which is why we
1234 are kind of in this no mans land because we are not exactly.... We want to make sure that the
1235 curb and gutter are there and they are not going to be where we plant the trees. So, what I was
1236 looking for, Mr. Lowery, is, as I understand, Childress Klein has said that they believe that there
1237 is five feet there to plant these trees between the property line and curb and gutter. Is that
1238 correct? You are nodding your head, yes.

1239

1240 Mr. Macfarlane - That's what the plan show. We are (unintelligible speaking away from the
1241 mike).

1242

1243 Ms. Dwyer- Okay. And what Mr. Lowery is saying is he's concern that maybe that will
1244 shrink in the real world so I've asked Mr. Lowery if he would allow those plants to come in up to
1245 five feet over that buffer line and he has agreed, yes, that that was okay. So, potentially, we have
1246 ten feet to work with, a minimum of five feet. So, is that satisfactory to everyone?

1247

1248 Mr. Macfarlane - Yes.

1249

1250 Mr. Lowery- That's all right.

1251

1252 Ms. Dwyer- Mr. Strauss, does that.....

1253

1254 Mr. Strauss - That sounds like a plan.

1255

1256 Ms. Dwyer - How many hours have we been doing this? I really would like to say that I
1257 appreciate the cooperation of the folks in the neighborhood, you in the back, and you have
1258 worked long and hard. We have met for many hours by the roadside and I know you met many
1259 hours with your neighbors. Mr. Lowery has been involved since the beginning working to protect
1260 his property and Childress Klein has been very accommodating and easy to work with. I just
1261 commend you all because this could have been a lot worse and you've really entered into it with
1262 the spirit of cooperation. You've had many obstacles to overcome. I would also like to thank
1263 staff, Jim Strauss and Mikel Whitney for your long hours. I know I called here last night at eight
1264 o'clock and you were still hammering this out.

1265

1266 Mr. Strauss - We were just getting started.

1267

1268 Ms. Dwyer- I know. I just took a chance in calling you. I really want to thank you two
1269 for all of the hard work that you put in. So, with that, I'll make my motion, Mr. Chairman, if we
1270 ready.

1271

1272 Mr. Archer- Yes, ma'am, we are ready.

1273

1274 Ms. Dwyer- I move LP/POD-64-97, Overlook Phase I, landscape and lighting plan be
1275 approved, including the standard conditions and including the additional staff annotations with the
1276 changes we have read into the record today, dated June 30, 1998. Also, including the annotations
1277 on the plans as provided by Mr. Strauss today. Did I leave anything out?

1278

1279 Mr. Strauss- You've got it all.

1280

1281 Mrs. Wade - Did you put on it the additional note about the owners and applicants
1282 agreeing?

1283

1284 Ms. Dwyer - Mr. Strauss, mentioned that in the record and that's what I intended to
1285 cover rather than reviewing all of those again.

1286

1287 Mrs. Wade- Okay. Thank you, Ms. Dwyer, for taking care of this when I had a conflict
1288 in the beginning which I think is gone now. I know you spent a long time on this.

1289

1290 Mr. Archer - All right. Is there a second?

1291

1292 Mr. Zehler- Second.

1293

1294 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Zehler. All in
1295 favor say aye...all oppose say nay. The motion passes.

1296

1297 The Planning Commission approved the landscape and lighting plan for LP/POD-64-97, Overlook
1298 I – Phase I, subject to the standard conditions and the annotations on the plan.

1299

1300 **LANDSCAPE PLAN**

1301

LP/POD-92-97
Eastshore at
Wyndham

McKinney & Company: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 19.12--acre site is located on Nuckols Road and Wyndham Forest Drive on part of parcel 18-A-22B and 10-A-20NA. The zoning is O/S-C, Office/Service District (Conditional).
(Three Chopt)

1302

1303 Mr. Archer - Is there anyone in the audience in opposition to the landscape plan for
1304 LP/POD-92-97, Eastshore at Wyndam? No opposition. Mr. Strauss.

1305

1306 Mr. Strauss - Thank you, Mr. Chairman. Staff has reviewed the landscape plan and can
1307 recommend approval of the plan as annotated. I might add there were a minimum number of
1308 conflicts in this landscape plan and the applicant did a pretty good job. I believe Mr. Stacey
1309 Burcin is here representing the owner and the applicant.

1310

1311 Mrs. Wade - So, it looks all right?

1312

1313 Mr. Strauss - Yes, ma'am.

1314

1315 Mrs. Wade - Unless the applicant have a problem with the annotations, I don't need to
1316 hear from them. All right. Thank you.

1317

1318 Mr. Archer - Are there any question of Mr. Strauss by Commission members? Mrs.
1319 Wade, would you like to hear from the applicant?

1320

1321 Mrs. Wade - No. They agree with the annotations so I don't need to hear from them. I
1322 was happy to see evergreens on this plan. I move LP/POD-92-97, landscape plan for Eastshore at
1323 Wyndham, be approved subject to the standard conditions and the annotations on the plans.

1324

1325 Mr. Vanarsdall - Second

1326

1327 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
1328 in favor say aye...all oppose say nay. The motion passes

1329

1330 The Planning Commission approved the landscape for LP/POD-92-97, Eastshore at Wyndham,
1331 subject to the annotations on the plan and the standard conditions.

1332

1333 **PLAN OF DEVELOPMENT**

1334

POD-66-98
McDonald's –
Mechanicsville
Turnpike

McKinney & Company and Deborah L. Brown for Charles W. Daniels, Jr. and McDonald's: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,260 square foot fast food restaurant with drive through. The 0.98-acre site is located on the southwest quadrant of the intersection of Mechanicsville Turnpike (Route 360) and Crump Street on parcels 139-2-N-13-1, 139-2-N-16 and E012-64-2 (city). The zoning is M-2, General Industrial District. County water and sewer. **(Fairfield)**

1335

1336 Mr. Archer - Is there anyone in the audience in opposition to POD-66-98, McDonald's
1337 Mechanicsville Turnpike? No opposition. Ms. News.

1338

1339 Ms. News - Good morning. The only outstanding issue, which was provision of a fence
1340 along the alley at the rear of the property, has been resolved to staff's satisfaction just prior to the
1341 meeting. A fence was recommended by staff including Planning and Police and was also
1342 requested by the adjacent property owner. The purpose of the fence would be to control foot
1343 traffic, create a secure area for drive-thru patrons, and buffer views to the adjacent alley from
1344 Mechanicsville Turnpike without providing a solid screen which would not allow for police
1345 surveillance of the area. The applicant has agreed to install a five-foot metal picket fence with a
1346 wrought iron appearance which would, in staff's opinion, accomplish the objectives. The

1347 applicant has also agreed to change the proposed materials for the trash enclosures from wood to
1348 split-face block to match the building and be compatible with the iron fence. The applicant has
1349 therefore agreed with all of staff's recommendations and staff can recommend approval.

1350

1351 Mr. Archer - Thank you, Ms. News. Are there any questions of Ms. News by
1352 Commission members?

1353

1354 Mrs. Wade - What did you say about the split-face block?

1355

1356 Ms. News - The dumpster screen, the trash enclosure shown on the plan will be split-
1357 face block in lieu of the original proposed wood screen.

1358

1359 Mrs. Wade - What color block are they using?

1360

1361 Ms. News- They are using a combination of white split-face and red. I've got a
1362 photograph if you would like to see it. (Photograph presented to Commission)

1363

1364 Mr. Archer - Are there any further questions of Ms. News? Thank you, Ms. News.
1365 Unless the other Commission members have questions, I don't need to hear from the applicant.
1366 Does anybody have any questions? Well, I have reviewed this site thoroughly, I'm quite familiar
1367 with it anyway. This is going to be a long McDonald's site. As Ms. News mentioned, the biggest
1368 question that we had had to do with the construction of a fence which was in response to a
1369 concern by the Police Department, and that has been taken care of and, of course, she mentioned
1370 that the dumpster enclosure has been revised. So, with that, I move approval of POD-66-99,
1371 McDonald's Mechanicsville Turnpike, subject to the annotations on the plan, the standard
1372 conditions for developments of this type, the additional conditions Nos. 23 through 32 and also
1373 make sure we include the annotations of a five-foot metal picket fence and the revised dumpster
1374 enclosure.

1375

1376 Mr. Vanarsdall - Second.

1377

1378 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
1379 in favor say aye...all oppose say nay. The motion passes.

1380

1381 The Planning Commission approved POD-66-98, McDonald's – Mechanicsville Turnpike, subject
1382 to the standard conditions attached to these minutes, the annotations on the plans, and the
1383 following additional conditions. Ms. Dwyer was absent.

- 1384 23. The easements for drainage and utilities as shown on approved plans shall be granted to
 1385 the County in a form acceptable to the County Attorney prior to any occupancy permits
 1386 being issued
- 1387 24. The entrances and drainage facilities on Mechanicsville Turnpike (State Route 360) shall
 1388 be approved by the Virginia Department of Transportation and the County.
- 1389 25. A notice of completion form, certifying that the requirements of the Virginia Department
 1390 of Transportation entrances permit have been completed, shall be submitted to the
 1391 Planning Office prior to any occupancy permits being issued.
- 1392 26. The developer shall provide fire hydrants as required by the Department of Public Utilities
 1393 in its approval of the utility plans and contracts.
- 1394 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 1395 County Attorney prior to final approval of the construction plans by the Department of
 1396 Public Works.
- 1397 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1398 approved by the County Engineer prior to final approval of the construction plans by the
 1399 Department of Public Works.
- 1400 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 1401 contracts and must be approved by the Department of Public Utilities prior to the issuance
 1402 of a building permit.
- 1403 30. Approval of the construction plans by the Department of Public Works does not establish
 1404 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 1405 elevations will be set by Henrico County.
- 1406 31. Approval of the construction plans by the Department of Public Works does not establish
 1407 the curb and gutter elevations along the Virginia Department of Transportation maintained
 1408 right-of-way. The elevations will be set by the contractor and approved by the Virginia
 1409 Department of Transportation.
- 1410 32. The applicant shall provide evidence the City of Richmond has approved the access to
 1411 Magnolia Street prior to final approval of the construction plans.
 1412

1413 **PLAN OF DEVELOPMENT**

1414

POD-62-98

Amerisuites Hotel @
 Virginia Center
 Commons

McKinney & Company for Virginia Center Inc. and Prime Hospitality Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a six-story, 128 unit hotel. The 3.47-acre site is located 400 feet north of intersection of Debartolo Road and Telegraph Road on part of parcel 24-A-9B. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Fairfield)**

1415

1416 Mr. Archer - Is there anyone in the audience in opposition to POD-62-98, Amerisuites
 1417 Hotel @ Virginia Center Commons? No opposition. Ms. News.

1418

1419 Ms. News - Staff met yesterday with the applicant to resolve the remaining issues on
 1420 this project. The plan just distributed to you is the second revised plan submitted. This plan

1421 addresses the staff's remaining concerns. The majority of the issues on this project revolved
1422 around the relationship of this project to proposed Telegraph Road. The road construction
1423 project is currently in the design stage. This road will eventually tie into Hanover County at
1424 Sliding Hill Road. Until completion of the road construction, access to this parcel is proposed
1425 from the existing end of Telegraph Road by a temporary road, which is more or less parallel to the
1426 proposed road. The applicant intends to develop permanent access directly from Telegraph Road
1427 with the final construction of the road. Two options for access are shown, due to unknown
1428 factors in the final design of Telegraph Road. The applicant requests that both option one, a
1429 single access point, and option two, a dual access point coordinated with a median crossover, be
1430 approved with the understanding that staff would review and approve one of these layouts with
1431 the construction plans.

1432

1433 Construction of the road and the adjacent drainage ditch is required to be bonded and submitted
1434 for approval of the dedication of the road prior to the certificate of occupancy. This is covered by
1435 condition No. 34 on your addendum. The 30-foot drainage easement adjacent to the road has
1436 been a concern to staff as it is proposed to be a 10-foot-deep concrete channel 30 feet wide
1437 running the length of the road. Drainage studies indicate this is required to buffer views from the
1438 road, the easement will be increased to 35 feet, to allow a 5-foot strip within the easement for
1439 installation of landscaping between the road and the ditch. This landscape strip will be
1440 implemented south of the site heading toward JEB Stuart with future development. North of the
1441 site, where no development will occur between the road and I-95, condition No. 35 has been
1442 added to require landscaping in conjunction with the road construction. The applicant has
1443 requested, prior to this meeting, that this condition be removed from the Amerisuites approval
1444 and in lieu of that a letter of commitment from Virginia Center to landscape the road be
1445 substituted. Staff can agree with that request.

1446

1447 The applicant has addressed staff's remaining concerns regarding the BMP, provision of
1448 additional parking, and has agreed to match the building materials with the dumpster screen. Staff
1449 can recommend approval of the revised plan No. 2 as annotated.

1450

1451 Mr. Archer - Are there any question of Ms. News by Commission members?

1452

1453 Mr. Zehler - Why is a special exception not required in this case?

1454

1455 Ms. News - The height of eight stories is allowed in this zoning for O-3.

1456

1457 Mr. Vanarsdall- Mr. Chairman, I have a question.

1458

1459 Mr. Archer- Certainly, Mr. Vanarsdall.

1460

1461 Mr. Vanarsdall - Condition No. 32, "Restaurant hours shall not extend beyond 11:30 a.m.
1462 daily." Does that mean they serve breakfast only?

1463

1464 Ms. News - That's correct. They are planning on serving a continental breakfast.

1465 Actually, conditions Nos. 30, 31 and 32 were added to show that there will be no additional

1466 parking requirements for a restaurant. This facility is for hotel patrons only.

1467

1468 Mr. Vanarsdall - My other question is, what kind of materials are going to be used on this
1469 building?

1470

1471 Ms. News - The building is a combination of EIFS and brick, and I've got a nice
1472 rendering that the applicant submitted that we can put up on the screen.

1473

1474 Mr. Vanarsdall - So, it's going to be brick in with drivit?

1475

1476 Ms. News - Yes.

1477

1478 Mr. Vanarsdall - That's all I have, Mr. Chairman.

1479

1480 Mr. Archer - Ms. News, what would be the materials for the temporary road? Would it
1481 be a regular paved road?

1482

1483 Ms. News - I believe so.

1484

1485 Mr. Archer - And what will happen when that road is no longer temporary? Will that be
1486 the same site or will it move or do you know?

1487

1488 Ms. News - It's intended to be a temporary access road, and it may be developed for
1489 future access to another parcel, as I understand. But, it's not intended to be used for access to
1490 this parcel.

1491

1492 Mr. Archer - And the only other question I have. I know we talked in some length about
1493 the 10-foot-deep ditch. Do you see that in any way representing any kind of a safety hazard? It
1494 could almost be a swimming pool.

1495

1496 Ms. News - Yes. It's very deep and it's very steep. There will be a requirement for a
1497 guardrail along the Telegraph Road frontage of this ditch, right at the edge of the right-of-way.
1498 The landscaping strip would be behind that. And the property owner has indicated that they may
1499 be considering some measures of their own on the other side of the ditch to protect patrons within
1500 their own parking lot.

1501

1502 Mr. Archer - That's all I have for you right now. Would the applicant come forward,
1503 please?

1504

1505 Mr. Burcin - Good morning, Mr. Chairman and members of the Commission. My name
1506 is Stacey Burcin with McKinney & Company.

1507

1508 Mr. Archer - Thank you, Mr. Burcin. Just following along that same line. How will that
1509 ditch drain? What is the anticipated height of the water lever that could actually accrue in that
1510 ditch?

1511 Mr. Burcin - At this point the ditch is there really to convey the 100-year storm that runs
1512 off from the shopping center development. At this point there is no drainage from our site other
1513 than our BMP on the northern end of the site which actually drains to this ditch. This ditch is not
1514 really needed for the development of this property. It's not really a function of the roadway. It's
1515 more of a compensating area for the 100-Year Floodplain. I'm not sure if that answered your
1516 question or not.

1517

1518 Mr. Archer - I guess what I am asking is, what would you anticipate the actual height of
1519 the water in that ditch to come to?

1520

1521 Mr. Burcin- The actual depth could go to the eight feet that the depth of the ditch is
1522 anticipated to being during a 100-year flood event.

1523

1524 Mr. Archer - But, will it drain off though.

1525

1526 Mr. Burcin - Yes. It would drain off into the culverts crossing I-95.

1527

1528 Mr. Archer - Okay. I guess I was just concerned at what depth that water could come
1529 to at any point in time and how fast it would take it to get down to a lower level.

1530

1531 Mr. Burcin - The actual design of the ditch is being done as we speak, as a part of the
1532 Telegraph Road construction plan. So, we don't have an actual rate of runoff that I can tell you
1533 how long it would sit there. But I would anticipate that it would be a lengthy period of time.

1534

1535 Mr. Archer - That's what I was concerned about. Does anybody else have any questions
1536 of Mr. Burcin?

1537

1538 Mrs. Wade - Would you explain to me, now, on the plan we have here. There is a
1539 roofline, there's a parapet line and there's a sign parapet line. This sign appears to be below the
1540 roof line on there but then you've got something there called sign parapet.

1541

1542 Mr. Burcin - I'm not sure what plan you are looking at. Obviously, I'm looking at the
1543 rendering at this point. At this point we are discussing the sign mounting and where that can go
1544 on this building. Whether it can go above the roofline or not, that's the discussion we will be
1545 taking up with the Planning staff at a later date. There is an ornamental feature, you can see from
1546 the rendering, that does project above the roofline. This particular rendering would lead me to
1547 believe that the actual sign is mounted below the roofline.

