

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.
4 Wednesday, March 22, 2000.

5

6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
7 Mrs. Debra Quesinberry, C.P.C., Vice Chairman (Varina)
8 Mr. C. W. Archer, C.P.C. (Fairfield)
9 Mr. Allen Taylor, P. E.

10 (Three Chopt)

11 Ms. Elizabeth G. Dwyer, C.P.C. (Tuckahoe)
12 Mrs. Patricia S. O'Bannon, C.P.C., Board of Supervisors
13 Representative (Tuckahoe)

14

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

29

30 **Mrs. Patricia S. O'Bannon, the Board of Supervisors Representative, abstains on all**
31 **cases unless otherwise noted.**

32

33 Mr. Vanarsdall - Good morning ladies and gentlemen. The Planning Commission will
34 now come to order. We want to get started because we have a very heavy morning scheduled
35 and we have three public hearings this afternoon. So with that, I'm going to turn it over to
36 our secretary Mr. Marlles.

37

38 Mr. Marlles - Good morning, Mr. Chairman, members of the Commission, ladies and
39 gentlemen. The first item on the agenda is the requests for deferrals and withdrawals. They
40 will be presented by Mr. Ted McGarry.

41

42 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission, ladies and
43 gentlemen. Staff is aware of three requests for deferrals. The first one is on page 6 of your
44 agenda.

45 **LANDSCAPE PLAN**

46

LP/POD-124-98
Crown, Cork & Seal -
Expansion - Lewis Road

Hourigan Martone and James River Nurseries: Request for a approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 8.8 acre site is located at the south east corner of Lewis and Norman Roads on parcel 173-A-19. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay District). **(Varina)**

47

48 Mr. McGarry - The applicant requests deferral to your April 26, 2000, meeting.

49

50 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of
51 LP/POD-124-98, Crown, Cork & Seal - Expansion? No opposition. Mrs. Quesinberry.

52

53 Mrs. Quesinberry - I move for deferral of Crown, Cork & Seal to the April 26, 2000,
54 meeting at the applicant's request.

55

56 Ms. Dwyer - Second.

57

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

60

61 Pursuant to the applicant's request, the Planning Commission deferred LP/POD-124-98,
62 Crown, Cork & Seal - Expansion, to it's April 26, 2000, meeting.

63

64 **SUBDIVISION (Deferred from the February 23, 2000 Meeting)**

65

Four Mile Run
(January 2000 Plan)

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

66

67 Mr. McGarry - On page 15 of your agenda, subdivision Four Mile Run (January 2000
68 Plan), the applicant requests deferral to your April 26, 2000, meeting.

69

70 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of
71 subdivision Four Mile Run (January 2000 Plan)? No opposition. Mrs. Quesinberry.

72

73 Mrs. Quesinberry - I move to defer Four Mile Run (January 2000 Plan) to the April 26,
74 2000, meeting at the applicant's request.

75 Ms. Dwyer - Second.

76

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

79

80 Pursuant to the applicant's request, the Planning Commission deferred subdivision Four Mile
81 Run (January 2000 Plan) to it's April 26, 2000, meeting.

82

83 **LANDSCAPE & LIGHTING PLAN**

84

LP/POD-61-98
Holiday Inn Express

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

85

86 Mr. McGarry - On page 24 of your agenda. This is the Holiday Inn Express, LP/POD-
87 61-98, it's the landscape plan only. The applicant requests deferral to your June 28, 2000,
88 meeting.

89

90 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of
91 LP/POD-61-98, Holiday Inn Express, the landscape plan only? No opposition. Mr. Taylor.

92

93 Mr. Taylor - Mr. Chairman, I move that the landscape plan for LP/POD-61-98,
94 Holiday Inn Express be deferred, at the applicant's request, until June 28, 2000.

95

96 Mr. Archer - Second, Mr. Chairman.

97

98 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
99 in favor say aye...all opposed say nay. The motion carries.

100

101 Pursuant to the applicant's request, the Planning Commission deferred landscape plan
102 LP/POD-61-98, Holiday Inn Express, to its June 28, 2000, meeting.

103

104 Mr. Vanarsdall - Is that all for the deferrals, Mr. McGarry?

105

106 Mr. McGarry - Those are all of the deferrals and withdrawals that staff is aware of.

107

108 Mr. Vanarsdall - All right. Mr. Secretary, what's next on the agenda?

109

110 Mr. Marlles - The next item on the agenda, Mr. Chairman, is the Expedited Agenda.
111 And, again, that will be presented by Mr. McGarry.

112 Mr. McGarry - Staff is aware of eight items on the Expedited Agenda. The first one is
113 on page 2 of your agenda.

114

115 **TRANSFER OF APPROVAL**

116

POD-31-99
Ackley Park

L. Clarke Jones, III for Ackley Park, L.L.C. & Anita Cook: Request for a transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Brett Pace and Jones Realty & Construction Corporation to Ackley Park, L.L.C. and Anita Cook. The 2.47 acre site is located on the south line of Ackley Avenue, 400 feet north of Parham Road on parcel 60-A-75N. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

117

118 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case, POD-31-99,
119 Ackley Park, transfer of approval? No opposition. I move that POD-31-99, Ackley Park, be
120 approved for transfer of approval with the annotations on the plan.

121

122 Ms. Dwyer - Second.

123

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

126

127 The Planning Commission approved the transfer of approval request for POD-31-99, Ackley
128 Park, with the annotations on the plan.

129

130 **PLAN OF DEVELOPMENT**

131

POD-15-00
Tumbleweed Restaurant @
Virginia Center Commons
Shopping Center

Balzer & Associates, for North Park Peripheral Associates, L.P.: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 5,400 square foot restaurant. The 1.607 acre site is located on the north side of J.E.B. Stuart Parkway, approximately 400 feet east of Brook Road (U. S. Route 1) in Virginia Center Commons Shopping Center on part of parcel 24-A-7E. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

132

133 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-15-00,
134 Tumbleweed Restaurant? No opposition. Mr. Archer.

135

136 Mr. Archer - Mr. Chairman, I move approval of POD-15-00, Tumbleweed Restaurant
137 as annotated on the plan.

138

139 Mrs. Quesinberry - Second.

140

141 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs.
142 Quesinberry. All in favor say aye...all opposed say nay. The motion carries. **(There was a**
143 **second motion made on page 10 of the minutes to reflect the revised architectural as**
144 **listed on the addendum)**

145

146 The Planning Commission approved POD-15-00, Tumbleweed Restaurant @ Virginia Center
147 Commons Shopping Center, subject to the standard conditions for developments of this type,
148 the annotations on the plan and the following additional conditions:

149

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

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

157 25. The developer shall install an adequate restaurant ventilating and exhaust system to
158 minimize smoke, odors, and grease vapors. The plans and specifications shall be
159 included with the building permit application for review and approval. If, in the
160 opinion of the County, the type system provided is not effective, the Commission
161 retains the rights to review and direct the type of system to be used.

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

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

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

171 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
172 Planning Office and approved prior to issuance of a certificate of occupancy for this
173 development.

174 30. Prior to the issuance of a building permit, an agreement in form and substance
175 acceptable to the County Attorney for the construction of Telegraph Road from the
176 existing end of Telegraph Road to the Henrico County line shall be submitted to the
177 County for approval. A subdivision bond for this construction shall be provided to the
178 Director of Planning.

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

180 **(Deferred from the February 23, 2000, Meeting)**

181

POD-12-00
Hunton Baptist Church
Facility Expansion

TIMMONS for Hunton Baptist Church: 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 one-story, 8,776 square foot fellowship hall. The 8.98 acre site is located at the intersection of Old Washington Highway and Greenwood Road on parcels 14-8-11-55A and 14-8-12-54B. The zoning is B-3, Business District and A-1, Agricultural District. Individual well and Septic Tank/Drainfield. **(Brookland)**

182

183 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-12-00, Hunton
184 Baptist Church Facility Expansion? No opposition. I move that POD-12-00, Hunton Baptist
185 Church Facility Expansion be approved with the recommendation by the staff, the standard
186 conditions, the annotations on the plan, and I would like to add No. 9 amended, to bring it
187 back for landscaping, and additional conditions Nos. 23 through 30.