1548

1549 Mrs. Wade - We've got something, haven't we, that says signs don't go above the
1550 roofline.

1551

1552 Mr. Burcin - Yes.

1553

1554 Mrs. Wade - Now, I'm seeing something though that says sign parapet and that seems to
1555 me that sky's the limit here. There is a conflict there. But, as you say, you are working on that.

1556

1557 Mr. Burcin - That is obviously a separate approval for the sign permit. It is not a part of
1558 the POD approval so we have not dealt with that in detail. There is going to be a simple face so
1559 that it does rise up above the roofline.

1560

1561 Mrs. Wade - Because this is coming up a lot now on buildings. We either have a sign
1562 ordinance that says nothing but roofline or we don't and somebody needs to clarify it.

1563

1564 Mr. Archer - Thank you, Mrs. Wade. Are there any further questions by Commission?
1565 Thank you, Mr. Burcin. I appreciate the applicant working with staff in trying to work out
1566 solutions to the things that were a problem. I did attend the staff/developers meeting at Mr.
1567 Burcin's suggestion, and I'm glad I did because I learned a lot by being there. I think we have
1568 resolved these issues to the satisfaction of staff and consequently I'm satisfied with it. So, with
1569 that, I move approval of POD-62-98, Amerisuites Hotel at Virginia Center Commons, subject to
1570 the annotations on the plan, and the additional conditions Nos. 23 through 35, including the three
1571 revised and added conditions that we received this morning.

1572

1573 Mrs. Wade - Didn't you eliminate one of them.

1574

1575 Ms. Dwyer - The applicant requested that we eliminate No. 35 and staff can agree with
1576 that recommendation if you care to do so, in lieu that they were going to submit a letter
1577 committing to landscaping separately so it wouldn't be tied to this POD.

1578

1579 Mr. Archer - Then I will amend my motion to show the revision of No. 33 and the
1580 addition of No. 34 and we will eliminate No. 35 that we received today.

1581

1582 Mr. Vanarsdall- Second.

1583

1584 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
1585 in favor say aye...all oppose say nay. The motion passes.

1586

1587 The Planning Commission approved POD-62-98, Amerisuites Hotel @ Virginia Center
1588 Commons, subject to the standard conditions attached to these plans, the annotations on the
1589 plans, and the following additional conditions. Mr. Donati was absent.

1590

1591 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1592 the County in a form acceptable to the County Attorney prior to any occupancy permits
1593 being issued.

1594 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
1595 in its approval of the utility plans and contracts.

1596 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1597 County Attorney prior to final approval of the construction plans by the Department of
1598 Public Works.

- 1599 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
1600 approved by the County Engineer prior to final approval of the construction plans by the
1601 Department of Public Works.
- 1602 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and
1603 contracts and must be approved by the Department of Public Utilities prior to the issuance
1604 of a building permit.
- 1605 28. Approval of the construction plans by the Department of Public Works does not establish
1606 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1607 elevations will be set by Henrico County.
- 1608 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1609 Planning Office and approved prior to issuance of a certificate of occupancy for this
1610 development.
- 1611 30. There shall be no exterior access to the lounge or restaurant available for patrons.
- 1612 31. There shall be no exterior signage or other means of advertising that identifies the
1613 presence of a lounge or restaurant at this facility.
- 1614 32. Restaurant hours shall not extend beyond 11:30 a.m. daily.
- 1615 ~~33. Evidence of permission to plant required trees in the communications easement along
1616 Interstate 95 must be provided to the Planning Office prior to submission of construction
1617 plans for review and approval, or a 10-foot landscape strip must be provided adjacent to
1618 this easement.~~
- 1619 33. **REVISED** - Prior to landscape plan approval, the developer must furnish a letter from AT&T
1620 stating that the proposed landscaping does not conflict with their facilities.
- 1621 34. **ADDED** – Prior to issuance of a certificate of occupancy a subdivision plat for conditional
1622 approval of the dedication of Telegraph Road shall be submitted to the Planning Office for
1623 approval and a bond shall be posted by the developer for the cost of roadway and drainage
1624 improvements for Telegraph Road from the current end of Telegraph Road to the
1625 northernmost end of this site.
- 1626 ~~35. **ADDED** - The area north of the site bounded by Telegraph Road on the west, I-95 on the east,
1627 and the Amerisuites property on the south shall be landscaped in accordance with a landscape
1628 plan to be approved by the Planning Office in conjunction with the construction plans for
1629 Telegraph Road at such time as the road is dedicated and constructed.~~
- 1630
- 1631 Ms. Dwyer - Mr. Chairman, I would like to request if we could move one case forward
1632 and I don't think it will be controversial. I have Mr. David Tracey and he is due back in Maryland
1633 and needs to leave right a way. So, if it's all right with you, could we hear that case next?
- 1634
- 1635 Mr. Archer - Yes, ma'am. We can do that. And what case is that?
- 1636
- 1637 Ms. Dwyer - It's LP/POD-63-97, Brighton Gardens on page 21.
- 1638

1639 **LANDSCAPE & LIGHTING PLAN**

1640

LP/POD-63-97
Brighton Gardens by
Marriott

Foster & Miller for Stimmel Associates, P.A.: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.9-acre site is located on the western line of Gaskins Road at its intersection with Della Drive, on parcel 78-A-14. The zoning is R-6, General Residence District. **(Tuckahoe)**

1641

1642 Mr. Archer- Is there anyone in the audience in opposition to LP/POD-63-97, Brighton
1643 Gardens by Marriott? No opposition. Mr. Strauss.

1644

1645 Mr. Strauss - Mr. Chairman, the staff has reviewed the landscape and lighting plan and
1646 can recommend approval as per the annotations on the plan. We have no further comment, but I'd
1647 be happy to answer any questions you may have.

1648

1649 Mr. Archer - Are there any questions of Mr. Strauss by Commission members? No
1650 questions. Do you need to hear from the applicant, Ms. Dwyer?

1651

1652 Ms. Dwyer- No.

1653

1654 Mr. Archer - You are going to let him go back to Maryland and not ask him any
1655 questions?

1656

1657 Ms. Dwyer- I think so. You never know. It's good to be here. I move approval of
1658 LP/POD-63-97 subject to the annotations on the plans and the standard conditions for landscape
1659 and lighting plans.

1660

1661 Mr. Zehler- Second.

1662

1663 Mr. Archer - The motion was made by Mrs. Dwyer and seconded by Mr. Zehler. All in
1664 favor say aye...all oppose say nay. The motion passes.

1665

1666 The Planning Commission approved the landscape and lighting plan for LP/POD-63-97 Brighton
1667 Gardens by Marriott, subject to the standard conditions and the annotations on the plans. Mr.
1668 Donati was absent.

1669

1670 Mr. Archer - Okay. Let's proceed where we left off, Mr. Secretary.

1671

1672 **SUBDIVISION (Deferred from the May 26, 1998, Meeting)**

1673

Ward's Acre
(May 1998 Plan)

Tom Hardyman for Inez A. Caudill and Meredith L. Minter: The 1.2-acre site is located on the northwest corner of Ward Road and Battlefield Road on parcel 33-A-28A. The zoning R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 3 Lots**

1674

1675 Mr. Archer - Is there anyone in the audience in opposition to subdivision Ward's Acre
1676 (May 1998 Plan)? No opposition. Mr. McGarry.

1677

1678 Mr. McGarry -Mr. Chairman, staff can recommend approval subject to the annotations on the
1679 plans and the standard conditions for this subdivision which will be served by public utilities and
1680 to further that condition No. 12 clarifies that public utilities will be used for the existing house as
1681 well.

1682

1683 Mr. Archer - Are there any question of Mr. McGarry by Commission members? No
1684 questions. I don't think I need to hear from the applicant on this one. Therefore, I move for
1685 approval of subdivision Ward's Acre subject to the annotations on the plans, the standard
1686 conditions for subdivisions served by public utilities, and the addition of condition No. 12.

1687

1688 Mr. Vanarsdall - Second.

1689

1690 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
1691 in favor say aye...all oppose say nay. The motion passes.

1692

1693 The Planning Commission granted conditional approval to subdivision Ward's Acre (May 1998
1694 Plan), subject to the standard conditions attached to these minutes, the annotations on the plan,
1695 and the following additional condition. Mr. Donati was absent.

1696

1697 12. The septic tank/drainfield serving Lot 3 shall be abandoned and served by public water and
1698 sewer.

1699

1700 Mr. Archer - We deferred Elkridge Parkway and I have a question and I don't know if
1701 this is the proper time to ask it, but I'll ask it anyway. The plan is for this parkway as proposed to
1702 align with I believe it's St. Claire Lane. There is an Elkridge Lane that is on the opposite side of
1703 Mechanicsville Turnpike that I think, initially, we were planning on aligning this with. Would it be
1704 proper to have the name of this proposed street be St. Claire Lane, instead of Elkridge Lane since
1705 it would no longer line up with Elkridge Lane? I just thought I'd throw that out because I might
1706 not think about it again. Maybe we can think about that until at such time as the next meeting. I
1707 don't know who is responsible for doing the naming but....

1708

1709 Mr. Marlles - Staff can look at that for you.

1710

1711 Mr. Archer - Now, where was I. Okay. POD-63-98.

1712

1713 **PLAN OF DEVELOPMENT**

1714

POD-63-98

Rehrig International –
Elkridge Industrial
Park

TIMMONS for Edward E. West, Jr. Et Al and Magnolia Development 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, 307,394 square foot manufacturing facility. The 35.3-acre site is located along the west line of Mechanicsville Turnpike, approximately 700 feet south of the Showplace entrance on part of parcels 128-A-2, 3, 7 and 9. The zoning is M-2, General Industrial District and B-3, Business District. County water and sewer. **(Fairfield)**

1715

1716 Mr. Archer - Is there anyone in the audience in opposition to POD-63-98, Rehrig
1717 International Elkridge Industrial Park? No opposition. Mr. McGarry.

1718

1719 Mr. McGarry - Since the subdivision would dedicate a road to serve, actually the whole
1720 subdivision, that plan has been deferred. That sets aside one of the staff's concerns which related
1721 to the actual alignment with Mechanicsville Turnpike. The second issue has to do with the
1722 applicant and the Fire Department and I think they are now in agreement with the extent of a fire
1723 lane to be provided to serve the site, to serve this building, certainly. Since the developer owns all
1724 of the property with the Mechanicsville access, staff can recommend approval of the POD without
1725 Elkridge Lane being resolved at this time.

1726

1727 Mr. Archer - So, would we eliminate No. 23 from the conditions at this point? I guess
1728 we can't eliminate it though.

1729

1730 Mr. McGarry - No, we can't. We just bought him some time on getting all the property owners to
1731 get an agreement on the new location that's being proposed. To have the master plan approval,
1732 he still needs the road dedication. And, with that, staff can recommend approval of this POD
1733 subject to the standard conditions plus conditions Nos. 23 through 29. I'd be happy to answer
1734 any questions.

1735

1736 Mr. Archer - Are there any questions of Mr. McGarry by Commission members? No
1737 questions. I think I do need to hear from the applicant. Thank you, Mr. McGarry.

1738

1739 Mr. Saunders - I'm Sam Saunders with TIMMONS. I'm the civil engineer and Gene West
1740 is here representing the West Family and Magnolia Development.

1741

1742 Mr. Archer - Can you tell us, I have had a few calls on this, well, one call that
1743 represented a whole lot of people. Can you tell us on the northeast side, I guess it is of the
1744 building, the side that points toward Mechanicsville. How close are we to the nearest residents
1745 from the edge of the building?

1746

1747 Mr. Saunders - You have another whole piece of land in there that the West family owns.

1748

1749 Mr. Archer - It looks like quite a bit, but I promised the person that called that I would
1750 ask that question.
1751

1752 Mr. Saunders- Yes, sir. It's several hundred feet. Are you talking about the north
1753 towards Mechanicsville Turnpike?
1754

1755 Mr. Archer- Yes, towards Mechanicsville, towards the Pepsi plant.
1756

1757 Mr. Saunders - Yes. You've got quite a bit of space in there where this whole piece of
1758 land above is still owned by the West family.
1759

1760 Mr. Archer - Okay. And the second question is in the manufacturing process what kind
1761 of noise level can we expect, that comes from the plant?
1762

1763 Mr. Saunders - I don't know that I can give you that answer. I need to have the
1764 representative of Rehrig and he couldn't be here today. I know that there is a plant downtown
1765 and having walked around it you don't hear a lot of sound outside.
1766

1767 Mr. Archer- Where is that plant located?
1768

1769 Mr. Saunders- They are in an old warehouse down off of Lombardy Street. It's an old
1770 brick building.
1771

1772 Mr. Archer - Is it Lombardy and Leigh Streets?
1773

1774 Mr. Saunders- Yes, sir, down in that area. I can't swear to the noise condition but I will
1775 tell you that this site is down in a hole. If you have seen it, looking from the Show Place, it's
1776 down in a hole. And you are going to have a residue piece to the northeast that's going to be in
1777 there blocking a lot of it off. The other side of the tract is also vacant land owned by the West
1778 family.
1779

1780 Mr. Archer - And we were able to resolve the issue concerning the fire lane.
1781

1782 Mr. Saunders- Yes, sir. We are going to work with the Fire Marshall, it's mainly just a
1783 matter of how that's going to be paved and the exact location of it. I think we've got that worked
1784 out.
1785

1786 Mr. Archer- All right. That's all I have, unless somebody else has further questions.
1787

1788 Mrs. Wade - What do they manufacture?
1789

1790 Mr. Saunders- They make the plastic shopping carts that you see at Wal Mart or wherever
1791 and also the plastic baskets. They are in the City right now and they don't want to move too far
1792 from where they are so that their employees can keep working for them.
1793

1794 Mrs. Wade - Thank you.

1795

1796 Mr. Archer- Thank you, sir. I think we have resolved the issues that are fresh in my
1797 mind anyway, except for the approval of the road back here. So, with that, I move approval of
1798 POD-63-98, Rehrig International subject to the standard conditions for developments of this type
1799 and conditions Nos. 23 through 29 and we will note in condition No. 23 that we are not exactly
1800 sure what we will name Elkridge Parkway when the proper time comes, possibly St. Claire
1801 Parkway.

1802

1803 Mr. Zehler - Second.

1804

1805 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Zehler. All in
1806 favor say aye...all oppose say nay. The motion passes.

1807

1808 The Planning Commission approved POD-63-98, Rehrig International – Elkridge Industrial Park,
1809 subject to the standard conditions attached to these minutes, the annotations on the plans, and the
1810 following additional conditions. Mr. Donati was absent.

1811

1812 23. The subdivision plat Elkridge Parkway (name of approved tentative) shall be recorded
1813 before any occupancy permits are issued.

1814 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
1815 in its approval of the utility plans and contracts.

1816 25. The certification of building permits, occupancy permits and change of occupancy permits
1817 for individual units shall be based on the number of parking spaces required for the
1818 proposed uses and the amount of parking available according to approved plans.

1819 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1820 County Attorney prior to final approval of the construction plans by the Department of
1821 Public Works.

1822 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1823 approved by the County Engineer prior to final approval of the construction plans by the
1824 Department of Public Works.

1825 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and
1826 contracts and must be approved by the Department of Public Utilities prior to the issuance
1827 of a building permit.

1828 29. Approval of the construction plans by the Department of Public Works does not establish
1829 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1830 elevations will be set by Henrico County.

1831 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1832 **(Deferred from the May 26, 1998, Meeting)**

1833

POD-35-98
Canterbury Green,
Phase IV

TIMMONS for Wilton Family Ltd. III : Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a two-story, 7,567 square foot office building on part of parcel 89-A-17. The 0.660 acre site is located southwest of the intersection of Patterson Avenue and Pump Road.. The zoning is B-2C, Business District (Conditional). County water and sewer **(Tuckahoe)**

1834

1835 Mr. Archer - Is there anyone in the audience in opposition to POD-35-98? No
1836 opposition. Mr. Whitney.

1837

1838 Mr. Whitney - Thank you, Mr. Chairman. As indicated in the staff report, having not received a
1839 revised plan, that's not altogether correct. The revised plan, we did receive in time to include in
1840 your packets. However, you didn't receive the original staff plan and I have copies of that if
1841 Commission members need to see that. Does anyone need to see the old staff plan? Okay. With
1842 this revised plan, I'll point you to the clouded areas, on the west side of the property. We have
1843 gotten a five-foot landscape area between the two parking areas, one being at the child care center
1844 and one for this proposed development. We have continued the annotation regarding the raised
1845 landscaped area at the overhead door and loading dock area. On the easterly parking area, the
1846 eastern property line, the situation here is we eliminated four parking spaces to allow for more
1847 landscape areas. The other two clouded areas deal with the transitional buffer situation which is
1848 included in your approval. We have two options that are present before you today regarding this
1849 transitional buffer. One is to have the six-foot-high screening wall that's on the east side moved
1850 northerly to extend from the southeast corner of the building. That would have a wall to the
1851 building, the building then would perform as a part of the buffer and then the wall on the left side
1852 of your plan that's included in the dumpster screen would be the other part of the buffer.

1853

1854 Option number two would leave the six-foot screening wall on the right-hand side or the eastern
1855 side of this project where it is but it would be continued and then a brick wall would be tie in all
1856 the way along the back to the wall at the dumpster screen. With that, I will take any questions,
1857 and staff can recommend approval of this plan with either of those two options I presented to
1858 you.