188

189 Mrs. Quesinberry - Second.

190

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

193

194 The Planning Commission approved POD-12-00, Hunton Baptist Church Facility Expansion,
195 subject to the standard conditions for developments of this type, the annotations on the plan
196 and the following additional conditions:

197

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

201 23. The right-of-way for widening of Old Washington Highway and Greenwood Road as
202 shown on approved plans shall be dedicated to the County prior to any occupancy
203 permits being issued. The right-of-way dedication plat and any other required
204 information shall be submitted to the County Real Property Agent at least sixty (60)
205 days prior to requesting occupancy permits.

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

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

287

288 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-17-00, St. Peter
289 Baptist Church - Church Addition and Child Development Center? No opposition. Mr.
290 Archer.

291

292 Ms. Dwyer - Where's the addendum, Mr. McGarry?

293

294 Mr. McGarry - It's on page 2 of the addendum.

295

296 Mr. Vanarsdall - After we take this one, then we are going to have to go back to
297 Tumbleweed.

298

299 Mr. Archer - Oh, there was an addendum on Tumbleweed, wasn't it?

300

301 Mr. Vanarsdall - Yes. I had so much paper work I couldn't find it. Thank you for
302 bringing that to my attention Ms. Dwyer. I'm going to have to get here earlier so that I can
303 read everything. Thank you. All right. We have one on the addendum. Mr. Archer.

304

305 Mr. Archer - Mr. Chairman, I move approval of POD-17-00, St. Peter Baptist Church
306 Addition and Child Development Center, subject to the standard conditions for developments
307 of this type, added conditions Nos. 23 through 29 and as annotated on the plan.

308

309 Mr. Taylor - Second.

310

311 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
312 in favor say aye...all opposed say nay. The motion carries.

313

314 The Planning Commission approved POD-17-00, St. Peter Baptist Church Addition and Child
315 Development Center, subject to the standard conditions for developments of this type, the
316 annotations on the plan and the following additional conditions:

317

318 23. The right-of-way for widening of Mountain Road as shown on approved plans shall be
319 dedicated to the County prior to any occupancy permits being issued. The right-of-way
320 dedication plat and any other required information shall be submitted to the County
321 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

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

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

329 26. A standard concrete sidewalk shall be provided along the west side of Mountain Road.

330 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the
331 drainage plans.

332 28. All exterior lighting fixtures shall be designed and arranged so the source of light is not
333 visible from the roadways or adjacent residential properties. The lighting shall be low
334 intensity, residential in character, and the height or standards shall not exceed 15 feet.
335 29. Approval of the construction plans by the Department of Public Works does not
336 establish the curb and gutter elevations along the Henrico County maintained right-of-
337 way. The elevations will be set by Henrico County.

338

339 **(This next section is a continuation from page 5 of the minutes)**

340

341 Mr. Vanarsdall - All right. How are we going to handle Tumbleweed?

342

343 Mr. Archer - Let's go back and do it.

344

345 Mr. McGarry - Back to page 8.

346

347 Mr. Vanarsdall - All right. We will go back to page 8, Tumbleweed. We need a motion
348 and a second.

349

350 Mr. Archer - Okay. I move approval of POD-15-00, Tumbleweed Restaurant, subject
351 to the conditions on the original plan and the revised architectural plans received with the
352 addendum.

353

354 Ms. Dwyer - Second.

355

356 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All
357 in favor say aye...all opposed say nay. The motion carries.

358

359 The Planning Commission approved POD-15-00, Tumbleweed Restaurant @ Virginia Center
360 Commons, as stated previously but including the revised architectural plans as stated on the
361 addendum.

362

363 Mr. Vanarsdall - All right. Where are we now?

364

365 **SUBDIVISION**

366

Woodcliff (A Resubdivision of lots 9 and 10, Block C, Woodcliff, Section 3) (March 2000 Plan) **Grattan Associates, P. C. and Steven B. Kent & Associates, P.C. for Ronald O. and Norma E. Edds:** The 1.22 acre site is located on the south side of Old Francis Road, 386 feet east of Telegraph Road on parcels 33-4-C-9 and 10. The zoning is R-2A, One-Family Residential District. County water and sewer. **(Fairfield) 2 Lots**

367

368 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Woodcliff
369 (A Resubdivision of lots 9 and 10, Block C, Woodcliff, Section 3) (March 2000 Plan)? No
370 opposition. Mr. Archer.

371 Mr. Archer - Mr. Chairman, I move approval of subdivision Woodcliff, subject to the
372 annotations on the plans, the standard conditions for subdivisions served by public utilities and
373 the additional condition No. 12 as noted on the agenda.

374

375 Mr. Taylor - Second.

376

377 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
378 in favor say aye...all opposed say nay. The motion carries.

379

380 The Planning Commission granted conditional approval to subdivision Woodcliff (A
381 Resubdivision of Lots 9 and 10, Block C, Woodcliff, Section 3) (March 2000 Plan) subject to
382 the standard conditions for subdivisions served by public utilities, the annotations on the plan,
383 and the following additional condition:

384

385 12. Any necessary off-site drainage easements must be obtained prior to final approval of
386 the construction plans by the Department of Public Works.

387

388 **LANDSCAPE PLAN**

389

LP/POD-40-97
Hilton Garden Inn

Foster & Miller, P.C.: Request for a approval of a landscape
plan as required by Chapter 24, Sections 24-106 and 24-106.2
of the Henrico County Code. The 4.9 acre site is located on the
northwest corner of Cox Road and W. Broad Street (U.S.
Route 250) on parcels 48-5-B-1E and 48-5-B-1G. The zoning is
B-2C, Business District (Conditional). **(Three Chopt)**

390

391 Mr. Vanarsdall - Is there anyone in the audience in opposition to landscape plan LP/POD-
392 40-97, Hilton Garden Inn? No opposition. Mr. Taylor.

393

394 Mr. Taylor - Mr. Chairman, I recommend that LP/POD-40-97, Hilton Garden Inn, be
395 approved subject to the annotations on the plans and the standard conditions for landscape
396 plans.

397

398 Mrs. Quesinberry - Second.

399

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

402

403 The Planning Commission approved the landscape plan for LP/POD-40-97, Hilton Garden
404 Inn, subject to the standard conditions for landscape plans and the annotations on the plan.

405

406 Mr. Vanarsdall - Is that it, Mr. McGarry?

407

408 Mr. McGarry - Actually, that's it because the last one listed has been deferred.

409

410 Mr. Vanarsdall - All right. Is there anyone from the audience, or anyone else wants to
411 defer a case?

412

413 Mr. McGarry - I stand corrected on that. The lighting and landscape plans have been
414 split apart so we do need to take action on the Holiday Inn Express on page 24. We deferred
415 the landscape plan to June 28, 2000, but they would still like approval of their lighting plan on
416 the Expedited Agenda.

417

418 Mr. Vanarsdall - So, we deferred what?

419

420 Mr. McGarry - The landscape plan only.

421

422 Mr. Vanarsdall - But we are not going to defer the lighting?

423

424 Mr. McGarry - No, sir. It's on page 24.

425

426 **LANDSCAPE & LIGHTING PLAN**

427

LP/POD-61-98
Holiday Inn Express

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

428

429 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-61-98, Holiday
430 Inn Express, lighting plan on the expedited agenda? No opposition. Mr. Taylor.

431

432 Mr. Taylor - Mr. Chairman, I move that LP/POD-61-98, Holiday Inn Express,
433 lighting plan only be approved as presented with no standard conditions.

434

435 Mr. McGarry - Mr. Taylor, you would still have standard conditions attached to this.

436

437 Mr. Taylor - Okay. With the standard conditions for lighting.

438

439 Mrs. Quesinberry - Second.

440

441 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.
442 Quesinberry. All in favor say aye...all opposed say nay. The motion passes.

443

444 The Planning Commission approved the lighting plan for LP/POD-61-98, Holiday Inn
445 Express, subject to the standard conditions for lighting plans and the annotations on the plan.

446

447 Mr. Vanarsdall - I would like to ask Mr. Whitney a question. Mr. Whitney, is POD-14-
448 00, Health South going to be deferred, or do you want to wait until we get to it?

449 Mr. Whitney - Mr. Vanarsdall, I just received a letter from Health South dealing with
450 the issues we discussed previously. I would like to get a chance to make some copies of this
451 for the Commission and we can hear it when it comes up.

452

453 Mr. Vanarsdall - Okay. Thank you. All right, Mr. Secretary.

454

455 Mr. Marlles - Mr. Chairman, the next item on the agenda is subdivision extensions of
456 conditional approval. As the Commission is aware, this is a new format. There were recent
457 changes that were approved by the Board of Supervisors that delegates this authority to be
458 handled administratively. This information is being provided for informational purposes only.
459 I believe Mr. Wilhite has some comments as well.

460

461 Mr. Vanarsdall - Okay, Mr. Wilhite. Good morning.

462

463 Mr. Wilhite - Good morning. There are three subdivisions on the agenda to be
464 extended, of course you do not have to take action on this, but we just wanted to provide you
465 with the information.

466

467 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

468 **(FOR INFORMATIONAL PURPOSE ONLY)**

469

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions
Effinger Drive (A Ded. of a Portion of Effinger Dr.) (June 98 Plan)	Fairfield	0	0	0
Oak Hill Manor (March 1999 Plan)	Fairfield	40	23	0
Twin Hickory Collectors (January 1999 Plan)	Three Chopt	0	0	0

470

471 Mr. Wilhite - Effinger Drive and Oak Hill Manor are eligible for a one-year extension,
472 that the Director of Planning will grant. Twin Hickory Collectors has some portions that have
473 already been recorded, they are now eligible for a full five-year extension. So, they will be
474 granted approval until March 2005. If you have any questions, I'll be happy to answer.

475

476 Mr. Vanarsdall - All right. We need a motion to take care of this.

477

478 Mr. Wilhite - No, sir. No motion is necessary.

479

480 Mr. Marlles - It's just for informational purposes only, Mr. Chairman.

481

482 Mr. Vanarsdall - Okay. Is that it, Mr. Chairman?

483

484 Mr. Marlles - Yes, sir.

485

486 Mr. Vanarsdall - Now, if the Commission will turn to page 20 on the agenda. We are
487 going to move case LP/POD-122-98, Steward School, forward.

488

489 **LANDSCAPE & LIGHTING PLAN**

490

LP/POD-122-98
Steward School

Van Yahres/Vince Narron: Request for a 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 35.7 acre site is located at the northwest corner of Gayton Road and Ryandale Road on parcels 77-A-4, 77-A-20 and 77-A-21. The zoning is A-1, Agricultural District. **(Tuckahoe)**

491

492 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case? We have
493 opposition.

494

495 Mrs. O'Bannon - Is that opposition to the landscape plan?

496

497 Man from Aud. - We don't know what it is.

498

499 Mrs. O'Bannon - I want to thank the Planning Commission for moving this forward
500 because I am required to be at a Budget Hearing upstairs for the Board of Supervisors. So,
501 that's the reason for moving this case up this morning. Thank you. I appreciate it.

502

503 Mr. Vanarsdall - Mr. Secretary, do you want to announce the rules that we have?

504

505 Mr. Marlles - Yes, Mr. Chairman. Ladies and gentlemen, we do have a number of
506 cases this morning where there is opposition. It is the policy of the Planning Commission
507 when there is opposition to a case, to grant 10 minutes to the applicant to present their case.
508 The opponents are also granted 10 minutes to express their concern and their opposition. The
509 10 minutes does not include any time spent responding to questions from the Commission. It
510 is advisable or recommended that the applicant consider reserving some time for rebuttal.
511 Basically, sir, that is our policy.

512

513 Mr. Vanarsdall - Thank you, Mr. Marlles. Mr. Strauss.

514

515 Mr. Strauss - Thank you, Mr. Chairman. Since the time the agenda was prepared,
516 staff has completed its review of the phase two landscape and lighting plan for this project.
517 Staff has made a number of annotations on the landscape and lighting plan, which we have
518 distributed to you with the addendum this morning. Normally, these annotations would be
519 sufficient to proceed with the revised plan. However, due to the extraordinary amount of
520 questions, phone calls, and e-mails and letters this application has generated from the adjacent

521 neighborhood, there are numerous issues with respect to this application that need to be
522 addressed. Some of the comments from the adjacent neighborhood have to do with landscape
523 and lighting, some do not. Some of the comments and the complaints we have had have to do
524 with other issues. Many of the questions need to be addressed by the applicant and his
525 representatives. I can answer questions you have with respect to the application, but I will
526 have to refer any questions regarding issues to the applicant. Thank you.

527

528 Mr. Vanarsdall - All right. Are there any questions of Mr. Strauss by Commission
529 members?

530

531 Mr. Archer - Mr. Strauss, the plan that was handed to us this morning. Can you
532 summarize to us what the major differences are between this plan and the original plan?

533

534 Mr. Strauss - This is the original plan, however, we made notations on the plan with
535 respect to conflicts with trees and County easements, conflicts with light poles and trees.
536 Things of that nature. This is basically the same plan you originally had but we have
537 annotations on it. We did not have annotations on the previous plan.

538

539 Mr. Vanarsdall - Are there any other questions? All right. We need to hear from the
540 applicant first. The applicant is not here so we will hear from the opposition.

541

542 Mr. Archer - The applicant is not here?

543

544 Mr. Strauss - I believe I saw Mr. Couloumbe here today with his landscape architect
545 Peggy Van Yahres.

546

547 Mr. Archer - Oh, here's someone.

548

549 Mr. Vanarsdall - Are you the applicant, ma'am?

550

551 Ms. Van Yahres - My name is Peggy Van Yahres and I'm a landscape architect from
552 Charlottesville, Virginia. We prepared the landscape plan, the planting plan, and then the
553 electrical engineers prepared the lighting plan. Basically what we have done... This is Phase II
554 so it covers the parking lot and the new driveway that will enter into the back of the lower
555 school and the middle school. And it also covers the drive and parking that will be adjacent to
556 the new gym and upper school. What we have attempted to do is, of course, light the area,
557 lighting with 20-foot poles. The fixtures are directed down toward the pavement and not
558 toward the neighborhood. The trees are there to provide shade to reduce the glare of the
559 asphalt and also they will help to reduce the glare of the lights into any surrounding
560 neighborhoods. Before you had approved, basically, a master plan and this is a more detailed
561 plan of the lighting and the planting. We can certainly work with staff to make those
562 adjustments where there are conflicts with underground utilities or easement or lighting. So,
563 we are prepared to do that. There may be some questions from the neighborhood or maybe
564 some other questions that you would like to make of Roger Couloumbe, who is the headmaster
565 of the school, Vince Narron who is the construction manager, about other issues that I think

566 the neighbors have addressed. So, I'm going to let them talk to you also. Thank you.

567

568 Mr. Vanarsdall - Are there any questions by Commission members?

569

570 Mrs. O'Bannon - Can I just ask a question? When the master plan came up there was a
571 basic promise made to the community that this plan would be presented to them. Has that
572 been done? Has there been a meeting with you and the community about this plan?

573

574 Ms. Van Yahres - Not on this detailed level, no.

575

576 Mrs. O'Bannon - But, you have had meetings with the community or the neighbors about
577 the landscaping plan?

578

579 Ms. Van Yahres - We have not talked directly with them on this plan. But, let me let you
580 talk to Vince Narron who is the construction manager about communication and Roger
581 Couloumbe with the neighborhood. As that has not been my charge to do that.

582

583 Mrs. O'Bannon - Well, I just assumed since you are the landscape architect you might
584 have been at these meetings. Okay.

585

586 Ms. Van Yahres - Thank you.

587

588 Mr. Vanarsdall - Is he here?

589

590 Ms. Van Yahres - Yes.

591

592 Mr. Narron - I'm Vincent Narron with Steward School. I represent the school from a
593 construction, technical point of view. Mr. Couloumbe, of course, is the headmaster. We
594 would like to reserve as much time as possible for rebuttal of any complaints from the
595 neighbors. To answer your question, we advertised this in a letter to the neighbors some four
596 weeks ago offering an open house at the location of the trailer. And, of course, they have our
597 telephone number to come by. Also, it was advertised that the plans were on file with Mr.
598 Strauss. And as of this date we have had no input from the neighbors toward the landscape
599 and lighting plans, except from adjacent neighbors in Sussex Square, the condominiums. We
600 have discussed it with them. It's been on an "as needed basis."