1859

1860 Ms. Dwyer- Did the applicant indicate which of those options he prefers?

1861

1862 Mr. Whitney - The applicant is here and maybe he can give you which options they would prefer.

1863

1864 Mr. West - Hi. I'm Junie West with TIMMONS, representing the applicant. The
1865 applicant chooses option two. I understand that with either option that the intent is to remove the
1866 wooden fence along the length of the property to the rear.

1867

1868 Ms. Dwyer - Right.
1869
1870 Mr. West - With that, we think that we would prefer to have as much rear yard as
1871 possible screened to the property to the rear, and we would prefer option two.
1872
1873 Ms. Dwyer - Which is to extend the brick wall in a continuous line across the property,
1874 the length of the property.
1875
1876 Mr. West - I understand with option two it would be actually be to the westernmost
1877 portion edge of the building extended and then turn to the screening for the extension of the
1878 dumpster wall. Do you have that revised sketch?
1879
1880 Ms. Dwyer - I thought I had it written down but maybe you need to come forward and
1881 to show me exactly what we are talking about.
1882
1883 **Mr. West approached the podium to discuss the rendering.**
1884
1885 Mr. West - This is an extension of this dumpster wall so it is all one continuous stream
1886 here.
1887
1888 Ms. Dwyer - And this is what, brick or...?
1889
1890 Mr. West - Yes.
1891
1892 Ms. Dwyer - And it's all brick.
1893
1894 Mr. West - Right and this would actually suffice two for one, this screening, here,
1895 which this fence would come down along, here. This would act as a screening wall and also
1896 suffice for the operation to use this as a loading area.
1897
1898 Ms. Dwyer- All right. So, we are going with option two, which is essentially a brick
1899 wall along the length of the property.
1900
1901 Mr. West - Let me further extend on that. Option two is what we choose. The only
1902 reason we would have to defer back to option one, would be if there is some problem with
1903 Virginia Power and the overhead power. At this point in time, their easement plats leaves a lot to
1904 be desired. It is our opinion, however, that that easement is not on our property and I can't
1905 imagine that then the utility line would be a problem. But, if they do have a problem with that I
1906 would still choose, if we can't put it on the property line, to put it as close to their power line as
1907 possible. The other condition pertaining to the relocation of the overhead, well, the power pole
1908 that sits in the newly formed landscape island, if you would, on the east side of the building. The
1909 client is in agreement to relocate that up to a certain point. We are not sure what we are
1910 committing to. What we are willing to say is that if we can relocate that pole for under \$10,000,
1911 we will do that. It would be my opinion that that is probably the case. I would dare say that that
1912 pole is probably not any more than a service line pole.

1913
1914 Ms. Dwyer - So, we will leave the annotation on there then that this pole will be
1915 relocated.
1916
1917 Mr. West - I do want to know what our options are if it is something prohibitively
1918 expensive.
1919
1920 Ms. Dwyer - I guess you could come back and we will talk about it again. Part of the
1921 reason here was to have this encumbered landscape bed and that's why we've agreed to forego
1922 some of the other requirements for buffers and things.
1923
1924 Mr. West - I understand. I would prefer to put a condition that we can relocate that if
1925 it is less than \$10,000, and that if it is more than \$10,000 we open up a dialogue between us about
1926 that. I really don't think that's going to be a problem.
1927
1928 Ms. Dwyer - Well, since you don't think it will be a problem, we'll just put the
1929 annotation to relocate it and then we'll open up a dialogue if it ends up to be more than that.
1930
1931 Mr. West - It sounds like you want me back if it is. Okay.
1932
1933 Mrs. Wade- Is the screening wall now six feet or eight feet? It seems to be eight behind
1934 the dumpster.
1935
1936 Mr. West - It's eight behind the dumpster because of the difference in grade there.
1937 Well, actually it's six and eight. And it would be six all the way to the dumpster extended.
1938
1939 Mr. Archer - Are there any other questions of Mr. West? Okay, Ms. Dwyer.
1940
1941 Ms. Dwyer - Do I need to make a separate motion for approving the transitional buffer
1942 deviation or can I do it all in one motion?
1943
1944 Mr. Marlles - Yes, you can do it all in one motion.
1945
1946 Ms. Dwyer - Okay. I move the approval of the plan of development for POD-35-98,
1947 Canterbury Green, Phase IV and the transitional buffer deviation, approving options one and two
1948 assuming we are going to proceed with option two unless there is some problem with.....
1949
1950 Mr. Whitney - I think we can go ahead with option two, I may suggest that I can annotate the
1951 plan that it may have to be adjusted to stay out of the Virginia Power easement.
1952
1953 Ms. Dwyer - Okay. So, we will just go ahead and approve then option two as a part of
1954 the motion.
1955
1956 Mr. Whitney - Correct.
1957

1958 Ms. Dwyer - And relocating the power pole. Also, including all of the standard
1959 conditions for developments of this type and additional conditions Nos. 23 through 31 and also
1960 No. 9 amended.

1961

1962 Mr. Vanarsdall - Second.

1963

1964 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All
1965 in favor say aye...all oppose say nay. The motion passes.

1966

1967 The Planning Commission approved the transitional buffer deviation and plan of development for
1968 POD-35-98, Canterbury Green, Phase IV, subject to the standard conditions attached to these
1969 minutes, the annotations on the plan and the following additional conditions. Mr. Donati and Mr.
1970 Zehler were absent.

1971

1972 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1973 review and Planning Commission approval prior to the issuance of any occupancy permits.

1974 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1975 the County in a form acceptable to the County Attorney prior to any occupancy permits
1976 being issued.

1977 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
1978 in its approval of the utility plans and contracts.

1979 25. All repair work shall be conducted entirely within the enclosed building.

1980 26. Outside storage shall not be permitted.

1981 27. The certification of building permits, occupancy permits and change of occupancy permits
1982 for individual units shall be based on the number of parking spaces required for the
1983 proposed uses and the amount of parking available according to approved plans.

1984 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
1985 approved by the County Engineer prior to final approval of the construction plans by the
1986 Department of Public Works.

1987 29. The loading areas shall be subject to the requirements of Chapter 22, Section 22-97(b) of
1988 the Henrico County Code.

1989 30. Insurance Services Office (ISO) calculations must be included with the utilities plans and
1990 contracts and must be approved by the Department of Public Utilities prior to the issuance
1991 of a building permit.

1992 31. Evidence of a joint ingress/egress maintenance agreement must be submitted to the
1993 Planning Office and approved prior to issuance of a certificate of occupancy for this
1994 development.

1995

1996

1997 **PLAN OF DEVELOPMENT**

1998

POD-64-98
Dodson Brothers
Exterminating

TIMMONS for Dodson Brothers Exterminating: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 1,800 square foot office and a one-story, 1,444 garage. The 1.09-acre site is located on Brook Road (U. S. Route 1), approximately 50 feet south of Georgia Avenue on parcel 53-0A-12. The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

1999

2000 Mr. Archer - Is there anyone in the audience in opposition to POD-64-98, Dodson
2001 Brothers Exterminating? No opposition. Mr. Strauss.

2002

2003 Mr. Strauss - Thank you, Mr. Chairman. This project was also the subject of a rezoning
2004 last May before the Board. Staff has some questions regarding the building materials. There
2005 were no conditions for building materials as of a result of the rezoning, as the rezoning affected
2006 only the small .3-acre area at the back of this site for B-3C. I did ask some questions about the
2007 building materials. Mr. Matt Dunn is here representing the applicant. He's with TIMMONS. He
2008 indicated that the building materials would be a combination of split-face block and the garage
2009 will be metal siding. I believe there is some metal siding on the back of the main building. I
2010 would like to defer any other detailed questions about the building materials to him. With that
2011 staff can recommend approval of this application per the standard conditions and the conditions
2012 on the agenda. I'll be happy to answer any questions you may have.

2013

2014 Mr. Archer - Mr. Strauss, considering the location of this building and its visibility from
2015 the highway, are you satisfied with the building material as indicated?

2016

2017 Mr. Strauss - To the extent that, I guess you can say we have purview over that, I can. I
2018 believe that there is also going to be some split-face block facing the street. The intention was to
2019 dress up the building on that side facing the street.

2020

2021 Mr. Archer - I seem to remember that from the zoning case. Okay. Thank you. Are
2022 there any questions of Mr. Strauss? I have a couple of questions for the applicant.

2023

2024 Mr. Dunn - Hi. I'm Matt Dunn from TIMMONS, representing the applicant.

2025

2026 Mr. Archer - Will there be any need for having an outside dumpster on this site?

2027

2028 Mr. Dunn - Generally, what their practice is they take care of their trash by themselves
2029 so there will not be a dumpster on site.

2030

2031 Mr. Archer - So, there won't be a dumpster at all?

2032

2033 Mr. Dunn - Right.

2034

2035 Mr. Archer - And the second building, would you let the other Commission members
2036 know what that building is for.

2037

2038 Mr. Dunn - The garage?

2039

2040 Mr. Archer - Yes. Just for storage. Will there be any pesticides or materials stored in
2041 there along with the vehicles?

2042

2043 Mr. Dunn - No. They generally go by just in time delivery system so there won't be
2044 anything on site tops 30 days. What the garage is for, that's where they fill up their trucks and
2045 there will be a spill containment inside the garage in case there is any overflow or leakage. There
2046 will be something submitted with that showing it.

2047

2048 Mr. Archer - I believe also, if I can remember correctly, there was a meeting that was
2049 held with some neighbors who had also been meeting on another zoning case. Wasn't there some
2050 type of buffer indicated between the neighboring property and your property.

2051

2052 Mr. Dunn - Yes. That .3 acre that was rezoned to B-3C, there is a 40-foot natural
2053 buffer to remain.

2054

2055 Mr. Archer- And that was to their satisfaction as I recall. Okay. Are there any further
2056 questions? Thank you, sir. Mr. Strauss, do you have anything else to add?

2057

2058 Mr. Strauss - No, sir.

2059

2060 Mr. Archer - Okay. With that, I move approval of POD-68-98, Dodson Brothers
2061 Exterminating subject to the annotations on the plan, the standard conditions for developments of
2062 this type and the additional conditions Nos. 23 through 31.

2063

2064 Mr. Vanarsdall - Second.

2065

2066 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
2067 in favor say aye...all oppose say nay. The motion passes.

2068

2069 The Planning Commission approved POD-64-98, Dodson Brothers Exterminating, subject to the
2070 standard conditions attached to these minutes, the annotations on the plan, and the following
2071 additional conditions. Mr. Donati was absent.

2072

2073 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2074 the County in a form acceptable to the County Attorney prior to any occupancy permits
2075 being issued.

2076 24. The entrances and drainage facilities on Brook Road (U. S. Route 1) shall be approved by
2077 the Virginia Department of Transportation and the County.

2078 25. A notice of completion form, certifying that the requirements of the Virginia Department

2079 of Transportation entrances permit have been completed, shall be submitted to the
2080 Planning Office prior to any occupancy permits being issued
2081 26. The developer shall provide fire hydrants as required by the Department of Public Utilities
2082 in its approval of the utility plans and contracts.
2083 27. Outside storage shall not be permitted.
2084 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2085 County Attorney prior to final approval of the construction plans by the Department of
2086 Public Works.
2087 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
2088 approved by the County Engineer prior to final approval of the construction plans by the
2089 Department of Public Works.
2090 30. Insurance Services Office (ISO) calculations must be included with the utilities plans and
2091 contracts and must be approved by the Department of Public Utilities prior to the issuance
2092 of a building permit.
2093 31. Approval of the construction plans by the Department of Public Works does not establish
2094 the curb and gutter elevations along the Virginia Department of Transportation maintained
2095 right-of-way. The elevations will be set by the contractor and approved by the Virginia
2096 Department of Transportation.

2097

2098 **PLAN OF DEVELOPMENT**

2099

POD-59-98
7-11 Store –
Short Pump

Grattan Associates, P.C. for Southland Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,136 square foot convenience store with fuel pumps. The 1.34-acre site is located on the northeast corner of W. Broad Street (U. S. Route 250) and Pouncey Tract Road (State Route 271). The zoning is B-3, Business District and WBSO (West Broad Street Overlay District). County water and sewer (**Three Chopt**)

2100

2101 Mr. Archer - Is there anyone in the audience in opposition to POD-59-98, 7-11 Store –
2102 Short Pump? No opposition. Mr. Whitney.

2103

2104 Mr. Whitney - Thank you, Mr. Chairman. I would like to remind the Commission that this is in
2105 the West Broad Street Overlay District. With that in mind, annotation No. 7 pointed to the
2106 applicant incorporating design standards and guidelines that are included with the Overlay District
2107 in this project. With that the applicant has agreed to make the building brick. In addition, the
2108 columns under the canopy they have also offered those to be brick. And as well, a mansard roof
2109 has been suggested, they added that as the third item. Condition No. 33 on your agenda I would
2110 point out to you concerns Pouncey Tract Road. VDOT had some comments on this, however, I
2111 have not received anything in writing from them but there are still some outstanding issues here.
2112 One being the left turn maneuver in and out of this project. There will be only one entrance on
2113 Pouncey Tract Road. That is agreed upon by the traffic engineer and VDOT. However, this
2114 condition is worded that when we get final plans for signature that VDOT will have to approve
2115 them as well, and hopefully, at that time, they will have their considerations with this site in order.

2116 I'll take any questions you may have.

2117

2118 Mr. Archer - Thank you, Mr. Whitney. Are there any questions of Mr. Whitney by the
2119 Commission?

2120

2121 Mrs. Wade- So they are going to be eliminating, I assume, the access on Pouncey Tract
2122 closer to Broad.

2123

2124 Mr. Whitney - The southern access will be removed on Pouncey Tract Road. There will be one
2125 remaining on the northern boundary.

2126

2127 Mrs. Wade - The rear one will stay where it is?

2128

2129 Mr. Whitney- The southern entrance will be closed, yes.

2130

2131 Mrs. Wade - You made several comments of recent changes, a mansard roof. They are
2132 going to have brick columns, okay. At one time there was some discussion about six feet
2133 between here and the Jiffy Lube. Is there any space left there?

2134

2135 Mr. Whitney- I had some discussions with Stuart Grattan, the engineer on that. On your
2136 plan it's cloudy in that area. I didn't know what it was on the plan. It's not clear that that's a
2137 dumpster area on the northern boundary. Mr. Grattan may be able to answer that question but
2138 staff did ask for a six-foot landscape area there.

2139

2140 Mrs. Wade - And the dumpster screen is going to match the store, brick like the store?

2141

2142 Mr. Whitney - Yes.

2143

2144 Mrs. Wade - Okay. That's all I have.

2145

2146 Mr. Archer - Thank you, Mrs. Wade. Are there further questions for Mr. Whitney?
2147 Mrs. Wade, do you need to hear from the applicant?

2148

2149 Mrs. Wade - Yes. I have just a couple of questions.

2150

2151 Mr. Archer - Will the applicant come forward, please.

2152

2153 Mr. Grattan - Good morning. My name is Stuart Grattan with Grattan & Associates,
2154 representing the Southland Corporation.

2155

2156 Mrs. Wade - The six feet between here and the Jiffy Lube is it...

2157

2158 Mr. Grattan - I believe we discussed that in the staff/developers meeting.

2159 Mrs. Wade - You've got one piece up near the corner and then you've got more behind
2160 the building so it's really only a small space there.

2161

2162 Mr. Grattan - Southland Corporation recognizes the need for an enlarge dumpster
2163 enclosure that would enclose two dumpsters. So, we need a wide apron in access to get the
2164 trucks to it. That's why we are backed up to the property line as far as we are. Mr. Whitney and
2165 I discussed the point of holding the curve at the dumpster pad then rather having that reverse
2166 curve, take a straight line back to the return at Pouncey Tract Road and that would provide 12
2167 feet up at Pouncey Tract and zero back by the dumpster which would average out to six feet.
2168 That would work. But I do think we need the access to get two dumpsters and a truck to both
2169 dumpsters in that pad.

2170

2171 Mrs. Wade - I understand. I don't know if we average out exactly that way but I
2172 assume.... But, there will be some up closer to the road and then there will be some back in the
2173 rear corner.

2174

2175 Mr. Grattan - Yes. That's correct.

2176

2177 Mrs. Wade- ...towards the shopping center. I know technically this is not a part of the
2178 shopping center. I know the lights are not on here now but we talked about the flush lights under
2179 the canopy.

2180

2181 Mr. Grattan - Yes. Southland indicated that they had no problem with the flush mounted
2182 lighting underneath the canopy.

2183

2184 Mrs. Wade - Okay. I looked at one out on Route 360 and it looked as if it had been
2185 redone and they had the drop lights, but here you have agreed to the others. There is not enough
2186 canopy even if they were acceptable to hide them in this case.

2187

2188 Mr. Grattan - We are agreeing to a standing metal seam mansard roof on the building.
2189 We do not want to have to place that on the canopy. If that's okay. The flat roof canopy is
2190 pretty crucial to Southland Corporation.

2191

2192 Mrs. Wade - And the bricks, we had the sample, which I got week before last, and I was
2193 away and hadn't gotten out there to see, because the guidelines were to encourage some
2194 compatibility with whatever is out there, and I haven't had a chance to take that out to double
2195 check that. So, we will go ahead and approve this today and then talk about the bricks, the final
2196 color, administratively, in a few days.