601

602 Mrs. O'Bannon - So, when you say you advertised a time when they could come, what
603 exactly was it that you advertised, what time?

604

605 Mr. Narron - I believe members of the Commission have letters to that effect. We
606 send out a newsletter no later than once a month to advertise what activities will be going on at
607 the construction site. What things that we will be doing, and the last letter, which Mr.
608 Couloumbe has a copy of, will say that we are going before the Planning Commission on this
609 date at this time to have our landscape and lighting plan reviewed.

610

611 Mrs. O'Bannon - But, you did not have a formal meeting with the citizens.

612

613 Mr. Narron - No, we did not.

614

615 Mr. Vanarsdall - You did not attempt to contact by phone or in person the leader of the
616 community or civic association or anything, you just wrote them a letter?

617

618 Mr. Narron - One of our normal once a month newsletter, yes.

619

620 Mr. Vanarsdall - All right. Are there any other questions by Commission members?

621 Thank you. All right. Now we will take the opposition and remember the 10-minutes rule.

622 Who wants to be first?

623

624 Mr. Haigh - Good morning. My name is Dick Haigh. I've been a resident on

625 Baypines Lane, directly behind Steward School for 19 years. We own our home there and the

626 whole idea of us moving there was to have a place to stay to finish our days out, so to speak.

627 I've been retired since 1987. I spend a lot of time with a lot of volunteer work around the

628 city. I sent you folks a photograph of the construction of what I have to look at every time I

629 walk out my backdoor, or look out my back window. I hope you got it. I am not too happy

630 with the way the Steward School has treated us. We tried to be good neighbors. When Rus

631 Hotchkiss was there everything seemed to work pretty smoothly. But, since Rus has left it's

632 gone to hell. Excuse my French. I know nothing about the lighting. I know nothing about

633 the greenery they want to put up. I haven't received anything in the mail. I've received no

634 phone calls other than what I got from the Planning Commission that this was coming up here.

635 I made several phone calls to the Planning Commission office (sic) to get some input. In

636 general, I don't like what I'm hearing. Nobody has told me that there was going to be a

637 meeting at the school. Every meeting that they have advertised and told us about... in the

638 evening I have attended and several of the neighbors have attended. Most of my neighbors are

639 working people. They can not go during the daytime. It has to be in the evening.

640

641 I hope that there is some kind of way that this thing can be worked out so that it is livable. As

642 it is, ladies and gentlemen, it isn't. Our property values are diminishing. The construction

643 back there is really bad. I don't know who organizes it. It just isn't right. I've never seen

644 anything quite like this.

645

646 Going back to what we are here for, I don't know anybody that's gone and talked to Mr.

647 Narron. I know people have made phone calls over there, but the phone calls have not been

648 returned. Now, I'm hoping that we can work something out here. Thank you.

649

650 Mr. Vanarsdall Are there any questions of Mr. Haigh?

651

652 Mr. Archer - Mr. Haigh, before you take your seat, sir. I'm looking at a copy of the

653 photograph that you sent us. I'm trying to determine exactly what it is you are trying to

654 achieve.

655

656 Mr. Haigh - Let me tell you something.

657

658 Mr. Archer - May I finish my question?

659

660 Mr. Haigh - We went to a couple of these meetings at the school. I'm not an
661 engineer, I'm a salesman. I've been in marketing all my life. They showed us blue prints,
662 pretty much like this, and they said this is going to be that building, this is going to be this
663 building, and that is going to be that building over there. Now, I can't visualize this
664 tremendous structure. God, I'll tell you. You walk out your front door and you see this
665 humongous thing out there. That's not what I saw here. At the last meeting that I went to at
666 the school, Narron brings out these pieces of stone siding, and he says to us "all the buildings
667 are going to have the stone siding." The maintenance does not have it. That's the first
668 building that they have completed, it's got tin. And to me it looks like a tin tool shed that
669 came out of Sears and Roebuck. That's not what we were told. That's wrong, absolutely
670 wrong.

671

672 Mr. Archer - I was just trying to determine what it is you want us to do about this
673 skeleton portion of the building?

674

675 Mr. Haigh - Move the building. Take the building and put it someplace else.

676

677 Mr. Archer - So, your purpose of being here then is just to not have this building
678 constructed in this place at all.

679

680 Mr. Haigh - I didn't want the building there to start with. We talked to Mrs. Dwyer
681 at the last meeting to have them move the building to another part of that property. They have
682 22 acres over there. They didn't have to put it right there. She did get it moved 25 feet.

683

684 Mr. Archer - That answered my question.

685

686 Mrs. O'Bannon - I just want to ask one question. One of the things that this is about,
687 obviously, is the lighting and landscaping. You have not seen the landscaping plans?

688

689 Mr. Haigh - No, I haven't.

690

691 Mrs. O'Bannon - Did you receive a letter that said you could view the landscaping plans at
692 some location?

693

694 Mr. Haigh - No, I didn't. The only thing I got was something from the County about
695 this coming up today.

696

697 Mrs. O'Bannon - Okay. The other thing, in looking at the photograph here, would you
698 consider or do you have any thoughts about possible landscaping to lessen the impact of that
699 building perhaps the back? Are there some thoughts that you might have on some
700 landscaping?

701 Mr. Haigh - Yes, I do. But, we don't have the time here to talk about it. We only
702 have 10 minutes.

703

704 Mrs. O'Bannon - Well, this is the landscape and lighting plan. You do have some
705 thought, however, on some landscaping that might suitable behind that area?

706

707 Mr. Haigh - I think, Mrs. O'Bannon, that this has to be set down and talked about in
708 great length with the people involved. I would just like to have some time to think about it
709 and talk about it with these folks.

710

711 Mrs. O'Bannon - But you think if you had some type of meeting, you would want to sit
712 down and discuss some possible shrubs or trees or whatever you think would be adequate,
713 maybe to help out back there?

714

715 Mr. Haigh - Yes.

716

717 Mrs. O'Bannon - Okay. Thank you.

718

719 Mr. Vanarsdall - Thank you, Mr. Haigh. Mr. Haigh, let me ask you a question. Some of
720 the people that are with you, have they not seen the plan that Mrs. O'Bannon was speaking of.

721

722 Mr. Haigh - I'm not sure. I know two of them haven't.

723

724 Mr. Vanarsdall - All right. Who else would like to speak on this case?

725

726 Ms. Blow - Good morning. Thanks for this opportunity to speak. My name is Carol
727 Blow and I back up immediately to all of the new construction. I'm 10609 Baypines Lane.
728 And I realize we are here for landscaping and for lighting. I do have some ideas about
729 lighting and I do have some ideas about landscaping. Several of the woods, as you are aware,
730 were cut back quite a bit, shaved back, and it is on Steward's property, I realize that. My
731 immediate idea is there be much more shrubbery planted than what they had sheared back.
732 And the property that would be behind the fencing, where the road is, and immediately what
733 adjoins my property. All along the whole fencing area I believe it's probably 15 lots that go
734 clear down Baypines Lane. You can see it along here on the driveway because we have a road
735 that's immediately in our backyard now.

736

737 With the concerns of lighting, it takes a long time for shrubbery to grow and even if it is the
738 really expensive shrubbery that is quite mature, I would request that there be nothing higher
739 than eight feet tall. It's difficult as a homeowner to not have all the woods and the wonderful
740 tennis courts that we have behind it. So, we are adjusting to change right now. There is no
741 one in this room that wants this construction done quicker than the homeowners, I can assure
742 you. It would be my greatest concern right now to diminish the effects of lighting that would
743 be coming into the back. We have had some difficulty with lighting at night and all of the
744 construction that's been happening up until almost 11:00 p.m. In the recent past, we wouldn't
745 even need to turn our lights on in our living room to read books because the lighting is so

746 much with the concrete that they were laying and that was just one evening. My husband and
747 I would like to be at this meeting, if there is one. I suggest that there would be one. I'm sure
748 we could work something out. It's just the fact that there has not been communication from
749 the school about a lot of this stuff, and it's a shame it has gotten to this point. I hope that we
750 can come to some agreement on this.

751

752 Mr. Vanarsdall - Are there any questions by the Commission?

753

754 Mr. Archer - Ma'am, I just need to ask a question. The lighting that you are referring
755 to now, is the construction lighting that you see, not the lighting that's on the lighting plan?

756

757 Mrs. Blow - No, sir. But there is lighting that's on the new portion of the building
758 that was completed for their upper school. Even though it has hoods on it and whatnot, it does
759 shine into our backyards and that's several hundreds feet from our... actually into the back of
760 our house. And there are probably only five or seven houses that are immediately affected by
761 this, as you can see where the large building is, but it's rather difficult. And I understand that
762 security is an issue and I want that to be addressed too.

763

764 Mr. Vanarsdall - Have you registered that complaint to the school?

765

766 Mrs. Blow - Well, in conversations that we have had, we said that lighting is
767 something.... And, basically, we have been told when we get to that point that we can talk
768 about that.

769

770 Mrs. O'Bannon - And so, when you said, when we get to that point they said you can talk
771 about it. But you did not receive any information about a meeting?

772

773 Mrs. Blow - The only information that we received was from the County. We didn't
774 receive anything in the mail from the school. The post office, maybe. I don't know.

775

776 Mrs. O'Bannon - Have you been receiving correspondence from the school?

777

778 Mrs. Blow - On and off. I was kind of surprised to hear that there was a monthly
779 newsletter because as a homeowner I wouldn't say that it is monthly. I don't see that. I
780 haven't seen that pattern in any way.

781

782 Mrs. O'Bannon - And you do feel though if you got a chance to really go over the plan
783 that you would have some thought, you obviously want to share some thoughts. You have
784 already expressed one.

785

786 Mrs. Blow - Yes.

787

788 Mrs. O'Bannon - Thank you.

789 Mr. Marlles - Mrs. Blow, I think you might have mentioned in one of your e-mails
790 that dust has been a problem at times from the site. Is there at any particular time that that
791 was a problem? I mean, is it a recent problem?

792

793 Mrs. Blow - Recently, yes. My most recent e-mail to you is that dust was a problem.
794 And I think we had had a dry spell before all this rain and whatnot. In the past, when we had
795 the immediate construction, when they were grading and whatnot, they used the water truck.
796 We are generally okay about that, but the dust has been kicking up again, huge amounts of
797 dust. I don't think my house will ever be the same because of that.

798

799 Mr. Marlles - I just want to make sure that you and the other residents are aware that
800 the environmental section of Public Work does have an inspector that's going by the site quite
801 frequently looking for that particular problem. So, I would encourage you, if that is a
802 problem, you might want to try contacting them directly, but it's the environmental section of
803 the Department of Public Works.

804

805 Mrs. Blow - Thank you.

806

807 Mrs. O'Bannon - I have another question. The lights that you had, I did receive an e-mail
808 on that, the evening that they were working and the construction was late, do you have a
809 number that you could call. I understand that there was a number that you should call late at
810 night or emergencies or whatever. Did you call that number?

811

812 Mrs. Blow - I did not myself, my neighbor did and there wasn't very much
813 cooperation on that behalf. We did contact the police and the police went out there, and I can
814 go into what we experienced with that. But, you know, we as homeowners really weren't
815 expecting construction with large heavy equipment and the lights going on until 11:00 p.m.
816 It's the icing on the cake. It's very difficult, when construction starts at 5:30 a.m. You don't
817 need to set your alarm anymore.

818

819 Mrs. O'Bannon - Were you warned that they might be doing that during that time?

820

821 Mrs. Blow - No. We never got any information about that at all.

822

823 Mrs. O'Bannon - It was my understanding, on reviewing it later, that with the concrete
824 pouring that large was going to take some time, but they didn't alert you on that?

825

826 Mrs. Blow - No. As a homeowner, common sense would.... I would have, No. 1,
827 appreciate it and expected that. But, No. 2, I knew we were in trouble when I saw how ever
828 many concrete trucks coming in at four o'clock in the afternoon. I knew we were in trouble
829 but when I saw the big lights coming in and whatnot that concerned me.

830

831 Mrs. O'Bannon - Again, you do feel there is a communication problem?

832

833 Mrs. Blow - Absolutely.

834 Mr. Vanarsdall - All right. Thank you very much. Is there anyone else. If there is no
835 one else, then I believe we will hear from the rebuttal.

836

837 Mrs. O'Bannon - If I can say, just for a moment. Is this Mr. Catterton?

838

839 Mr. Catterton - Yes.

840

841 Mrs. O'Bannon - I have received many letters from you that said, that I was not
842 responding, and you wish to talk to that. Every time you have written me letters or
843 correspondence I feel I have responded by calling on County staff, which has been my
844 response: to "act" rather than just write a letter.

845

846 Mr. Catterton - My name is John Catterton and I live between Mr. Haigh and Mrs.
847 Blow. We are at 10611 Baypines Lane. Yes. I have written you many letters and e-mails. I
848 would have appreciated you letting me know that you were doing something about it rather
849 than.... I mean, I appreciate you doing something about it, but if you had let me know that
850 this was happening it would have been a whole lot easier. My experience with this,
851 particularly this concrete pour at night was, I called the number that was supplied to me by
852 your office and was told that... "We told the County that this was going to happen, that we
853 were going to be pouring concrete" - and I don't know the exact number of yards or however
854 it is measured, late at night. And I said, "Well didn't you think perhaps that you should let us
855 know" and they said "No - We told the County." So we called the police and the police came
856 out and shut them down. The police were gone for about 10 minutes and they started again.
857 We called the police again. And the second time they came out they shut them down and they
858 stopped. Now it's 11:00 p.m. You are familiar with the lights that they use on the highway
859 when they work late at night. These are the lights that were operating in addition to the noise
860 of the generator for the lights that was going on. And I have no doubt that it would have gone
861 on until two or three o'clock in the morning, if the police had not been called twice. This is
862 the sort of cooperation that we get from the school. My letter from Steward School informing
863 us that they were available for us to look at the plans came from the County. I asked a
864 member of the Planning Commission and he faxed it to me. I never got it. The only
865 information I got last week was the information from the County about this meeting.

866

867 We all have concerns about the lighting, in particular, of this building behind us. And I
868 realize that this plan does not address that building at all. But, we need to sit down and talk to
869 these people about what's going on. We have no communication with them, except when they
870 choose to communicate and most of the time it's after the fact.... "We are sorry we pour
871 concrete until eleven o'clock at night." Well, that doesn't make any difference. If we had
872 known before we could have been prepared for it. And it wouldn't have generated a problem
873 to the County and the call to the police and everything else. Anybody have any questions?
874 Thank you.

875

876 Mr. Vanarsdall - Thank you very much. It seems like communication is the biggest issue.

877 Yes, sir.

878

879 Mr. Couloumbe - I'm Roger Couloumbe, I'm the headmaster at Steward School. I will try
880 to give a general response to some of the concerns that have been expressed today. And I
881 would ask if we have time left over, that some of my colleagues can probably fill in some of
882 the details that I'm not apprised of. I did receive the letter from Mr. Marlles with regards to
883 the concerns expressed by the neighborhood. There were approximately six that were listed.
884 And I would like to go through them and give you my understanding of the situation. As I
885 said, they will be rather general and I would ask Mark Riley who is project manager from
886 Beers, Heyward and Lee to perhaps comment on more details and also Vince Narron. Mr.
887 Marlles letter points out that one of the concerns is construction activity occurring on
888 weekends, particularly on Sunday. In my letter to Mr. Marlles, which I faxed to him
889 yesterday, it says my understanding is that the contractor and the owners representative assert
890 that no work has been done on Sundays because both have forbidden work to be done. I
891 checked with them both again today and that's according to them, accurate.

892

893 Construction activity and/or noise starting early in the day, 6:00 a.m. Since September 1,
894 1999, I'm sorry I'm reading the wrong one. During the past three months either low
895 temperature or late sunrise has delayed starting work before 7:00 a.m. Recently, by that I
896 mean the last week in a half to two weeks, brick layers have started at 6:30 a.m. Construction
897 activity and/or noise extending late in the evening recently until 11:00 p.m. In the past 200
898 days of construction, work beyond 6:30 p.m. has occurred twice - November 24, 1999 and
899 March 13, 2000. Both events were associated with large concrete pours, one additional pour
900 is scheduled. Both concrete pours resulted in Henrico County Police visits. One, which did in
901 fact shut down the finishing process. It is my understanding that this activity is not in
902 violation of any ordinance. The lights and glare reported by some neighbors is related to these
903 events.