2197

2198 Mr. Grattan - I think that's acceptable.

2199

2200 Mrs. Wade - Before building permit time.

2201

2202 Mr. Grattan - That will be fine. We just don't want that decision to be put off and hold
2203 up construction or something down the road. That's fine.

2204 Mrs. Wade -

Okay. Thank you.

2205

2206 Mr. Grattan - I have one more point I would like to bring up. In regards to the
2207 conditions, I believe it's No. 28, prohibiting outside storage. We have an intended area behind the
2208 building adjacent to the dumpster. For storage of racks and so on, which involves bringing in
2209 produce and, once they are emptied, they will be stored in this screened area behind the building.
2210

2211 Mrs. Wade - What are you going to screen that with?
2212

2213 Mr. Grattan - The same material as the dumpster screening. It will match the building.
2214

2215 Mrs. Wade - It will be brick.
2216

2217 Mr. Grattan - It will be brick, yes, ma'am. I just want to clarify for the minutes that
2218 intent is there and that that can be done without violating that condition No. 28.
2219

2220 Mr. Zehler - You will probably need to reword that, Mrs. Wade, and say "unless
2221 otherwise screened."
2222

2223 Mrs. Wade - Okay.
2224

2225 Mr. Grattan - I may have a wording that may work. If we add to it, quote, foregoing
2226 "Shall not preclude storage of merchandise, delivery racks and beverages racks in a location and
2227 as screened as shown on the POD."
2228

2229 Mr. Zehler - It sounds like Mr. Theobald wrote that.
2230

2231 Mrs. Wade - Mr. Whitney, what do you think about that?
2232

2233 Mr. Archer - Are there any further questions of Mr. Grattan?
2234

2235 Mr. Silber - I have a question for Mr. Grattan, if I could. And, then, maybe if we
2236 could get Mr. Whitney to make sure we have that language that was stated. The edge of the, in
2237 lack of a better term, the edge of the canopy, it's on the reduced plan, we can't read this, but does
2238 it have different colors that's shown on the edge or how is that going to be treated?
2239

2240 Mr. Grattan - The edge of the canopy... Mr. Whitney requested a picture, which I believe
2241 is heading to you now. It is to be striped with traditional 7-11/colors. It is not to be back lit, and
2242 I think with those conditions everything I've heard from staff is that that is acceptable. I believe
2243 the Amoco just to the west of us has a similar design on the canopy with striping and signage
2244 around the entire perimeter of the canopy. And I don't know if that's back lit or not, but we are
2245 not intending to back light our canopy.
2246

2247 Mr. Zehler - Mr. Silber, can I ask you a question?
2248 Mr. Silber - Go ahead.
2249

2250 Mr. Zehler - What is the difference between that and signage?

2251

2252 Mr. Silber - Well, it raises a good question. I think if there was some logo associated
2253 with it, if there was wording across it or lettering across it, I think it would be considered signage.

2254

2255 Mr. Vanarsdall - The answer is not much.

2256

2257 Mrs. Wade - It's an attention getting device.

2258

2259 Mr. Zehler - You can see the automotive market, not only your service stations and
2260 convenient foods stores, but your auto parts, and I've got one coming up today that's very similar
2261 to this and that's the now thing. They are doing the bright colors and my question is there's no
2262 difference between that and the sign and the billboards, but they are doing it with their buildings
2263 now, the canopies and whatsoever. If you will notice in the front of that store, you will still see
2264 the colors going across the front of it.

2265

2266 Mr. Silber - Yes, sir.

2267

2268 Mr. Zehler - Which to me, I don't see any difference between that and signage.

2269

2270 Mrs. Wade - It's more of an attention getting device.

2271

2272 Mr. Silber - I think we would have to look at it on a case by case basis. But it does
2273 begin to spill into a sign situation. Mr. Whitney, do you have the language that was suggested on
2274 modifying condition No. 28?

2275

2276 Mr. Whitney - No. I wasn't able to write that down in time. It was read very quickly. However,
2277 we do have guidelines that cover that in the West Broad Street Overlay District, if we want to just
2278 fall back on that.

2279

2280 Mrs. Wade - In B-3 it's allowed if it's screened, is that the case?

2281

2282 Mr. Whitney - That's correct. It shall be screened from view at the property line, is the wording
2283 in the Overlay District guidelines or design standards, excuse me.

2284

2285 Mrs. Wade - Is it from the property line or just screened from view?

2286

2287 Mr. Whitney - From view at the property line. Screened from view at the property line.

2288

2289 Mrs. Wade - And they need to keep everything in there. Most stores we have pallets.

2290

2291 Mr. Whitney - I would hope that they would keep all their pallets and everything in that area.

2292

2293 Mrs. Wade - And is there some way to get into the building from there?

2294

2295 Mr. Whitney - Yes. I believe there is a door to the rear of the building that would access the

2296 sidewalk that goes to the storage area and to the dumpster.

2297

2298 Mrs. Wade - And it is not to go on that part that looks like grass back there.

2299

2300 Mr. Whitney - Pardon me?

2301

2302 Mrs. Wade - The part around the building that looks like landscaped area, in the back
2303 corner behind the building.

2304

2305 Mr. Whitney - Yes, that would be an area we could landscape back there.

2306

2307 Mrs. Wade - You are not going to put anything back there except just to screen some of
2308 that. Okay. And you are screening it with a brick dumpster. And another thing I noticed about
2309 the 7-11 out on Route 360, they had grass in the front but there wasn't a twig planted, bush, nor
2310 tree which is sort of traditional with 7-11 landscaping. We would, of course, here, more is
2311 required by the Overlay. Okay. Thank you.

2312

2313 Mr. Archer - Okay. Are there any further questions? All right. Mrs. Wade.

2314

2315 Mrs. Wade - I move, therefore, that POD-59-98, 7-11 Store at Short Pump be approved
2316 with what would show up as one access on Pouncey Tract. A brick building with the brick color
2317 final decision to be made prior to building permit and done soon. Dumpster screens with brick
2318 materials to match the building, a mansard roof, and brick columns. Is that all the way up or part
2319 of the way up?

2320

2321 Mr. Grattan - All the way up.

2322

2323 Mrs. Wade- Amend condition No. 28 to read "Outside storage shall not be permitted
2324 unless screened from view at the property line." Is that everything?

2325

2326 Mr. Whitney - Did you mention the six-foot landscape area? Do you want that annotated? And I
2327 would add on that that the traffic engineer may want to look at that.

2328

2329 Mrs. Wade - Well, it's not going to go all the way across there though. They don't have
2330 room enough for that all the way across there. Isn't that what he said? It will be a little
2331 rectangular up near the street and then the part behind the store. So, they are basically a few feet
2332 there that won't be.

2333

2334 Mr. Whitney - I can annotate the plan and I'll run it by the traffic engineer to make sure it's okay
2335 with him.

2336

2337 Mrs. Wade - Be sure he has room for his truck to get in to the dumpster.

2338

2339 Mr. Whitney - Correct.

2340

2341 Mrs. Wade - All right. With those changes, then, I move that POD-59-98 be approved
2342 subject to the standard conditions, the annotations on the plan, Nos. 9 and 11 amended and Nos.
2343 23 though 33 and I'll amend No. 28, as I said: No outside storage shall be permitted unless
2344 screened from view at the property line.

2345

2346 Mr. Vanarsdall - Second.

2347

2348 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
2349 in favor say aye...all opposed say nay. The motion passes.

2350

2351 Ms. Dwyer - Mrs. Wade, the language on No. 28 said "no outside storage unless
2352 screened from view at the property line." Did you mean....

2353

2354 Mrs. Wade - With the brick.

2355

2356 Ms. Dwyer - So, it couldn't be done with landscaping or anything. That was the
2357 question that came to mind.

2358

2359 Mrs. Wade - They did say they would near the property line with brick enclosure.
2360 That's what they agreed to, with brick enclosure.

2361

2362 The Planning Commission approved POD-59-98, 7-11 Store – Short Pump, subject to the
2363 standard conditions attached to these minutes, the annotations on the plans, and the following
2364 additional conditions. Mr. Donati was absent.

2365

2366 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2367 review and Planning Commission approval prior to the issuance of any occupancy permits.

2368 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2369 depictions of light spread and intensity diagrams and fixture mounting height details shall
2370 be submitted for Planning Office review and Planning Commission approval.

2371 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2372 the County in a form acceptable to the County Attorney prior to any occupancy permits
2373 being issued.

2374 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
2375 approved by the Virginia Department of Transportation and the County.

2376 25. A notice of completion form, certifying that the requirements of the Virginia Department
2377 of Transportation entrances permit have been completed, shall be submitted to the
2378 Planning Office prior to any occupancy permits being issued.

2379 26. The developer shall provide fire hydrants as required by the Department of Public Utilities
2380 in its approval of the utility plans and contracts.

2381 27. A standard concrete sidewalk shall be provided along the east side of Pouncey Tract Road
2382 (State Route 271).

2383 28. Outside storage shall not be permitted, unless screened from view at the property line.

2384 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2385 County Attorney prior to final approval of the construction plans by the Department of

2386 Public Works.
2387 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
2388 approved by the County Engineer prior to final approval of the construction plans by the
2389 Department of Public Works.
2390 31. Insurance Services Office (ISO) calculations must be included with the utilities plans and
2391 contracts and must be approved by the Department of Public Utilities prior to the issuance
2392 of a building permit.
2393 32. Approval of the construction plans by the Department of Public Works does not establish
2394 the curb and gutter elevations along the Virginia Department of Transportation maintained
2395 right-of-way. The elevations will be set by the contractor and approved by the Virginia
2396 Department of Transportation.
2397 33. Any other improvements on State Route 271 shall be approved by the Virginia
2398 Department of Transportation and the County prior to final approval of the construction
2399 plans.

2400

2401 **SUBDIVISION**

2402

Varina Point
(June 1998 Plan)

Engineering Design Associates for New Life Baptist Church and Lee Conner Construction: The 3.7-acre site is located on the south line of Oakland Road, approximately 885 feet east of Osborne Turnpike on parcel 180-A-116. The zoning is R-3, One-Family Residence District. County water and sewer. **(Varina) 11 Lots**

2403

2404 Mr. Archer - Is there anyone in the audience in opposition to subdivision Varina Point?
2405 No opposition. Ms. News.

2406

2407 Ms. News - Staff has completed its review of the revised plan in your packet and can
2408 recommend approval of the plan.

2409

2410 Mr. Archer - Are there any question of Ms. News by Commission members?

2411

2412 Mr. Zehler - I have no questions, Mr. Chairman. There is no opposition on this case. I
2413 move Varina Point subdivision be approved subject to the standard conditions for subdivisions
2414 served by public utilities and the following additional conditions Nos. 12 and 13.

2415

2416 Mr. Vanarsdall - Second.

2417

2418 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All
2419 in favor say aye...all oppose say nay. The motion passes.

2420

2421 The Planning Commission granted conditional approval to subdivision Varina Point (June 1998
2422 Plan), subject to the standard conditions attached to these minutes, the annotations on the plan,
2423 and the following additional conditions. Mr. Donati was absent.

2424

- 2425 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
2426 foot
2427 wide planting strip easement along Oakland Road shall be submitted to the Planning Office
2428 for review and approval prior to recordation of the plat.
- 2429 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
2430 maintenance of the common requesting the first occupancy permit. The area by a
2431 homeowners association shall be submitted to the Planning Office for review. Such
2432 covenants and restrictions shall be in form and substance satisfactory to the County
2433 Attorney and shall be recorded prior to recordation of the subdivision plat.

2434

2435 **PLAN OF DEVELOPMENT**

2436

POD-60-98

Candlewood Suites

At Brookhollow

Foster & Miller, P.C. for Brookhollow of Virginia, Inc. and The Generation Companies: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-story, 59,500 square foot 122-unit hotel. The 3.0-acre site is located along the east line of Brookriver Drive approximately 360 feet north of W. Broad Street (U. S. Route 250) on part of parcel 37-3-A-2B and a part of 47-4-A-2. The zoning is M-1C, Light Industrial District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer **(Three Chopt)**

2437

2438 Mr. Archer - Is there anyone in the audience in opposition to POD-60-98, Candlewood
2439 Suite? No opposition. Mr. Wilhite.

2440

2441 Mr. Wilhite - Thank you, sir. You were just handed out a revised site plan and
2442 architectural plan. The revised site plan eliminates the shared access entrance off of Brookriver
2443 Drive with the property to the north. There will be a single access point from Brookriver into this
2444 development. That is acceptable to staff. Also, it eliminates the entrance that was proposed off
2445 of S & K Boulevard, basically, because there would not be enough separation to satisfy the traffic
2446 engineer between S & K Road and the parking lot. The revised architectural plan was done to
2447 meet proffered conditions on this site. It changes the roof from a shingle to a standing metal seam
2448 roof. Shingle roof is not allowed under the proffers. Also, it increases the amount of brick shown
2449 on the south elevation and the west elevation. Proffers require that hotels on this property be
2450 constructed of at least 50% brick. Also, the other primary building materials shown is E.I.F.S.
2451 The proffers requires that any more than 25% E.I.F.S. on this building be specifically approved by
2452 the Planning Commission. We have also got copies of the details for the gazebo on this property.
2453 The gazebo details show that the materials and colors would match the existing building. With
2454 that, staff can recommend approval of the revised site plans and architectural plans.

2455

2456 Mr. Archer - Are there any question of Mr. Wilhite by Commission members?

2457

2458 Mrs. Wade - What existing building are they going to match?

2459

2460 Mr. Wilhite - It's a proposed building, I'm sorry.
2461
2462 Mrs. Wade - And what percentage is brick?
2463
2464 Mr. Wilhite - We did not get the final percentages. I was told that the architect's
2465 changes to the plan were supposed to meet the 50% requirement. I am lacking the final numbers.
2466
2467 Mrs. Wade - It is supposed to be at least 50%.
2468
2469 Mr. Wilhite - Yes. At least 50% is required.
2470
2471 Mrs. Wade - They call these suites and yet you look at the plan and they are mostly
2472 studios. There are just a few suites. If you look at the floor plan most of the rooms are studios.
2473 In fact, I brought a copy to give to the staff, they've got an article in the latest Consumer Report
2474 travel letter on extended stay hotels that's kind of interesting. Okay. That's all I have for you but
2475 I do have a couple of questions for Mr. Parker.
2476
2477 Mr. Parker - My name is Philip Parker with Foster & Miller representing the applicant
2478 for this POD. I'd be happy to answer any questions you may have.
2479
2480 Mrs. Wade - Will you have 50% brick?
2481
2482 Mr. Parker - Yes, ma'am. We will have 50% brick. And the brick amount shown is
2483 50%. The (unintelligible) were not done. We will guarantee 50% minimum brick.
2484
2485 Mrs. Wade- We talked about this at the meeting. We are approving the metal seam
2486 roof because that's what the proffers said. But, you will probably be coming back to amend the
2487 proffers.
2488
2489 Mr. Parker - We will most likely come back before the Commission and the Board to
2490 amend the proffer for an architecturally aesthetically 30-year warranty shingle type roof. We
2491 understand that it is our risk whether or not that does or does not go through we are willing to
2492 accept that risk.
2493
2494 Ms. Dwyer - Why do you prefer the shingle to the metal?
2495
2496 Mr. Parker - I'll have to defer that to the architect. I honestly don't know the answer.
2497 They prefer the aesthetics of the dimensional architectural shingles over the standing seam. I
2498 think the standing seam have some other construction problems or leak problems, I'm not exactly
2499 sure.
2500
2501 Ms. Dwyer - Is it a cost factor?
2502
2503 Mr. Parker - They are about the same to be perfectly honest. I think the intent behind
2504 the proffer though was to eliminate run of the mill shingles. They were trying to get something

2505 upscale and I believe the Board or the Commission will recognize, what we are proposing, will
2506 meet the intention of the original proffer.

2507

2508 Mrs. Wade - Nobody's promised anything.

2509

2510 Mr. Parker - We understand that.

2511

2512 Mrs. Wade - We will look at it and the Board will look at it. And your HVAC units, are
2513 flush.

2514

2515 Mr. Parker - They have about a two inch.... I actually drove to Cary, NC for you for
2516 this and I didn't get a (unintelligible), I'm sorry. It's approximately about a two-inch....

2517

2518 Mrs. Wade - This is only two? I looked at some that looked a lot like this at the motel
2519 in Tappahannock and they were eight inches.

2520

2521 Mr. Parker - No, ma'am. This is about two inches, maybe about two in a half. I
2522 couldn't get to it to measure it but this is a Candlewood Suites building in Cary that was just
2523 completed.

2524

2525 Mrs. Wade - Because I measure the one at the motel in Tappahannock.

2526

2527 Mr. Parker - Thanks for the road trip.

2528

2529 Mr. Archer - Are there any further questions of the applicant? Did you state your name?

2530

2531 Mr. Parker - Yes, sir. Philip Parker from Foster & Miller.

2532

2533 Mr. Archer - I'm sorry. I must have missed it. All right. Mrs. Wade.

2534

2535 Mrs. Wade - Mr. Chairman, I move POD-60-98 revised plan dated today be approved
2536 subject to the standard conditions, the annotations on the plan, and the assurance that it will meet
2537 the 50% brick requirement and conditions Nos. 23 through 28. I move it be approved.

2538

2539 Mr. Zehler - Second.

2540 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Zehler. All in
2541 favor say aye...all oppose say nay. The motion passes.