904

905 The next point is "excessive and annoying light and glare associated with night time
906 construction activity," which I just addressed. Lack of dust control during construction
907 activity. Regarding dust control. A water truck was on site during the summer as required by
908 the County in a normal association with construction procedures. And my last point on that is
909 whether this winter minimized the need for a water truck except on the occasions listed on the
910 attached sheet. And on the attached sheet I point out that there were three occasions, February
911 10 of this year, February 11 of this year, and March 2 of this year in which we had water
912 trucks there. I don't doubt that there could be times when people would have complaints but I
913 think in our trying to address these issues as required by various people from the County, we
914 have acted in good faith, even though I'm sure that the allegations are that we are not. And
915 then, finally, lack of access control into the site. As it has been reported that the security gate
916 to the construction area has not been closed after construction hours - the only thing we can
917 say is that, regarding access control, there is no requirement for access control during
918 construction. And while we can have the contractor secure the gate, it would not necessarily
919 deny access to our 35-acre site. We are a campus of 35 acres. It is an open campus and
920 obviously people can have access to all parts of the campus at almost any time. As a sort of a
921 side to this, it is very difficult to respond to these concerns because of a couple of reasons.
922 No. 1. It makes the school look like it's some kind of insensitive institution that does not care
923 about the neighbors. But I think people who have been at our meetings over the last 18 to 24

924 months would agree that both sides I think have tried to be forthcoming on this. And everyone
925 of us who are officials at this school are neighbors in some neighborhood too. So, I think we
926 try to be sensitive and understanding to their concerns as we would be in our own
927 neighborhoods. So, to... I guess for us to have to defend ourselves for lack of consideration, I
928 don't think it's quite fair. Secondly. It is obviously a point that depends on the person who is
929 looking at the situation as to whether or not there has been enough communication. One
930 person here said it was sporadic on and off. It has been every month. I have it on my
931 calendar that we send one everyone. This was at the request of John Marlles at a meeting that
932 we had in Cosby Hall either last spring or last fall. And, shortly there after, I made sure that
933 we made arrangements for that to happen.

934

935 Although, we have not had formal meetings in the evenings, we did agree that we would be
936 available for meetings with neighbors that would have our owners representative there as well
937 as the Chairman of our Buildings and Grounds committees. And, well, I admit that perhaps
938 some meetings are not convenient for some people, our folks are working people too and we
939 try to arrange it. And we arrange the, particularly the last two that I'm aware of, at the time
940 of Trustees meetings so that while our Chairman of the Building and Grounds was at the
941 previous meeting that would be with the neighbors, our Board was there as well if anything
942 developed. From our prospective, while we thought that we were trying to offer the
943 opportunity for communication, no one showed up on those occasions. Now if there are more
944 questions that I may not be able to answer, I would ask the two fellows who are with me if
945 they could answer.

946

947 Mrs. O'Bannon - Can I....

948

949 Mr. Vanarsdall - Before Mrs. O'Bannon responds to that, I just want to mention one
950 thing. Out of experience with this type of thing, you can't solve anything with the mail. You
951 send a letter, you get an answer, you send another letter, you get another answer. The only
952 sure way, and you just said you did not have a formal meeting, that's where you made a
953 mistake, in my opinion. There is no way that you can solve anything unless you sit down at a
954 table, eyeball to eyeball, and you have to take into consideration you do have neighbors no
955 matter whether you are a school, a college, or whatever you are, the neighbors are important.

956

957 Mr. Couloumbe - I agree.

958

959 Mr. Vanarsdall - So, the communication is very bad in this situation. Mrs. O'Bannon.

960

961 Mr. Couloumbe - I do want you to know that the letters that we did send out did in fact
962 announce actual appointed times for those meetings from 4:30 p.m. to either 5:30 p.m. or
963 6:00 p.m. of that evening.

964

965 Mr. Vanarsdall - You should have contacted someone by telephone or by knocking on the
966 door and say did you get my letter and I'm here in case you didn't. That's the only
967 constructive criticism I have on it. It is very much the neighbors business of what you do over
968 there.

969 Mr. Couloumbe - I agree.

970

971 Mr. Vanarsdall - And I understand your position on it. Are there any other questions,

972 Mrs. O'Bannon?

973

974 Mrs. O'Bannon - Yes. Do you send out a newsletter, then, with.... You said that you are
975 sending out a newsletter that had an announcement in it?

976

977 Mr. Couloumbe - Well, Vince called it a newsletter. It's just a formal letter that goes out
978 from me, and it announces, essentially, what has transpired in the recent days and weeks since
979 the last letter, and what generally is planned to go on in coming days or weeks.

980

981 Mrs. O'Bannon - Did you alert them, this is my first question, did you alert the folks that
982 were right there where the cement pour was going to be, that there was going to be a cement
983 pour that was going to last until late in the night?

984

985 Mr. Couloumbe - No, we did not.

986

987 Mrs. O'Bannon - I would just like to suggest, as Mr. Vanarsdall has said, that obviously
988 in a situation like that which is going to impact them so directly, that even a knock on the door
989 would have been good.

990

991 Mr. Couloumbe - Point well taken. We recognize that.

992

993 Mrs. O'Bannon - Did you send out some sort of formal notice for a formal meeting to
994 discuss the landscaping and lighting plan, I mean, and invite everybody there?

995

996 Mr. Couloumbe - In my letter we did mention, and I'm sorry I didn't bring a copy, I
997 thought I had, that we did mention it in one letter and it was one of those 4:30 p.m. meetings,
998 which, again, no one showed up even though our two representatives were there.

999

1000 Mrs. O'Bannon - Was it a formal meeting from like 4:30 p.m. to 6:00 p.m. that you were
1001 going to meet at the school?

1002

1003 Mr. Couloumbe - Yes. Which would have... Mr. Gottwald who is chairman of our
1004 buildings and grounds and Mr. Narron our owners representative.

1005

1006 Mrs. O'Bannon - Did it not concern you that no one showed up?

1007

1008 Mr. Couloumbe - Yes.

1009

1010 Mrs. O'Bannon - You didn't consider having another meeting or trying again to get a few
1011 people there?

1012 Mr. Couloumbe - I'm aware of at least two occasions in which this happened. So, we did
1013 have another meeting scheduled and no one showed up. And we did send out letters to the
1014 whole neighborhood which is about I would say somewhere between 100 to 125 letters.

1015

1016 Mrs. O'Bannon - The people who are most directly affected by the landscaping plan,
1017 apparently the gentleman who spoke here and the lady who spoke here today. Some of the
1018 questions that have come up... I just want to ask you this one too. Did you send copies of this
1019 letter to the Planning Department? I have not received any copies of the letters, so I don't
1020 know the information.

1021

1022 Mr. Couloumbe - Then, I will have to check on that because I was convinced that we were
1023 sending out copies to all the appropriate people.

1024

1025 Mrs. O'Bannon - Because I have not received any copies of many of the letters. I wasn't
1026 aware of it.

1027

1028 Mr. Couloumbe - I will get copies made, even though I know it's after the fact.

1029

1030 Mrs. O'Bannon - There are three questions that I would like to touch on that aren't
1031 directly related to this but have come up, and, again, because of communication problems.
1032 One thing you mentioned here, I will just point this out. Since September 1, 1999, it says,
1033 work has been preformed on the following Saturdays. I don't know. Mr. Strauss, were there
1034 any limits placed on their construction times or hours? The other thing is, isn't there a light or
1035 sound ordinance, not a sound ordinance, but isn't there an ordinance for activities after a
1036 certain hour? I just want to ask him that for starters.

1037

1038 Mr. Strauss - There were no conditions with the POD restricting hours of construction
1039 and I'm not an expert on noise ordinance.

1040

1041 Mrs. O'Bannon - The ordinance about you can't have parties and things, I know it's not
1042 after midnight but.

1043

1044 Mr. Strauss - I can defer that to Mr. O'Kelly if he would like to answer that. There
1045 was nothing in the ordinance with respect to noise that would address this issue.

1046

1047 Mrs. O'Bannon - So, this was simply a promise that was made to the neighbors, then?

1048

1049 Mr. Strauss - Yes.

1050

1051 Mrs. O'Bannon - Okay. Thank you. One comment, Mr. Couloumbe, that I did want to
1052 point out. I have received several letters and e-mails and phone calls that have indicated to me
1053 that Mr. Narron does not return his calls, and maybe I could address this to Mr. Narron, but I
1054 have received complaints from other neighbors that when they called to ask about meetings and
1055 information and so on they do not get a response. I know that maybe should be addressed to
1056 him but I have had very angry phone calls from folks that have indicated to me that they call

1057 and that he hung up the phone.

1058

1059 Mr. Couloumbe - Okay. I understand.

1060

1061 Mrs. O'Bannon - Again, a communication problem. I'm having some difficulty with that
1062 one particularly. Just to address two issues, and I know you can answer one of them because I
1063 believe a letter has been recently sent to you. I received this note right here, actually, it's Mr.
1064 Haigh's letter that has his picture on it and he wants to talk about landscaping right there, but
1065 there is a note in here that says "The building that he is viewing from his house is going to be
1066 rented out." Do you know the limitations on that? I believe you had some information sent to
1067 you on that.

1068

1069 Mr. Couloumbe - Mr. Haigh knows very well that I made that statement to the contrary in
1070 the last formal meeting that we had, either last spring or last fall. There is no, and there never
1071 has been any indication on our part to rent out that building. Never. And I have said that
1072 categorically to him so I don't know where he got that idea. But, that is not true.

1073

1074 Mrs. O'Bannon - Mr. Marlles, is there some type of ordinance that was used for school
1075 buildings not been rented out to like Theatre IV or something like that?

1076

1077 Mr. Marlles - Yes, ma'am. There are restrictions on the use of school facilities in the
1078 zoning ordinance. I do believe last year I did send out a letter to the headmaster pointing that
1079 out.

1080

1081 Mrs. O'Bannon - Mr. Couloumbe?

1082

1083 Mr. Marlles - Yes, ma'am.

1084

1085 Mrs. O'Bannon - So, the building will not be rented?

1086

1087 Mr. Couloumbe - There is no plan to do that and we are certainly not going to do
1088 something that's illegal.

1089

1090 Mrs. O'Bannon - Thank you. There was one issue, and, again, Mr. Strauss may want to
1091 talk about this. It had to do with a comment made in the discussion this morning....

1092

1093 Mr. Couloumbe - Thank you.

1094

1095 Mrs. O'Bannon - Thank you. Now, Mr. Couloumbe, this may come up or one of the
1096 people there from Steward about the stone siding and then there is a maintenance building
1097 that... There was a comment made this morning and I just want to touch on that before we
1098 move on.

1099

1100 Mr. Strauss - The maintenance building is metal, it's not stone. I was told by Mr.
1101 Narron that he had discussed the color of the materials with the neighbors and they had no

1102 objection to it. That's all I know.

1103

1104 Mr. Vanarsdall - Thank you. Mr. Archer, do you have anything to add?

1105

1106 Mrs. O'Bannon - If I can point out one thing to this. There are some new annotations on
1107 this plan too and I don't know if anyone has had a chance to really look at them. There is a
1108 question back here that I have, it says, tree locating. If you could address this. It's an
1109 annotation on page 1 at the back. It says, Tree locations needs to be adjusted due to comments
1110 from Police.

1111

1112 Mr. Strauss - The trees on those islands, we have received comments from the Police
1113 Department, the CPTED Reviewer, and that's Crime Prevention Through Environmental
1114 Design. Their concern is about the trees and their location relative to the light poles. We
1115 have discussed with Ms. Van Yahres. We think we can live with the trees relative to the light
1116 poles. The problem we have with Public Utilities is that they have a water line easement. The
1117 water line easement extends into that island and I think some type of maintenance agreement or
1118 understanding will have to be reached between our Public Utilities Department with respect to
1119 planting trees in an a County easement. Normally, it is not the policy to allow trees in any
1120 County easement, be it water lines, sewer or storm sewer. So, some type of an adjustment
1121 will have to be made to accommodate those agencies.

1122

1123 Mrs. O'Bannon - So, it might be a good idea to take some time to rethink this better to
1124 look at some alternatives?

1125

1126 Mr. Strauss - Not for just that reason, but I've received a number of calls and had a
1127 meeting with Catterton the other night, as Mrs. Blow said this morning, they are concerned
1128 about things like the pole height. They are proposing 20-foot poles. She was suggesting
1129 something lower. I believe she said eight feet, since there obviously is some concerns about
1130 the light and the potential problem with glare. Although, I can say that the lighting plan, as
1131 submitted, does meet the requirements of our lighting policy, obviously, there are numerous
1132 concerns that have to be addressed between the school and the neighbors to resolve issues that
1133 go beyond what our minimum standards are. There is also some concern raised about building
1134 mounted lights on the gym. We have had problems in the past with building mounted lights
1135 on other existing buildings at the school. The neighborhood needs to discuss their concerns
1136 about the building mounted lights with the school and see if they can come to some
1137 conclusions about alternate types of lighting, be they motion sensor activated to turn them off
1138 when they are not needed, or having ground mounted lights in lieu of lights mounted on the
1139 gym. Having a light mounted on a structure that tall obviously presents problems to the
1140 neighbors.

1141

1142 Mr. Vanarsdall - Thank you, Mr. Strauss.

1143

1144 Mrs. O'Bannon - It appears that this case does have some problems that could stand to be
1145 worked out. I don't usually take this active of role. I do know too that Ms. Dwyer has
1146 recused herself from this, at this point. First of all, I would very much like to make a

1147 suggestion to the Planning Commission that this case be deferred for 30 days with the
1148 agreement that Steward School would have a formal meeting and be assured that the citizens,
1149 particularly the ones who have appeared today, and others who are directly adjacent,
1150 particularly those who are directly adjacent to the property, get totally apprised of this and go
1151 over the plan in detail. That is what I would like to see happen.

1152

1153 Mr. Vanarsdall - I think that is an excellent suggestion and we can use that as a motion
1154 Mrs. O'Bannon.

1155

1156 Mrs. Quesinberry - Could I just add to that suggestion? What I'm hearing is when a meeting
1157 has occurred it's been between 4:30 p.m. and 6:00 p.m. with "no show" from the
1158 neighborhood. Perhaps the school should think about adjusting that time to allow more people
1159 that have an interest to attend. Six o'clock is still kind of early for people that are working to
1160 get home, get their families settled and get back out to a meeting. Although, everybody is
1161 working in this situation, at least, in this one particular case, perhaps one meeting to look at
1162 this lighting and landscape plan would really benefit everybody if the meeting could be held
1163 just a little bit later in the evening to allow more people to attend.

1164

1165 Mrs. O'Bannon - Right. It may take two meetings.

1166

1167 Mr. Taylor - It may even be advantageous, because of everybody's work schedule, to
1168 have a weekend meeting, on a Saturday when everybody could attend and it's daylight and
1169 people could walk the site and really get a good idea of what's planned and what's proposed.
1170 And we could also meet with the architects and the builder.

1171

1172 Mr. Vanarsdall - That sounds like two very good suggestions. So, what we need now is
1173 to put this in the form of a motion and a second and we will go from there.

1174

1175 Mr. Archer - Mr. Chairman, I've been asked to dispose of the case this morning. Mr.
1176 Couloumbe, could you come back up just a moment, sir, please? Sir, in light of these
1177 suggestions that have been made by Mrs. O'Bannon and other members of the Planning
1178 Commission here, and also the concerns expressed by the neighborhood, that actually are
1179 applicable to this landscape and lighting plan, even though some of the concerns that were
1180 mentioned are things that have already gone by the Board and we can't do very much about.
1181 But, are you in agreement that a meeting with the neighborhood would certainly be beneficial?

1182

1183 Mr. Couloumbe - We have no problem with that. In fact, most of the meetings we have
1184 had in the past were at 7:00 p.m. And we have no objections, certainly, to meeting at 7:00
1185 p.m.

1186

1187 Mr. Archer - Then you would be in agreement with a 30-day deferral to allow for as
1188 many meetings as necessary to try and get this resolved.