2542

2543 The Planning Commission approved POD-60-98, Candlewood Suites at Brookhollow, subject to
2544 the standard conditions attached to these minutes, the annotations on the plans, and the following
2545 additional conditions. Mr. Donati was absent.

2546

2547 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2548 the County in a form acceptable to the County Attorney prior to any occupancy permits
2549 being issued.

- 2550 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
 2551 in its approval of the utility plans and contracts.
 2552 25. A standard concrete sidewalk shall be provided along the east side of Brookriver Drive.
 2553 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 2554 County Attorney prior to final approval of the construction plans by the Department of
 2555 Public Works.
 2556 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
 2557 approved by the County Engineer prior to final approval of the construction plans by the
 2558 Department of Public Works.
 2559 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 2560 contracts and must be approved by the Department of Public Utilities prior to the issuance
 2561 of a building permit.
 2562

2563 **The Planning Commission Took Another Break After This Case.**

2564

2565 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

2566

POD-61-98

Holiday Inn Express -
 Mayland Park

**Foster & Miller, P.C. for Circuit City Stores, Inc. and Innkeeper
 Hotels & Motels:** Request for approval of a plan of development and
 special exception for a building in excess of three stories as required
 by Chapter 24, Section 24-106 of the Henrico County Code to
 construct a four-story, 112 room hotel. The 1.8-acre site is located
 on the southwest corner of Gaskins Road and Mayland Drive on
 parcel 48-A-68B. The zoning is M-1C, Light Industrial District
 (Conditional). County water and sewer (**Three Chopt**)

2567

2568 Mr. Archer - Is there anyone in the audience in opposition to POD-61-98, Holiday Inn
 2569 Express Mayland Park? No opposition. Mr. Whitney.

2570

2571 Mr. Whitney - Thank you, Mr. Chairman. This plan of development includes a request for special
 2572 exception for height to allow for construction of a four-story hotel. As normal procedure, staff
 2573 makes no recommendation regarding special exception. It is the applicant's responsibility to
 2574 present evidence to the Commission to support the request. With that I'll take any questions at
 2575 this time. Staff can recommend approval of the plan of development as annotated.

2576

2577 Mr. Archer - Are there any questions of Mr. Whitney by Commission members?

2578

2579 Mrs. Wade - Although it's heavily wooded now, how much landscaping are they going
 2580 to have on the front of this, 21 feet or more than 21 feet?

2581

2582 Mr. Whitney - Presently, it's shown as 21 feet from the right-of-way line to the parking area.

2583

2584 Mrs. Wade - It's what's required in M-1, if anything.

2585

2586 Mr. Whitney - The proffers here would require 15 feet.

2587

2588 Mrs. Wade - And this is still under the covenants of Deep Run Industrial Center? And
2589 the parking numbers come out right, now.

2590

2591 Mr. Whitney - That's correct. I do have an annotation regarding parking. There's a breakfast
2592 area. If that's to be open to the public, it would require parking for that space included in their
2593 calculations.

2594

2595 Mrs. Wade - On the revised plan, the parking works out. On the second plan, it had a
2596 different figure.

2597

2598 Mr. Whitney - The revised plan has adequate parking calculated on the number of rooms.

2599

2600 Mr. Zehler - Mike, how about the future development, do we know what it is going to
2601 be?

2602

2603 Mr. Whitney - The applicant will have to answer that question, Mr. Zehler.

2604

2605 Mr. Zehler - Have they given you any indication?

2606

2607 Mr. Whitney - The area shown as future development, right at the corner of Mayland and
2608 Gaskins, it's been indicated it may be a restaurant.

2609

2610 Mr. Zehler - We will find out from the applicant.

2611

2612 Mrs. Wade - Okay. Thank you, Mr. Whitney.

2613

2614 Mr. Archer - Okay. No further questions. Would you like to hear from the applicant,

2615 Mrs. Wade?

2616

2617 Mrs. Wade - Yes, please.

2618 Mr. Parker - Good afternoon, again. My name is Philip Parker with Foster & Miller

2619 representing the applicant.

2620

2621 Mrs. Wade - Mr. Parker, you have to make your case for the special exception also.

2622

2623 Mr. Zehler - The future development, we have no architecturals.

2624

2625 Mr. Parker - No. It will be a separate POD. Each future development, as it comes
2626 through, will require a standard POD to go through the normal process. That is the intention.

2627 Circuit City, who currently owns the property, is involved with handling who they will allow, sort
2628 of speak, to come into that development. They are handling the development of it.

2629

2630 Mr. Zehler - So, that two-acre site will come back before us?

2631

2632 Mr. Parker - Yes, sir. What our intention now is to build this first POD, get the BMP
2633 and detention design for the entire development area, get all of that landscaped and under control,
2634 with the infrastructure set. Then the restaurant and future development toward the west would be
2635 separate PODs. That would come back before the Commission.

2636

2637 Mrs. Wade - You are going to clear it all now, is that what you are saying?

2638

2639 Mr. Parker - We had originally intended to. I understand that there is some concern that
2640 the Commission would like to see some of the trees remain towards the southwest corner of the
2641 property down along Commuter Drive, if at all possible. The reason behind clearing the site now
2642 is, if you are familiar with the property, it's got a great deal of relief from Gaskin Road down to
2643 Commuter Drive. As we cut the upper part of the property, we need to do something with the
2644 material on that site other than stockpiling it or simply hauling it away. We would choose to try
2645 to create a pad ready condition or site ready condition, sort of speak, for the two future
2646 development areas because we are building the infrastructure as a part of this development now.

2647

2648 Mrs. Wade - So, you are not leaving tree one along Gaskins, is this what you are saying?

2649

2650 Mr. Parker - The slopes along Gaskins Road right now won't allow for that. What we
2651 need to do is get it cleared and then we will come back before the Commission, as well as Deep
2652 Run Association, with the landscape plan and additional trees plantings through there, yes,
2653 ma'am. If you are familiar with Gaskins Road, Gaskins Road was held high partially because of
2654 the overpass on I-64. Well, our finish floor is ten feet lower than Gaskins Road at approximately
2655 60 to 70 feet from the right-of-way line. You've got a great deal of relief across that property;
2656 it's about 40 feet of (unintelligible) across that property from Gaskins Road to Commuter Drive.
2657 So, what we need to do is get in and control the situation with some stabilization and plantings. If
2658 we try to save some of those trees with the cuts that are going to go on along those root lines, I
2659 don't believe, there may be landscape architects here to defend it, the trees will last with the
2660 intention that you have for them, that we all have for them.

2661

2662 Mrs. Wade - Does that apply all the way over to the Mayland/Gaskin corner?

2663

2664 Mr. Parker - Yes, ma'am. And we will come back through with the individual PODs
2665 and individual landscape plans as part of each development. As a part of this development, all the
2666 site stabilization will be made. The BMP will be built in its entirety for the total development.
2667 That will bring the sewer, water infrastructure and stormsewer through the property to minimize
2668 any disturbances down the road. I mean, get in, get it done one time and step away from it is
2669 what our intention is.

2670

2671 Mrs. Wade - And what are the advantages then of having four stories?

2672

2673 Mr. Parker - Well, the purpose for having four stories was to try to, again, pick up more
2674 greenspace. The original layout, the building was a little bit deeper and a fair amount longer. We
2675 were closer to Gaskins Road. We had steeper slopes there that we didn't feel we where going to
2676 be able to stabilize as well as we can with the 21 feet. We picked up another six horizontal feet

2677 for that vertical difference through there to help stabilize that slope and plant it as well as put
2678 some greenspace up around the building. We did a sidewalk, basically, abutting the building with
2679 no location for landscaping along the building. The number of units, I believe, remained the same.
2680 It may have adjusted one or two. The intention was to try to less intensify the development,
2681 particularly around the building to give it a little more softness.

2682

2683 Mrs. Wade - Do you have some type of site coverage ratio now?

2684

2685 Mr. Parker - Seventy-five percent site ratio for the entire seven acres and I believe we
2686 are at 24% or 25% now.

2687

2688 Mrs. Wade - And that's what the covenants and the proffers on the Industrial Park
2689 allow?

2690

2691 Mr. Parker - This phase constitutes 27% development of the entire seven acres. I'm
2692 sorry I did not hear your question?

2693

2694 Mrs. Wade - I haven't seen the proffers lately or the original ones on this.

2695

2696 Mr. Parker - The proffers on the property?

2697

2698 Mrs. Wade - There's no site coverage ratio on that.

2699

2700 Mr. Parker - The proffered site coverage ratio is 75% for the property.

2701

2702 Mrs. Wade - For the Industrial Park here.

2703

2704 Mr. Parker - Yes, ma'am.

2705

2706 Mrs. Wade - That all came along about the same time Innsbrook did.

2707

2708 Mr. Parker - Yes. The same developers, if you may recall. We do need to request a
2709 special exception for four stories. I believe I have provided you the evidence that we feel
2710 necessitates the four stories. We are ten feet lower than Gaskins Road with our finished floor.
2711 So, effectively, from the adjoining property we are still a three-story building. Basically, it's a
2712 three-story building with a basement is effectively what we are setting in this area.

2713

2714 Mrs. Wade - This 21 feet is going to be not down here, but it will be down here but it's
2715 21 horizontally.

2716

2717 Mr. Parker - Yes, ma'am. It's 21 horizontal feet. It's about eight vertical feet. We got
2718 three to one slope. It's actually seven feet. We are holding three to one slope from the right-of-
2719 way line and then we will come in with that with stabilization landscaping along that property line.

2720

2721 Mrs. Wade - But between the edge of Gaskins and your curb there will be 21 feet.

2722

2723 Mr. Parker - Between the right-of-way of Gaskins and the curb it's 21 feet. Between
2724 the edge of Gaskins and the curb it's probably an additional 10 to 12 feet because there is a
2725 shoulder along Gaskins Road right through there and there is no curb and gutter on that one
2726 stretch right there. Excuse me, there's a (unintelligible) there's curb and gutter right through
2727 there.

2728

2729 Mrs. Wade - But, you are going to grade all the way out into the right-of-way.

2730

2731 Mr. Parker - We are not intending to grade into the right-of-way. We are staying within
2732 the property. That way we don't get into any effects of the shoulder that currently exists for....
2733 That lane along Gaskins Road is a continuous right from Mayland Drive onto I-64 on ramp. So,
2734 we would chose to stay out of VDOT's right-of-way and let VDOT remain with what they have.

2735

2736 Mrs. Wade - It's a little hard to tell with the topography out there.

2737

2738 Mr. Parker - I'd be happy to walk it with you if you like. It's a great deal of relief.

2739

2740 Mrs. Wade - And your building is brick and E.I.F.S.

2741

2742 Mr. Parker - Yes, ma'am.

2743

2744 Mrs. Wade - This red brick, off-white E.I.F.S. and charcoal gray metal seam roof.
2745 Okay. And you have those wall units and the room too, for the HVAC?

2746

2747 Mr. Parker - Give me one second and let me verify that. It is through the wall with the
2748 same type grills as I showed you a moment ago on the Candlewood Suites. It's individual suites
2749 that allows for individual room control.

2750

2751 Mrs. Wade - Okay.

2752

2753 Mr. Silber - Mr. Parker, the 15-foot buffer that you are referring to is a proffered
2754 condition? Does that apply just along Gaskins or does it apply around the perimeter of this
2755 property?

2756

2757 Mr. Parker - It applies along public roadways. There are zoning setbacks that are met as
2758 well. But, the proffered setbacks, if I recall the way it was written, was along public rights-of-
2759 way.

2760

2761 Mr. Silber - I think what I hear the Commission struggling with is the relationship of
2762 the scale of the building to the proximity to Gaskins. When you go up with your size for the
2763 special exception, I think they look for more enhancement and open space and distance from a
2764 road with more landscaping. In this case, you are meeting the intent of the proffered conditions
2765 being 21feet over 15 feet. But, there still seems like there is a lot of routing going on as far as
2766 the.....

2767

2768 Mr. Parker - To that end, that's where I made mention to the fact that our finished floor
2769 for the first floor is greater than the story lower than the grade at the property line. In all
2770 effectiveness, we are building a three-story building with a basement, which would not have
2771 required a special exception.

2772

2773 Mr. Silber - That's why I was asking, around the perimeter of the property does 15 feet
2774 apply because I didn't know if there was possible to push it back more off of Gaskins and have
2775 less back on Commuter Drive, or the Mayland side.

2776

2777 Mr. Parker - Well, it applies to three of the sides of the property. However, the Park &
2778 Ride property that's the same additional relief, it's a tight little site, topography wise. Are there
2779 any other questions?

2780

2781 Mrs. Wade - This site is still a lot higher than Commuter Lot.

2782

2783 Mr. Parker - I'm actually cutting it down from what it currently exists. I'm bringing it in
2784 more proximity to Commuter Parking Lot. We are about four feet above the Commuter Parking
2785 Lot when we finish setting the building in.

2786

2787 Mrs. Wade - Until you get to the Circuit City big buildings, the office buildings, most of
2788 the buildings around this area are low.

2789

2790 Mr. Parker - Deep Run begins kind of one-story except for right along Broad Street,
2791 you've got a lot of two-story and two-story A-frames along Broad Street.

2792 Mrs. Wade - Okay. Thank you.

2793

2794 Mr. Parker - Thank you.

2795

2796 Mr. Archer - We are ready for a motion, Mrs. Wade.

2797

2798 Mrs. Wade - It would be a good idea to walk around the property in connection with the
2799 special exception. I hope you are doing all you can to make it fit in there. I think I will ask that
2800 we just defer this until next month, and then we can have a chance to look around out there, in
2801 terms of this your special exception, and the other things that are planned for this site. I was
2802 away last week and I didn't get time to get back with you on it.

2803

2804 Mr. Parker - Yes, I understand. You and I both were out of town. Can we defer it for
2805 two weeks? Will that allow us enough time to walk the site and bring it up on the July 9, 1998,
2806 meeting?

2807

2808 Mr. Silber - Mr. Chairman, if I could. The concern I have with deferring these cases, it
2809 really isn't two weeks. This meeting has been moved back one week so the meeting is virtually a
2810 week from this Thursday. Friday is a County holiday and next week we have a Board meeting
2811 proceeding that. So, I mean, it's up to you, but we will....

2812
2813 Mrs. Wade - It's actually next week isn't it?
2814
2815 Mr. Silber - That's right. There's not enough time between now and the next meeting
2816 to work things out.
2817
2818 Mrs. Wade - Well, staff is apparently satisfied with it.
2819
2820 Mr. Parker- Excuse me if I'm wrong, but I don't feel that there are no other issues
2821 other than you wanting to see the property.
2822
2823 Mrs. Wade - Well, I was going to ask for it for month but if you want to ask for two-
2824 weeks, we'll do it in two weeks. Okay. So you are asking for the 9th.
2825
2826 Mr. Parker - Should you decide to defer it, I would prefer the 9th if at all possible.
2827
2828 Mrs. Wade - What does the POD meeting look like in July?
2829
2830 Mr. Silber - The cases in July are fewer. The zoning hearing on the 9th is fairly heavy.
2831
2832 Mr. Zehler - I believe the question is would you like for her to defer it to the 28th of July
2833 or would you like to defer it to the 9th?
2834
2835 Mr. Parker - Well, stated that way I would like to defer it to the 9th.
2836 Mrs. Wade - So, I move then that the Holiday Inn Express, POD-61-98, be deferred
2837 until July 9, 1998, at the applicant's request. And we will get out there and walk around.
2838
2839 Mr. Zehler - Second, Mr. Chairman.
2840
2841 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Zehler, that the
2842 case be deferred until July 9, 1998, Zoning meeting. All in favor say aye...all opposed say nay.
2843 The motion passes.
2844
2845 At the applicant's request, the Planning Commission deferred POD-61-98, Holiday Inn Express –
2846 Mayland Park, to its Rezoning meeting at 7:00 p.m., July 9, 1998. Mr. Donati was absent.
2847
2848 Mr. Marlles - Mr. Chairman, I believe we have a request by an applicant who may have
2849 to leave and would like his case brought forward, LP/POD-112-97.
2850
2851 Mr. Archer - That will be fine. What page is it on?
2852
2853 Mr. Marlles - Page 24.
2854
2855 **LANDSCAPE & LIGHTING PLAN**
2856

LP/POD-112-97
CVS – 7600 Staples
Mill Road and
Bremner Boulevard

Balzer & Associates: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.4-acre site is located on the southwest corner of Staples Mill Road (U.S. Route 33) and Bremner Boulevard on parcel 71-A-72. The zoning is B-2C, Business District (Conditional). **(Brookland)**

2857

2858 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-29-97, Courtyard
2859 Marriott – Williamsburg Road, landscape and lighting plan? No opposition. Ms. News.

2860

2861 Ms. News - Additional information submitted after the preparation of the agenda,
2862 revealed that unshielded wall pack light fixtures were shown along the rear of this project. The
2863 applicant has agreed to substitute concealed source fixtures. This is being reflected on the plans
2864 being passed out to you now. In addition, the applicant has agreed to replace the chain link
2865 dumpster and compactor gates with opaque wood screen gates. With these two changes, staff
2866 can recommend approval of the landscape and lighting plan.

2867

2868 Mr. Archer - Are there any question of Ms. News by Commission members? No
2869 questions. Do you need to hear from the applicant, Mr. Vanarsdall.

2870

2871 Mr. Vanarsdall - No, I don't need to.

2872

2873 Mr. Archer - All right.

2874

2875 Mr. Vanarsdall - But I do need to ask Ms. News a question. This is dated today's date the
2876 30th.

2877

2878 Ms. News - It's dated the 30th and it says revised.

2879

2880 Mr. Vanarsdall - Mr. Chairman, I move LP/POD-112-97, CVS – 7600 Staples Mill Road
2881 and Bremner Boulevard, be approved subject to the annotations on the plan and the standard
2882 conditions for landscape and lighting plans and condition No. 6.

2883

2884 Mr. Zehler - Second.

2885

2886 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All
2887 in favor say aye...all oppose say nay. The motion passes.

2888

2889 Mrs. Wade - Is there anyone here from CVS? I was surprised to hear on the radio from
2890 Washington that Fairfax County apparently doesn't allow drive-thru windows at drug stores,
2891 which I was surprised to hear.

2892

2893 The Planning Commission approved the landscape and lighting plan for LP/POD-112-97, CVS –
2894 7600 Staples Mill Road and Bremner Boulevard, subject to the annotations on the plan, the
2895 standard conditions and the following additional. Mr. Donati was absent.

2896

2897 6. Landscape buffers shall be served by an underground irrigation system.

2898

2899 **LANDSCAPE PLAN**

2900

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

Foster & Miller, P.C.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 2.79-acre site is located on the northern terminus of Park Place Court on parcel 38-3-A-9B. The zoning is O-3C, Office District (Conditional). **(Three Chopt)**

2901

2902 Mr. Archer - Is there anyone in the audience in opposition to landscape plan LP/POD-
2903 114-96, Marriott Townplace Suite, Innsbrook. No opposition. Mr. Strauss.

2904

2905 Mr. Strauss - Thank you, Mr. Chairman. Staff recommends approval subject to the
2906 annotations on the plan and the standard condition for landscape plans. I've got nothing to add. I
2907 believe Mr. Philip Parker is here representing the applicant in case you have any questions of the
2908 applicant.

2909

2910 Mr. Archer- Okay. Thank you, sir. Are there any questions of Mr. Strauss by
2911 Commission members.

2912

2913 Mrs. Wade - Do you know how many rooms are in this hotel?

2914

2915 Mr. Strauss - I don't recall. Ninety-five. Thank you, Mikel

2916

2917 Ms. Dwyer - You don't have many annotations on here, Mr. Strauss.

2918

2919 Mr. Strauss - This landscape plan was also in part approved previously -administratively.
2920 There was an appeal to the Board, if you may recall, for the use on this site. The entire area on
2921 the eastern portion, the right-hand side has been pretty thoroughly worked at with the adjacent
2922 owners as far as the buffering. All of that landscaping is installed. It is quite generous and quite
2923 large. Most of the landscaping issues were reviewed at that time. The remaining landscaping I've
2924 reviewed, those are primarily in the parking area. There were two items I noticed when I looked
2925 at the utility plan a minor conflict with shrubs in some waterline areas, and two trees on the left
2926 side of the building. On their first sheet they would have to be moved, but no "major" issues.

2927

2928 Mrs. Wade - And the lights.

2929

2930 Mr. Strauss - The lighting plan is on our July agenda.

2931

2932 Mr. Archer - Are there any more questions? Would you like to hear from the applicant?

2933

2934 Ms. Dwyer - There's a man that has his hand up.

2935

2936 Mr. Archer - Yes, sir. You will have to come up.
2937

2938 Mr. Welt - My name is Jack Welt and I represent the neighboring property, The
2939 American Cancer Society. And, my question is whether the landscape plan complies with the
2940 covenants with the Innsbrook Park, or for any variances in the plan that was submitted?
2941

2942 Mr. Strauss - I'm afraid I can't answer that. I'll have to defer to the applicant. We don't
2943 enforce covenants as we know. Hopefully, Phil Parker can shed some light on that issue. I'm not
2944 aware of any variances.
2945

2946 Mr. Parker - Again, my name is Philip Parker with Foster and Miller. This landscape
2947 plan was submitted to the Innsbrook Association, approximate a year ago and was approved at
2948 that time by Innsbrook Association. Subsequent to that, additional plantings have been made and
2949 shown on the plan and on the property. The specific plan before you, I can't say yes in fact it has
2950 been approved. I do know that it's more planting on that plan than was previously approved. I
2951 suspect if it was not approved, it will be approved.
2952

2953 Mr. Archer - Does that answer your question, sir?
2954

2955 Mrs. Wade - Is the existing tree still there?
2956 **Mr. Parker goes over to discuss the plan with Mr. Wilt at this time**
2957

2958 Mr. Parker - Does that answer your question?
2959

2960 Mr. Wilt - To the extent. I'm still concerned about the covenants. If that is going to
2961 be the subject of a future hearing.
2962

2963 Mr. Parker - The covenants are covered by Innsbrook. The County does deal with the
2964 covenants.
2965

2966 Mrs. Wade - I suggest that you call the Innsbrook authorities and discuss that with them,
2967 if you feel it is adequate or something.
2968

2969 Mr. Wilt - Thank you.
2970

2971 Mrs. Wade - Do you feel it's not adequate now?
2972

2973 Mr. Wilt - My first opportunity to look into this was last Thursday, so I have not had
2974 a chance to look at the development plan or follow-up with Innsbrook. So, it is kind of a last
2975 minute thing.
2976

2977 Mrs. Wade - Well, maybe you all would like to take a few minutes and show him what
2978 there and then if he is not satisfied he can talk to the Innsbrook people. Okay. Let's pass by this
2979 for a minute.
2980

2981 Mr. Archer - So, would like to call the next case and come back to this one?
2982
2983 Mrs. Wade - Yes, please.
2984
2985 Mr. Archer - Okay. Mr. Secretary, you can call the next case and we will come back to
2986 this one. **(THIS CASE CONTINUES ON PAGE 82)**

2987

2988 **PLAN OF DEVELOPMENT**

2989

POD-65-98
NAPA – Retail Store
Williamsburg and
Klockner
**E. D. Lewis & Associates for Riley B. and Helen F. Lowe and
Genuine Parts Company:** 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, 7,920 square foot
retail store. The 2.003-acre site is located on the southeast corner of
the intersection of Williamsburg Road (U.S. Route 60) and Klockner
Drive on part of parcel 162-09-03-36A. The zoning is B-3, Business
District and M-1, Light Industrial District, ASO, Airport Safety
Overlay District. County water and sewer. **(Varina)**

2990

2991

2992 Mr. Archer - Is there anyone in the audience in opposition to POD-65-98? Okay, sir, we
2993 will get to you in a moment. Mr. McGarry.

2994

2995 Mr. McGarry -Mr. Chairman, the plan that you are being asked to approve is the revised plan,
2996 which is the second plan in your packet, below your location map. There's really very little
2997 change in your revised plan and the original plan with the annotations on it. Staff has no
2998 outstanding issues with this and can recommend approval of the revised plans subject to the
2999 annotations on the plans and conditions Nos. 23 through 31.

3000

3001 Mr. Zehler - It the BMP a dry pond or a wet pond?

3002

3003 Mr. McGarry -It's a dry pond.

3004

3005 Mr. Zehler - I have no other questions, Mr. Chairman, thank you. I think we need to
3006 hear from the applicant.

3007

3008 Mr. Archer - Are there any other questions of Mr. McGarry by Commission members
3009 before he takes his seat? All right. Will the applicant come forward, please?

3010

3011 Mr. Lewis - My name is Monty Lewis and I'm with E. D. Lewis & Associates
3012 representing the applicant. I also have Mr. Jeff Yearwood here with us from Atlanta to answer
3013 any questions about the operation of the buildings. The changes that we are willing to make to
3014 the architectural style of the building. The change that we are going to do to this, and I've
3015 annotated Mr. McGarry's plan to this effect so that you will have something on record, is that five
3016 feet from the glass on either side will be the blue metal and that would be the extent of the yellow

3017 tube. The rest of the sides will be a brick or a split-face block gray in color, not painted, but
3018 integral color block.

3019

3020 Ms. Dwyer - And the rest of it is going to be gray, either split face or integrated color.

3021

3022 Mr. Lewis - It will either be split face or brick, but either one of those materials will be
3023 gray integrated color, not painted.

3024

3025 Ms. Dwyer - Okay.

3026

3027 Mr. Zehler - Mr. Chairman, right after speaking to the applicant, just about 20 minutes
3028 ago, this is the first full NAPA, I understand, in the state of Virginia, as well as Henrico County.
3029 So, it appears, in my opinion, and that's why I was so concentrated on this building that this was
3030 going to set a precedence for pretty much any NAPA store that comes in. I had concern that the
3031 original plan showed it a painted CMU, which concerned me because I had driven the area and it
3032 appears when you have a painted CMU that's not maintained properly, you see bleeding.
3033 Especially, my concern with this dark color. It's quite visible as far as maintenance and upkeep.
3034 The applicant was gracious enough to come together and come in, and, No. 1, I believe we
3035 eliminated the maintenance problem by going with the bake panel No.2 we are going with either a
3036 natural gray color brick or split face block which will eliminate my concerns. So, with that I have
3037 no other questions, Mr. Chairman.

3038

3039 Mr. Archer - All right. Are there any other questions by Commission members?

3040

3041 Mrs. Wade - That sounds like good news.

3042

3043 Mr. Zehler - So, with that, Mr. Chairman, and I do appreciate Jeff. We have had
3044 numerous phone calls back and forth to Atlanta and I really appreciate you working with us and
3045 addressing the concerns. And, like I said, we pretty much set the foundation for NAPA, not only
3046 in Henrico, but a good possibility throughout the State for you for hopefully a good quality
3047 building. So, with that, I move approval of POD-65-98, NAPA Retail Store Williamsburg and
3048 Klockner, subject to the annotations on the plans and the standard conditions for developments of
3049 this type, with the additional conditions Nos. 23 through 31 and also the rewording of the quality
3050 of the construction as far as the brick and the split-face block.

3051

3052 Mrs. Wade - Second.

3053

3054 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mrs. Wade. All in
3055 favor say aye...all oppose say nay. The motion passes.

3056

3057 The Planning Commission approved POD-65-98, NAPA – Retail Store – Williamsburg and
3058 Klockner, subject to the standard conditions attached to these minutes, the annotations on the
3059 plan and the following additional conditions. Mr. Donati was absent.

3060

3061 23. The entrances and drainage facilities on U.S. Route 60 shall be approved by the Virginia

- 3062 Department of Transportation and the County
- 3063 24. A notice of completion form, certifying that the requirements of the Virginia Department
 3064 of Transportation entrances permit have been completed, shall be submitted to the
 3065 Planning Office prior to any occupancy permits being issued.
- 3066 25. The developer shall provide fire hydrants as required by the Department of Public Utilities
 3067 in its approval of the utility plans and contracts.
- 3068 26. A standard concrete sidewalk shall be provided along the south side of Williamsburg
 3069 Road.
- 3070 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 3071 County Attorney prior to final approval of the construction plans by the Department of
 3072 Public Works.
- 3073 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 3074 approved by the County Engineer prior to final approval of the construction plans by the
 3075 Department of Public Works.
- 3076 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 3077 contracts and must be approved by the Department of Public Utilities prior to the issuance
 3078 of a building permit.
- 3079 30. Approval of the construction plans by the Department of Public Works does not establish
 3080 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 3081 elevations will be set by Henrico County.
- 3082 31. Approval of the construction plans by the Department of Public Works does not establish
 3083 the curb and gutter elevations along the Virginia Department of Transportation maintained
 3084 right-of-way. The elevations will be set by the contractor and approved by the Virginia
 3085 Department of Transportation.

3086

3087 **SUBDIVISION**

3088

Cedar Grove
 (June 1998 Plan)

**Q.M.T. for Windsor Enterprises, L.L.C., Donald L. Sackett, Jr.,
 Walter Ernest Blackburn and Lee B. Forb:** The 83.6-acre site is
 located along the north line of Hungary Road approximately 700 feet
 west of Tweed Road at Hungary Road and Old Hungary Road on
 part of parcels 52-A-24B, 42-A-42 and part of 52-A-20. The zoning
 is R-3C, One-Family Residence District (Conditional) and R-3AC,
 One-Family Residence District (Conditional). County water and
 sewer. **(Fairfield) 191 Lots**

3089

3090 Mr. Archer - Is there anyone in the audience in opposition to subdivision Cedar Grove
 3091 (June 1998 Plan)? No opposition? Mr. McGarry.

3092

3093 Mr. McGarry -There are two outstanding issues, I'll summarize them. First the developer has
 3094 requested a first phase which would have 69 lots on a single point of access and by policy a
 3095 maximum of 50 lots is permitted. The developer proposes a boulevard entrance in order to
 3096 minimize the impact of that. If the Commission agrees, condition No. 17 would so authorize.
 3097 Secondly, staff recommends roads C1-1 and C2-3 stub to the abutting property line. This would
 3098 allow for the abutting property be developed either with access from his development or from

3099 North Run and provide a connection between the two.

3100

3101 Mr. Archer - Ted, what was that, C1-2 and C2-3?

3102

3103 Mr. McGarry -Yes, sir. They are the, if you are coming in off of Hungary Road, they are the
3104 third and forth cul-de-sac on your left.

3105

3106 Mr. Archer - Okay. I've got it.

3107

3108 Mr. McGarry -If the Commission accepts the stub recommendation and condition No. 18,
3109 admittedly the developer held back a number of lots of the 69 for his requested approval from
3110 road C1-1 because he admittedly would like to have the opportunity to develop the abutting
3111 parcel. He does not control that at this time. In order to be able to extend that road, without our
3112 recommendation, he will hold back five lots for a total of 74 lots. So, what we are doing here, if
3113 the Commission accepts condition No. 18 that's roads C1-1 and C2-3, we'll stub to the property
3114 line and then he says "Well gee I don't want to hold any lots back on one of those stubs" and
3115 condition No. 17 would then be revised to 74 lots. That gives him all the lots on all the cul-de-
3116 sacs in his first phase.

3117

3118 Ms. Dwyer - Mr. McGarry, I was wondering why we didn't stub into this last street. I
3119 can't read the name off here.

3120

3121 Mr. Archer - That's "Aeronca".

3122

3123 Ms. Dwyer- Aeronca.

3124

3125 Mr. McGarry -There is a proffered condition that says there can be no connection to Aeronca.

3126

3127 Ms. Dwyer- I remember this. This was zoned fairly recently, wasn't it?

3128

3129 Mr. McGarry -Yes.

3130

3131 Mr. Archer - Mr. McGarry, which street is it, I forget, is it Naselle or Aeronca that was
3132 a through street? Naselle, is that the one that runs all the way through that subdivision?

3133

3134 Mr. McGarry -Aeronca would be the through street, Naselle deadends, I believe.

3135

3136 Mr. Archer - Okay. That's what I thought. Thank you.

3137

3138 Mr. McGarry -I think both Aeronca and Naselle would provide a quick route out. But, with the
3139 proffers limiting access to Aeronca, then Naselle would be the next logical connection point.

3140

3141 Ms. Dwyer - Do the proffers limit any other access?

3142

3143 Mr. McGarry -No. Only specifically to Aeronca.

3144

3145 Ms. Dwyer - So, there's no prohibition, then, to future Leslie Lane or....?

3146

3147 Mr. McGarry -No. There's no prohibition on any other connections.

3148

3149 Mr. Archer - Okay. Are there any other questions of Mr. McGarry by the Commission?

3150 Mr. McGarry, I may need you again, but in the meantime we will hear from the applicant.

3151

3152 Mr. McGarry -Certainly.

3153

3154 Mr. Conlin - Members of the Commission, my name is Andy Conlin, representing Greg Windsor of Windsor Enterprises. Mr. McGarry set out the two issues. The primary one, and Mr. Windsor is willing and does want to provide the access on C1-1, his concern, primarily, is on the third access on your left coming from Hungary Road, which is C2-3. The concern there, if you take a look at C2-3, you are serving approximately eight lots on his subdivision, and it is his feeling that if he does not develop the adjacent R-2A property that whoever does develop that could potentially not even have to, unless the County requires them of course, would not even have to stub into Hungary Road and that will serve approximately 20 plus lots under an adjacent R-2A with no conditions on it, which potentially could be running through. The essential theme of this whole subdivision, if you remember in the zoning case, was a spine road with planting strips, a sidewalk, a tot lot, with a lot of exterior benefits. He's a developer and in a business and he does not want to provide benefits and be conditioned on his property while allowing an unconditioned property access. He is willing to do the C1-1. As far as the connection, understand, it's good traffic, good land use planning. From a good land use plan, C2-3 is serving eight of his lots and potentially 20 of a competitors lots that are unconditioned and he could gain benefit from his.

3170

3171 That's the primary reason for not wanting to make the connection to C2-3, and we would request that that condition be changed so that we will only have to make the connection stub road for C1-1 along with the 74 lots being approved, because we do have to make that C1-1 connection. He wants to be able to go out there, finish the road up, finish all the houses, the lots up, without having to go back up at a later time and finish those five lots after already having sold homes on that particular roadway.

3177

3178 Mr. Archer - Mr. Conlin, and the points of access, would, of course, be the spine road, C1-1, and Naselle Lane.

3180

3181 Mr. Conlin - Yes, sir.

3182

3183 Mr. Archer - Now, I think, also, we need to point out that Mr. Windsor would like to have first dibs on that R-2A property and develop it himself.

3185

3186 Mr. Conlin - If you could talk to that gentleman, I'm sure Mr. Windsor would love that. But, yes, he is currently working with that gentleman. He's been working since the zoning case and before that, it's already zoned R-2A, I believe, unconditional.

3189

3190 Mr. Archer - Can you tell us anything at all about where we are in the negotiations?
3191 Does it look favorable or does it just look neutral at this point?

3192

3193 Mr. Conlin - I'll say neutral at this point.

3194

3195 Mr. Windsor - It's neutral. His wife is 74 year's old and she was born in that house.

3196

3197 Mr. Conlin - And I don't think there's any plans for them to develop. It's not as if they
3198 are rejecting Mr. Windsor, it's just a question of whether they want to develop the property or
3199 not.

3200

3201 Mr. Archer - But, to your knowledge, nobody else is after it at this point?

3202

3203 Mr. Conlin - Not that we know of, no.

3204

3205 Mr. Zehler - How many acres is it, Andy?

3206

3207 Mr. Conlin - The R-2A, 12 acres.

3208

3209 Ms. Dwyer - If you were to develop it and didn't plan for the stub road for C2-3, you
3210 really wouldn't be able to tie the new piece in.

3211

3212 Mr. Windsor - Well, if I am the successful purchaser and developer, I would come back during
3213 that tentative and then if the Commission agrees.....

3214

3215 Mr. Conlin - He would want to make the connection on the C2-3 at that point.

3216

3217 Mr. Archer - Is there some way we can get that worded as a condition?

3218

3219 Mr. Conlin - That if the same owner, Windsor Enterprises, develops that R-2A property,
3220 then we will make the connection on the C2-3, is that what you are asking?

3221

3222 Mr. Archer - Right.

3223

3224 Mr. Conlin - Yes.

3225

3226 Mr. Archer - Can we handle that, Mr. McGarry? Are there any further questions.

3227

3228 Mr. Conlin - I guess the major question is whether we are talking about 69 lots or 74
3229 lots?

3230

3231 Mr. McGarry - Seventy-four would be the appropriate number because he's not objecting to C1-1.
3232 The C2-3 was not intended to be developed in this phase anyway. Since he agrees to connect
3233 C1-1, then there's no reason to hold him to 69 lots when he can develop all 74.

3234

3235 Mr. Archer - Because we do have enough points of access.

3236

3237 Ms. Dwyer - You have two.

3238

3239 Mr. Archer - Okay. If we can get that condition worded some kind of way, Mr.
3240 McGarry, so that we can include it in the motion. I'm in sympathy with what the applicant is
3241 trying to do here. And, I understand what may happen if somebody gets free access to something
3242 he develops. Although, I would certainly hope that you are successful in getting that R-2A piece
3243 and develop it along with the rest of it. I think it will make a nice quality development. So, based
3244 on that and the fact that we have a boulevard entrance and we also have C1-1 to get in and out of
3245 that community. And I guess one of the other benefits is that, to some degree, it will control the
3246 amount of traffic that has to pass through here during the development phase. So, I don't have
3247 any real objection to doing that, if my colleagues concur. Do we need to include the wording of
3248 the new condition?

3249 Mr. McGarry -I have something I can present to you. Revised condition No. 18. It would be:
3250 Road C1-1 shall stub to the property line abutting parcel 52-A-17 and if Windsor Enterprises
3251 develops the abutting parcel, road C2-3 shall also stub to the property line.

3252

3253 Mr. Archer - Okay. Thank you, Mr. McGarry.

3254

3255 Mrs. Wade - Now, that's if it is Mr. Windsor. Now, suppose Mr. Windsor sold it and
3256 somebody else develops it, this wouldn't apply.

3257

3258 Mr. Conlin - Successor assigns.

3259

3260 Mr. Archer - Are you adding and their successor and assigns?

3261

3262 Mr. McGarry -Yes.

3263

3264 Mr. Archer - Okay. With that, I move for approval of Cedar Grove subject to the
3265 standard conditions for subdivisions served by public utilities and the additional conditions as
3266 recommended, Nos. 12, 13, 14, 15, 16, 17 and No. 18 with the new language as stated by Mr.
3267 McGarry.

3268

3269 Mrs. Wade - Second.

3270

3271 Mr. Archer - The motion was made by Mr. Archer and seconded by Mrs. Wade. All in
3272 favor say aye...all oppose say nay. The motion passes.

3273

3274 The Planning Commission granted conditional approval to subdivision Cedar Grove (June 1998
3275 Plan) subject to the standard conditions for subdivision served by public utilities, the annotations
3276 on the plan, and the following additional conditions. Mr. Donati was absent.

3277

3278 12. A County standard sidewalk shall be constructed along the west side of Cedar Grove

- 3279 Way.
- 3280 13. The details, plant list and legend for the landscaping to be provided within the 10-foot
 3281 planting strip easement along Cedar Grove Way shall be submitted to the Planning Office
 3282 for review and approval and constructed or bonded, prior to recordation of any plat
 3283 abutting the planting strip easement.
- 3284 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
 3285 maintenance of the common requesting the first occupancy permit. The area by a
 3286 homeowners association shall be submitted to the Planning Office for review. Such
 3287 covenants and restrictions shall be in form and substance satisfactory to the County
 3288 Attorney and shall be recorded prior to recordation of the subdivision plat.
- 3289 15. Prior to recordation of the last section in this development, a request shall be made to
 3290 rezone to C-1C the acreage along the northern and eastern perimeter of the property not
 3291 required for this development.
- 3292 16. A request to abandon a portion of Old Hungary Road (30 feet R/W) shall be submitted,
 3293 and approved by the Board of Supervisors and in effect prior to recordation of the first
 3294 plat.
- 3295 17. **REVISED** - No more than ~~69~~ **74** lots shall be recorded without a connection to Naselle
 3296 Lane.
- 3297 18. **REVISED** - Roads C1-1 and C2-3 shall stub to the property line abutting parcel 52-A-17.
 3298 If Windsor Enterprises its successors and assigns develops parcel 52-A-17, road C2-3
 3299 shall stub to property line.

3300

3301 Mr. Zehler - Mr. Chairman, I think our previous case is back.

3302

3303 Mr. Archer - Okay. It looks like they are ready. We will continue then with LP/POD-
 3304 114-96.

3305

3306 **CONTINUED FROM PAGE 72**

3307

3308 **LANDSCAPE PLAN**

3309

<p>LP/POD-114-96 Marriott Townplace Suites - Innsbrook</p>	<p>Foster & Miller, P.C.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 2.79-acre site is located on the northern terminus of Park Place Court on parcel 38-3-A-9B. The zoning is O-3C, Office District (Conditional). (Three Chopt)</p>
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3310

3311 Mr. Parker - Mr. Wilt and I spoke and the main concern was regarding some
 3312 construction activity out there. I'll let Mr. Wilt speak for himself. However, we have worked out
 3313 any concerns he had.

3314

3315 Mrs. Wade - And this is Mr. Parker back.

3316

3317 Mr. Parker - I'm sorry. Again, my name is Philip Parker with Foster & Miller.

3318

3319 Mrs. Wade - So, he's satisfied? He's shaking his head that he's satisfied. Good. Thank
3320 you.

3321

3322 Mr. Archer - All right, Mrs. Wade.

3323

3324 Mrs. Wade - Did you find out how many rooms there will be?

3325

3326 Mr. Parker - Ninety-five.

3327

3328 Mrs. Wade - Okay. All right. I move the landscape plan LP/POD-114-96, Marriott
3329 Townplace Suites – Innsbrook, be approved subject to the annotations on the plan and the
3330 standard conditions.

3331

3332 Ms. Dwyer - Second.

3333

3334 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in
3335 favor say aye...all oppose say nay. The motion passes.

3336

3337 The Planning Commission approved the landscape plan for LP/POD-114-96, Marriott Townplace
3338 Suites – Innsbrook, subject to the standard conditions for landscape plans and the annotations on
3339 the plans. Mr. Donati was absent.

3340

3341 **LANDSCAPE & LIGHTING PLAN**

3342

LP/POD-29-97
Courtyard Marriott –
Williamsburg Road

CMSS Architects for Tidewater Inn Management: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 3.81-acre site is located on the north line of Williamsburg Road, east of Airport Square Lane on parcels 163-A-11 and 163-4-A- 1 and 2. The zoning is B-3, Business District. (**Varina**)

3343

3344 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-29-97, Courtyard
3345 Marriott, Williamsburg Road. Ms. News.

3346

3347 Ms. News - The landscape and lighting plan submitted meets or exceeds the minimum
3348 County requirements and staff can recommend approval.

3349

3350 Mrs. Wade - Do you know how many rooms they have, Ms. News?

3351

3352 Ms. News - It's around 100.

3353

3354 Mr. Zehler - Your annotation on the plan says to eliminate that rear fixture. Is that
3355 going to be eliminated?

3356

3357 Ms. News - Yes, it is. We went through a couple of revisions on these plans to take

3358 care of some details and that light should have been taken off and was, on one plan, but wasn't on
3359 the final.

3360

3361 Mr. Zehler - The property owner to the rear just left. He had to leave and couldn't wait
3362 any longer, but he was concerned about that light and I told him I thought it was being eliminated.

3363

3364 Ms. News - Yes, it has been eliminated.

3365

3366 Mr. Zehler - Is there any exterior lighting on any of the walls of any of the buildings?

3367

3368 Ms. News - There are some floodlights on the front of the building. I have no
3369 indication that there are any on the back.

3370

3371 Mr. Zehler - And as well as the courtyard?

3372 Ms. News - There are some bollard lights shown on the ground.

3373

3374 Mr. Zehler - But are there any wall packs or floodlights?

3375

3376 Ms. News - I have no indication that there are wall packs on those walls.

3377

3378 Mr. Zehler - I have no other questions, Mr. Chairman. With that, I move LP/POD-29-
3379 97, Courtyard Marriott – Williamsburg Road, be approved subject to the annotations on the plan
3380 and the standard conditions for landscaping and lighting.

3381

3382 Mr. Vanarsdall - Second.

3383

3384 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All
3385 in favor say aye...all opposed say nay. The motion passes.

3386

3387 The Planning Commission approved LP/POD-29-97, Courtyard Marriott – Williamsburg Road,
3388 subject to the standard conditions for landscape and lighting plans and the annotations on the
3389 plan. Mr. Donati was absent.

3390

3391 Mr. Marles - That will do it for all of our cases. We will now move on to the approval
3392 of the minutes. We have for approval of minutes February 24, 1998 and March 24, 1998. I
3393 believe you have copies with corrections called in.

3394

3395 Mr. Archer - I apologize for not calling them in but on page 37, line 1505, I think that
3396 should be "arise" instead of "arrive" in the future. On page 71, line 2923, it's a little grammatical
3397 error, where does this road "lead" to and not "leads" to. That's all I have.

3398

3399 Mr. Zehler - Mr. Chairman, I called all of mine in. I move approval of both of them
3400 with the necessary changes.

3401

3402 Ms. Dwyer - Second.

3403

3404 Mrs. Wade - And from hereafter, make it Mrs. Wade, please, Ms. Carver. As of 46
3405 years and 2 days, it's been Mrs. Wade.

3406

3407 Mr. Archer - All right, Mrs. Wade. The motion was made by Mr. Zehler and seconded
3408 by Ms. Dwyer. All in favor say aye...all oppose say nay. The motion passes.

3409

3410 The Planning Commission approved the minutes of the February 24, 1998 and March 24, 1998
3411 minutes. Mr. Donati was absent.

3412 **RESOLUTION: Multi-Use Public Facility Site – Substantially In Accord With the County**
3413 **of Henrico Comprehensive Plan**

3414

3415 Mr. Archer - Good morning, Ms. Anderson.

3416

3417 Ms. Anderson - Good afternoon, to everyone. This concerns the substantially in accord for
3418 the Multi Public Facility Site, located off of Shady Grove Road. As shown on this vicinity map,
3419 Figure 1, the proposed site is located in the Three Chopt Magisterial district across from the
3420 Bridalwood subdivision on the east line of Shady Grove Road approximately 590 feet south of its
3421 intersection with Old Nuckols Road. The site is approximately 116 acres. It consists of parcels
3422 18-A-17, 19A, 40, 41, 54 and 55. It is proposed to be used for a high school, a park, a library
3423 and a water tank and pumping station for public utilities. The site characteristics are suitable for
3424 the proposed uses. The zoning on the site is A-1, Agricultural District, and all of the proposed
3425 uses are permitted in this zoning district. The topograph on this site is gently sloping with the
3426 highest elevations toward the north end of the site. The land use plan designates the site for
3427 Suburban Residential II development which is 2.4 to 3.4 units net density per acre. It is also
3428 designated in some areas on the site, as you can see, for Environmental Protection Area.

3429

3430 Although, the plan does not designate this site for a public use, the proposed development
3431 supports a number of the Plans Goals and Objectives that focus on planning for public utilities,
3432 including acquiring sites in areas of growth as they are needed and utilizing public facility sites for
3433 multiple purposes. Based on these considerations and other considerations, the staff has
3434 concluded that the proposed site for these public facilities is not in conflict with, or a significant
3435 departure from, the Goals, Objectives, and Policies of the Plan. The staff therefore recommends
3436 that the Planning Commission approve the resolution finding the proposed Multi-
3437 Public Facilities site substantially in accord with the County's Comprehensive Plan. That
3438 concludes my presentation. If you have any questions we do have representatives here from
3439 Schools and Recreation & Parks.

3440

3441 Mr. Archer - Thank you, Ms. Anderson.

3442

3443 Mrs. Wade - Ms. Anderson, I gather, the exact location of Twin Hickory extended is yet
3444 to be determined. Of course, it's been proposed to split this site.

3445

3446 Ms. Anderson - That is something that Public Works is working on, but it will take into
3447 consideration the proposal for this particular piece of land there.

3448

3449 Mr. Silber - Mrs. Wade, Audrey may not have been as involved as some of us in the
3450 overall Twin Hickory development as proposed, but Twin Hickory is suppose to extend more or
3451 less in a southwesterly direction from its terminus tying into Shady Grove Road. Basically,
3452 following sort of the southern line of that red line that's shown on the screen. The exact
3453 alignment is not known but it will be similar to what's shown on this map. Shady Grove Road
3454 then, I guess, perhaps is a bigger question whether it would continue down as shown here on the
3455 western edge of this property. The Major Thoroughfare Plan shows for that road to continue
3456 down to the south, swing across and tie into Pouncey Tract, across from Bacova. There is a

3457 proposal by Snyder Hunt to bring Shady Grove through this particular site and tie into or extend
3458 down to Bacova, in that direction. That, at this point, has not yet been determined as far as I
3459 know.

3460

3461 Mrs. Wade - That's what I understood. Thank you. I do have one question for Parks.

3462

3463 Mr. Schroll - Good afternoon. My name is Chuck Schroll and I'm Parks planning
3464 supervisor for the Division of Recreation and Parks.

3465

3466 Mrs. Wade - Will the materials for the proposed park site be compatible with the
3467 existing land? Is it proposed to be for passive activities?

3468

3469 Mr. Schroll - We think it's a little premature because we work with the citizens in
3470 developing for our parks. But, it's also dictated to some degree by the site. Whatever constraints
3471 or opportunities are offered by the site. And, I think to respond, yes. I think we are primarily
3472 looking, because of those two issues, both programming and site constraints, we are primarily
3473 looking at passive type of facilities. The high school will have a number of active facilities, if you
3474 will, associated with the school use. So, we think that the two together will be very compatible.

3475

3476 Mrs. Wade - And out here, what citizens, for instance would be involved?

3477

3478 Mr. Schroll - Typically, what we do when we do master plans for our parks, we either,
3479 through a series of public meetings or a committee structure, lately it's been through public
3480 meetings, we solicit input from anybody who might conceivably use the facility and we incorporate
3481 that into the process of developing a program. We do come to the table with some ideas of the
3482 type of facilities or the form the facility should be, be it passive or active. Normally, a
3483 combination of some form of the two but we listen very closely to the citizens, of course.

3484

3485 Mrs. Wade - Thank you.

3486

3487 Mr. Archer - Are there any other questions of Mr. Schroll before he takes his seat?

3488

3489 Ms. Dwyer - Why would this be design so that primary access is from Twin Hickory
3490 Extended as opposed to Shady Grove?

3491

3492 Mr. Schroll - For the School?

3493

3494 Ms. Dwyer - For the whole site it sounds like the school, the library and the park....

3495

3496 Mr. Silber - I think the best answer for that, Ms. Dwyer, is that Twin Hickory Road is
3497 proposed to be a four-lane divided facility. Whereas, existing Shady Grove Road would remain a
3498 two-lane facility.

3499

3500 Mrs. Wade - Is Pouncey Tract going to be widen some day?

3501

3502 Mr. Silber - I'm not aware of any plans to widen it at this point. It's a State facility and
3503 it's not in their six-year plan.

3504

3505 Mr. Archer - Thank you, Mr. Schroll. We need a motion, do we not, Mr. Secretary?

3506

3507 Mr. Marles - Yes.

3508

3509 Mrs. Wade - I move the Resolution proving that the Multi-Public Facility site at Shady
3510 Grove is substantially in accord with the Comprehensive Plan.

3511

3512 Mr. Zehler - Second.

3513

3514 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Zehler. All in
3515 favor say aye...all oppose say nay. The Resolution is approved. Thank you. Okay. Next we
3516 have the slide presentation.

3517

3518 **DISCUSSION ITEM: Slide Presentation/Public Service Corporation Facilities**

3519 **(Subdivisions)**

3520

3521 Mr. Zehler - Jim, before you start. I just had a project that came before me, not only the
3522 owner, but the builder. I sat down and talked with 360 as well as Bell Atlantic, as well as Virginia
3523 Power. Three Sixty and Bell Atlantic were very cooperative. Virginia Power told us to take a
3524 hike, they are going to put them where they want to put them. So, now you have another
3525 subdivision coming in Varina with 43 units with the big green boxes in the front yards. The
3526 property owner would like to dispute it, but he's concern if he gets involved between Henrico
3527 County, Virginia Power and it's already taken him a year for final approval and he hasn't gotten it
3528 and he's afraid to say a word, so he's going to continue on with it. Unfortunately, we've still got
3529 those ugly green boxes.

3530

3531 Mrs. Wade - Somebody that used to be with the Power Company recommends writing
3532 the SEC and take the problem before them.

3533

3534 Mr. Zehler - Why can't the utility easements be approved by the Planning Commission
3535 or by the Planning Department and make sure that they are in the proper places?

3536

3537 Mr. Archer - Is this in Oak Glen, Jim, the one that we are looking at? (Mr. Archer was
3538 referring to the slide on the screen)

3539

3540 Mr. Strauss - Yes, sir. I think for the sake of time, why don't I just run through the
3541 slides and the purpose. I don't want to ignore Mr. Zehler's point, but today I can only take notes,
3542 I guess. We don't have any solutions proposed yet, but I think the purpose of this slide show is to
3543 just bring the other Commission members up to speed with the conditions we've seen in the field.

3544

3545 Mr. Archer - Jim, if I may make a couple of comments while we are going along, I'm
3546 going to stop you. But, if everybody will notice this one, this is in Oak Glen subdivision. If you

3547 will notice that box, I know it's a little hard to see on the screen but it's almost in the man's
3548 driveway.

3549

3550 Mr. Strauss - Some of these slides I'm going to move right through because they are
3551 dark.

3552

3553 Mr. Zehler - The little green one, is that C & P?

3554

3555 Mr. Archer - That's cable, I believe.

3556

3557 Mr. Strauss - I'm going to move through this for time's sake. We don't have much time
3558 before the cafeteria closes. You can see that there are also the big green boxes and the small
3559 pedestals. Once, again, we are in Oak Glen. There's a small box here.

3560

3561 Mr. Zehler - What is the small box?

3562

3563 Mr. Strauss - I believe that is Media One.

3564

3565 Mr. Archer- The tall one is the telephone company and the small one is Media General,
3566 that's the cable box.

3567

3568 Mr. Zehler - What is the one on the pole?

3569

3570 Mr. Strauss - I think that's a temporary power hookup. I wish this slide showed better.
3571 I'll go to the next one. As you can see this box is grotesque and they couldn't think of a worse
3572 place to put it. It's right at the intersection of Piccolo Drive and Goodell and is in Oak Glen as
3573 well. As you can see, I would hate to mow my lawn or try to work around something like that.
3574 And what's worse, it sits right there at the corner. Here, is another example of how close they sit
3575 next to the driveway. There are additional pedestals to the side of that. We work so hard to get
3576 nice looking subdivisions and then we end up with something like this up front. It doesn't do
3577 much for the curb appeal to have this box sitting out there in front. There are landscape
3578 restrictions on these VEPCO boxes. You have to stay three feet away from the sides and ten feet
3579 away in the front where the door is. So, even if we could have landscaping there are restrictions
3580 about where it can go and then Virginia Power would want to come back and cut some of this
3581 down to maintain their access to the door. It begs the question: if you landscape, where do you
3582 landscape? Would you rather hide the front or the back? Huntwood is a subdivision we looked
3583 at after our last meeting. As you can see, some of them are very close to the driveway. If you are
3584 removing snow or just trying to maintain the lawn it would obviously be an obstacle.

3585

3586 Mr. Zehler- That one is in the man's driveway. It's a wonder he didn't hit that with his
3587 car.

3588

3589 Mr. Strauss - When we were in the field researching this, some of them did appear to
3590 have been hit.

3591

3592 Mr. Zehler - Let me ask a question. Mr. Silber, is that considered.... Jim, could you just
3593 back up one more? Is that considered in the proper place being in the side yard, according to the
3594 Code?
3595

3596 Mr. Strauss - Right, I would think so. It looks like it could be on a side lot line.
3597

3598 Mr. Archer - I think that's along the side lot line.
3599

3600 Mr. Zehler - Is that permissible according to our Code?
3601

3602 Mr. Silber - I think the Code says, and correct me if I'm wrong, Jim. I think the Code
3603 says it's supposed to be in the rear, isn't it?
3604

3605 Mr. Zehler - It says rear yard or side yard.
3606

3607 Mr. Silber - Typically, side yard is.
3608

3609 Mr. Vanarsdall - That's not what Dave O'Kelly said. Dave O'Kelly said it's suppose to be
3610 in the backyard.
3611

3612 Mr. Silber - Side, normally, would be behind the front of the structure.
3613

3614 Ms. Dwyer- But, this is in front of the structure.
3615

3616 Mr. Vanarsdall - It was suggested that they be moved back towards the house, if it has to be
3617 there.
3618

3619 Mr. Zehler - Well, that is my other question, Mr. Silber. What is the definition of a side
3620 yard? Is that considered side yard or front yard?
3621

3622 Mr. Silber - No, sir. That's the front yard.
3623

3624 Ms. Dwyer - Anything in front of the front part of the house, right.
3625

3626 Mr. Archer - Right, would be the front yard.
3627

3628 Mr. Zehler - Obviously, this would have to be moved back then behind the front line of
3629 the building.
3630

3631 Mr. Strauss - I'm going to continue because there are some on the West End as well,
3632 they are not all in the East End. We have some at Kimberwicke.
3633

3634 Mr. Zehler - I bet you there are none at Wyndham.
3635

3636 Ms. Dwyer - This is Westham Manor, it's it? This is near me.

3637

3638 Mr. Strauss - Yes, but with the planting restrictions, as we will see, there is a yellow
3639 sticker on there and it does prohibit you from planting too close. I don't know if you can read
3640 that, but there is a diagram at the upper right that shows a man with a pole. That's a clearing area
3641 where you have got to have ten feet or you can't plant. So, depending on how you put this box in
3642 is going to indicate where you can do the appropriate landscaping. And if you face that towards
3643 the front, you don't have many options to landscape or hide it with a ten-foot clear zone around
3644 the front. I this is the last slide. We can break early and have further discussion.

3645

3646 Mr. Zehler - Randy, I'll direct this to you. It's quite obvious that this is in violation of
3647 our Code. Why can't we as a County enforce this Code?

3648

3649 Mr. Silber - It seems like a very easy question, but I don't think it's quite that easy. Let
3650 me give you first sort of the reality of it. I think if we started to, at this point, crack down and
3651 said we are not going to allow anymore in the front yards. I think there is going to be a lot of
3652 resistance and ramification to that.

3653

3654 Mr. Zehler - But, wait a minute. It's in violation of the Code. Do we not enforce the
3655 Code.

3656

3657 Mr. Silber - That's correct.

3658

3659 Mr. Zehler - So, how do they get in the front yard in the first place?

3660

3661 Mr. Vanarsdall - That's what we were talking about before.

3662

3663 Mr. Silber - Several years ago they found it more advantageous to put it in the front. It
3664 was less costly. They found when they had to maintain these things in rear yards, they were
3665 running into barking dogs and all kinds of obstacles. It was just much more convenient to install
3666 them and maintain them just off the right-of-way. I think we can probably get to the point in
3667 which we can get these into the rear yards but I'm not so sure it is as easy just to say okay, we are
3668 going to start enforcing it at this point.

3669

3670 Mr. Zehler - Well, I think that's what I was told. The property owner called Ms.
3671 Buchanan and Ms. Buchanan's, probably, exact words of what you said. Number 1. It's costly.
3672 Number 2. They've got to go in front of the FCC or SCC to get approval because it's going to
3673 increase their cost. I mean, she had every excuse why she couldn't do it. And right now they
3674 really are not doing anything because basically what she said, they are not being forced to do
3675 anything. So, what they have done in the past, they are going to continue to do in the future until
3676 some pressure is put on them. And, basically, what the owner was told, was you've got another
3677 project with the boxes up front because by the time they can do anything, you are going to have
3678 your subdivision in.

3679

3680 Mr. Archer - And when the owner goes to buy, this doesn't show up on the plat. He
3681 sees a flat strip that's all measured, and then he goes to move in his house and here these things

3682 are sitting in the front yard. The Code Section is 19-147. "All utility poles or underground
3683 conduits for electric power lines, telephone lines and similar service shall be placed in alleys or
3684 easement provided along the rear or side lines whenever this is possible in accordance with the
3685 County design standards and specifications. Where possible, subdivided shall provided common
3686 or shared easements. All development activity within the easement shall be coordinated with
3687 public service corporations and the Department of Public Works and Utilities to minimize land
3688 disturbing activities. Subdivision construction plans shall include the protection and restoration of
3689 disturbed areas in according with applicable provision of Article 2, Chapter 10, etc, and so forth."

3690

3691 Mr. Zehler - I don't understand why this is so difficult. It's in our Code. Why can't we
3692 enforce? Why is it such a tough issue?

3693

3694 Mr. Silber - Let me refer that question to Mr. Strauss and Mr. O'Kelly who have had
3695 more time to think about this and maybe have some options or directions that we need to
3696 recommend to the Commission. I think this has been brought to our attention as a concern and I
3697 think we need to figure out how we are going to address it. Dave, do you have any suggestions
3698 as to how we can proceed at this point?

3699

3700 Mr. O'Kelly - Well, what we are trying to do, Mr. Chairman.... I've been charged with
3701 trying to set up a committee that includes Virginia Power, Bell Atlantic, Media One, the
3702 Chairman, Mr. Vanarsdall, Harvey Hinson. Just yesterday I nailed down the last committee
3703 member and that was Mr. Lee Priestas with the Department of Public Works. We also have Mr.
3704 Kim Tingley representing the Homebuilders Association, Mr. E. D. Lewis with Lewis &
3705 Associates and Mr. Greg Windsor has also agreed to serve on this committee. The purpose of the
3706 committee is to try to address some of the concerns that the Commission obviously has brought to
3707 our attention today and has experience in the past. So, we are going to be meeting as soon as we
3708 can schedule the first meeting to try to work on the problems and issues that you have brought to
3709 our attention.

3710

3711 My problem is, I'm also the Chairman of two other committees and serving on a third committee,
3712 involved with Angela Harper's Development Review Timetables. So, outside of our normal
3713 workload, it's kind of difficult to get all of these folks together and have the meetings that we
3714 need to have and work on the solutions that you would like to see. So, that's really all I can add
3715 right now, Randy, to where we are.

3716

3717 Mr. Zehler - But, Dave, it's difficult for me to understand is why we are forming all of
3718 these committees, and doing what we are doing, to enforce an existing code that we have on the
3719 books?

3720

3721 Mr. O'Kelly - I'd be happy to review that with the County Attorney, Mr. Zehler, and get
3722 back to you.

3723

3724 Mr. Zehler - We make the developers abide by the Code, the builders abide by the Code
3725 and everybody else, why can't we make these people do the same?

3726

3727 Mr. O'Kelly - I'm not sure whether Virginia Power has some preemption authority over
3728 local ordinance or not. So, we need to check into those types of things.

3729

3730 Mr. Zehler - Well they went from the rear yard to the front yard, so somebody gave
3731 them the authority to do that.

3732

3733 Mr. Vanarsdall - I think it's somebody in the County. I think somebody, maybe, like Public
3734 Works already knows this and knows when it was changed. I can't believe they just all of a
3735 sudden, here's a brand new subdivision and they just said we are going to put every thing in the
3736 front yard now because it's cheaper. I just can't believe they did that. Somebody knows about
3737 that.

3738

3739 Mr. O'Kelly - About four or five years ago it started occurring, Mr. Vanarsdall, and we were not
3740 aware of the significance of the problem until Mr. Archer brought it to our attention.

3741

3742 Mr. Vanarsdall - I don't mean no body in Planning.

3743

3744 Ms. Dwyer - Mr. O'Kelly, at what point is there interaction between some County
3745 official and these utility providers when these are being installed, or is there any point of contact
3746 for approval?

3747

3748 Mr. O'Kelly- We sat up a process approximately 10 years ago to include Virginia Power
3749 in the development review process. We have a drawer at our front counter for them to pick up
3750 every plan that you see and sometimes they do and sometimes they don't. And they have never,
3751 in the last five or six years, provided any comments to the County regarding the plans that they
3752 are reviewing. They do not attend staff/developer meetings. At one time they were doing that.

3753

3754 Ms. Dwyer - So, a builder comes in and wants to develop a subdivision, calls Virginia
3755 Power and says I'm putting in 20 lots. I need electrical service and then that's it. And then
3756 Virginia Power comes in and puts the lines wherever they want to and nobody in the County....

3757

3758 Mr. O'Kelly- Right. They do the engineering and they do not include the County in their
3759 engineering process.

3760

3761 Mr. Zehler - And they have the property owner sign the easements.

3762

3763 Ms. Dwyer - Right. And the developer just says I just need electrical service and it may
3764 or may not be concerned about where the boxes go. So, there really is no point of intersection,
3765 there is no time within the normal process anybody have any interaction with Virginia Power. So,
3766 what you are saying, part of the practical problem is the reason why you have to have this
3767 committee is because you are forcing them to deal with this issue when there is now no natural
3768 point in which they would have to receive any kind of County approval or County input where
3769 they put these lines. Is that correct?

3770

3771 Mr. O'Kelly - Absolutely, correct.

3772

3773 Ms. Dwyer - Okay. So, that's why. If they had to come in and be a part of the POD or
3774 if they had to get some kind of approval from the County then we could enforce fairly easily, but
3775 right now it sounds like they are working entirely outside of our process.

3776

3777 Mr. Zehler - Well, they have a design engineer. You submit a set of plans to him and he
3778 does the actual design and layout then when he gets done he will send you a copy of a contract
3779 with the easements, he will get it signed and notarized and he's dealing directly with the property
3780 owner. We see none of this.

3781

3782 Ms. Dwyer - That's right.

3783

3784 Mr. Zehler - As well as 360, Cable, Bell Atlantic, we don't see any of that. It's done
3785 directly with them. That's why I'm saying, why can't we as a Planning Department or
3786 Commission say we require a set of these plans and let us approve them also? Because you are
3787 taking the burden now off the property owner. The property owner is between a rock and a hard
3788 spot now. He doesn't know what to do. He doesn't know where to turn. He just knows he
3789 wants to get his project going because time is money to him and as long as he has got it tied up
3790 and Henrico ties it up long enough for final approval and whatever and now he doesn't know
3791 what to do, so all he does is just signs it so that he can keep going. He doesn't want to stop his
3792 momentum.

3793

3794 Ms. Dwyer - I guess that's what Dave and Randy are saying. They need to figure out
3795 what's the best way to draw them into the process. That's probably one way to do it.

3796

3797 Mr. Zehler - We really don't need a committee. The department just says we need a
3798 submittal of utility easements for approval.

3799

3800 Ms. Dwyer - And then nobody listens. Nobody does it and then where will we be.

3801

3802 Mr. Zehler - And let them duke it out with Virginia Power. Hey guys you all are in
3803 violation of our County Code. You've got the easement in the front and it needs to go in the
3804 back.

3805

3806 Mrs. Wade - And if they say tough, then what happens?

3807

3808 Mr. Marlles - Mr. Chairman, I think the message from the Commission is strong and staff
3809 has been very concerned that the developer is between a rock and a hard place. And in many
3810 cases it is in the developers best interest to have these unsightly boxes put out of the front yards
3811 as well. We have been working trying to get the utility company engaged in that conservation.
3812 And, right now, as Ms. Dwyer said, they are kind of outside of the loop and we have got to get
3813 them into this conservation and to make sure they do respect the County's ordinances and
3814 regulations. But, I think, that staff understands that this is an important issue to the Commission
3815 and we will pursue it.

3816

3817 Mr. Archer - Very good.
3818
3819 Ms. Dwyer - Are we going to discuss the Timetable?
3820
3821 Mr. Marlles - Actually we are not. We thought this meeting was going to go a little
3822 longer today with some of the more controversial items that were deferred, but I do want to
3823 announce that we would like to have this work session on July 28 following the Commission's
3824 next POD meeting. We will be serving lunch at that next work session and it will be held in the
3825 Board Room on the third floor. So, I need to get that message into the record.
3826
3827 Mr. Zehler - Is that just for the Planning Commission or will be Board be joining us?
3828
3829 Mr. Marlles - That is just for the Planning Commission
3830
3831 Mr. Archer - Before we go, I would like to thank Mr. O'Kelly and Mr. Strauss for that
3832 fine presentation. I'm glad everybody finally got a chance to see it so you would know that we
3833 weren't just kidding about this. Hopefully, we are making a step in the right direction in trying to
3834 get this resolved. Okay. I guess we need a motion to adjourn.
3835
3836 Mr. Zehler - So move.
3837
3838 Ms. Dwyer - Second.
3839
3840 On a motion made by Mr. Zehler and seconded by Ms. Dwyer, the Planning Commission
3841 adjourned its meeting at 1:30 p.m.
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C. W. Archer, C.P.C. Chairman

John R. Marlles, AICP, Secretary