1189

1190 Mr. Couloumbe - I'm never in favor of deferral, but if that's the wish of the Commission,
1191 I understand.

1192 Mr. Archer - I think it would take that, sir.
1193
1194 Mr. Couloumbe - But we will obviously have the meeting.
1195
1196 Mrs. O'Bannon - And I would like to be invited, if you could send me the information?
1197
1198 Mr. Couloumbe - We would love to have you.
1199
1200 Mrs. O'Bannon - Thank you.
1201
1202 Mr. Archer - I'm going to motion to request a deferral at your request. Is that okay
1203 with you?
1204
1205 Mr. Couloumbe - Within 30 days, is that correct?
1206
1207 Mr. Archer - Right. All right, Mr. Chairman. I move that we defer landscape and
1208 lighting plan LP/POD-122-98 to the April 26, 2000, meeting at the request of the applicant.
1209
1210 Mr. Vanarsdall - Provided there is a meeting held between now and then.
1211
1212 Mr. Archer - We will cross that bridge after we tear it down.
1213
1214 Mr. Taylor - Second.
1215
1216 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
1217 in favor say aye...all opposed say nay. The motion carries. I thank everyone for coming and
1218 participating.
1219
1220 At the request of the applicant, the Planning Commission deferred the landscape and lighting
1221 plan for LP/POD-122-98, Steward School, to its April 26, 2000, meeting.
1222
1223 Mr. Vanarsdall - I'm told by Mr. Marlles we have one more deferment and that's on the
1224 last page. Page 25, Downtown Short Pump has requested a two-week deferral.
1225
1226 **PLAN OF DEVELOPMENT - REVISED ARCHITECTURAL ELEVATIONS**
1227

POD-80-99 (Revised)
Downtown Short Pump

Balzer & Associates for Short Pump Entertainment, L.L.C., Bee-Fit, Inc., Skate Nation of Richmond West, LLCC and Menin Development Companies, Inc.: Request for approval of revised architectural elevations as required by Chapter 24, Section 24-106 of the Henrico County Code and proffered zoning conditions. The 23.18 acre site is located on the southeast corner of W. Broad Street (U.S. Route 250) and Pouncey Tract Road on parcels 36-A-19G, 19H, 19I, 19J, 21, 22N and 25. The zoning is B-2C, Business District

(Conditional), M-1, Light Industrial District, and WBSO (West Broad Street Overlay) District. County water and sewer.
(Three Chopt)

1228

1229 Mr. Vanarsdall - I'm wondering why we want two weeks and not 30 days. This is going
1230 to throw this into a night meeting. And this is going to add to the schedule.

1231

1232 Mr. Marlles - This would come up on the April 13, 2000, Rezoning meeting. That is
1233 correct.

1234

1235 Mr. Vanarsdall - So, Mr. Taylor, can you shade some light on that?

1236

1237 Mr. Taylor - I can, Mr. Chairman, and I think the reason for that is for two weeks is
1238 that we want to go ahead with the project. We've been working on this steadily for the last
1239 probably 72 hours. And we have received the last of the drawings this morning and we really
1240 haven't had adequate time to look at them. So, I don't think it's going to take too long for us
1241 to come to a conclusion. But the whole project in Downtown Short Pump, we would like to
1242 expedite the extent that we can.

1243

1244 Mr. Vanarsdall - Very honestly, the whole project should have never been brought before
1245 us before it was complete because the day it was filed it was out of the realm of what was
1246 supposed to go there, to start with, the signage and everything else. Mr. Marlles, do you have
1247 any problems with the two weeks?

1248

1249 Mr. Marlles - No, sir.

1250

1251 Mr. Vanarsdall - All right. Do you want to put that in a motion, Mr. Taylor? Oh, let me
1252 do this first. Is there anyone in the audience in opposition to the two-week deferral on
1253 Downtown Short Pump, this would be POD-80-99? All right, go ahead.

1254

1255 Mr. Taylor - I move, Mr. Chairman, that POD-80-99, Downtown Short Pump, be
1256 deferred for two weeks to allow the staff to work with the applicant ...

1257

1258 Mr. Vanarsdall - That would be April 13, right, Mr. Marlles?

1259

1260 Mr. Marlles - Correct.

1261

1262 Mr. Taylor - to the meeting on April 13, 2000.

1263

1264 Mr. Archer - Second, Mr. Chairman.

1265

1266 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
1267 in favor say aye...all opposed say nay. The motion carries.

1268 At the request of the applicant, the Planning Commission deferred POD-80-99 (Revised)
1269 Downtown Short Pump, to its April 13, 2000, meeting.

1270

1271 Mr. Vanarsdall - All right, Mr. Marlles, our next case.

1272

1273 Mr. Marlles - Okay. Mr. Chairman, the next item on the agenda is on page 3.

1274

1275 **TRANSFER OF APPROVAL (Deferred from the February 23, 2000, Meeting)**

1276

POD-78-78

POD-97-84

POD-73-85

Best Products, Phases I, II
and III

Best Building - Bank of America (Formerly Best Products Office Building): Request for transfer of approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code from Best Products Company, Inc. to Metropolitan Life Insurance Company. The 36.341 acre site is located on the north line of Best Plaza Drive, between Scott Road, Interstate Route 95 and E. Parham Road on parcels 53-A-86 and 87. The zoning is M-1, Light Industrial District and PMD, Planned Industrial District and R-2, One-Family Residence District. County water and sewer. **(Fairfield)**

1277

1278 Mr. Vanarsdall - Is there any opposition to the transfer of ownership on this? All right.

1279 Mr. McGarry.

1280

1281 Mr. McGarry - Mr. Chairman, this transfer of approval was deferred from your
1282 February meeting to allow submission of a revised landscape plan, which is the next item on
1283 this agenda as a companion item. The new owner has agreed to make the necessary repairs
1284 that were found in the deficiency report. The staff can recommend approval of the transfer of
1285 approval with two conditions that are both listed on your addendum. The first one says: The
1286 deficiencies as identified in the inspector's report dated February 11, 2000, shall be corrected
1287 by March 30, 2000. And the second one: The Scott Road entrance gate is for emergency
1288 access and use as a service entrance only. The gate shall be kept closed for day to day use.
1289 With that, the staff can recommend the transfer of approval. I'll be happy to answer any
1290 questions.

1291

1292 Mr. Vanarsdall - Are there any questions for Mr. McGarry? If not, Mr. Archer will
1293 entertain a motion.

1294

1295 Mr. Archer - All right, Mr. Chairman, I move for the transfer of approval for
1296 approval, POD-78-78, POD-97-84, and POD-73-85 subject to the standard conditions and the
1297 additional conditions listed on the addendum Nos. 1 and 2 that Mr. McGarry just mentioned.

1298

1299 Mr. Taylor - Second.

1300

1301 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
1302 in favor say aye...all opposed say nay. The motion carries.

1303 The Planning Commission approved the transfer of approval request for POD-78-78, POD-97-
1304 84, POD-73-85, Best Products, Phase I, II and III, from Best Products Company, Inc. to
1305 Metropolitan Life Insurance Company subject to the standard conditions and the additional
1306 conditions previously approved and the following additional conditions:

1307

1308 1. The deficiencies as identified in the inspector's report dated February 11, 2000, shall
1309 be corrected by March 30, 2000.

1310 2. The Scott Road entrance gate is for emergency access and use as a service entrance
1311 only. The gate shall be kept closed for day to day use.

1312

1313 **LANDSCAPE PLAN**

1314

LP/POD-78-78

Best Products, Phase I

Best Building - Bank of America and Jason R. Salsburg:

Request for a approval of a revised landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 34.180 acre site is located on the north line of Best Plaza Drive, between Scott Road, Interstate Route 95 and E. Parham Road on parcels 53-A-86. The zoning is M-1, Light Industrial District and R-2, One-Family Residence District. **(Fairfield)**

1315

1316 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape plan for
1317 LP/POD-78-78, Best Products, Phase 1? No opposition. Mr. McGarry.

1318

1319 Mr. McGarry - During the transfer of approval site visit, it was determined that there
1320 were several rows of trees that were approved with the original POD were never planted.
1321 Those trees were intended as a buffer for the residential area along Scott Road as well as along
1322 I-95. After 20 years the existing vegetation now accomplishes the same purposes intended by
1323 the additional plantings. Staff has visited the site and find existing landscaping affective and
1324 recommends approval of the revised landscape plan. And the purpose of that revised
1325 landscape plan would be to waive the requirement for the plantings from 20 years ago. I'll be
1326 happy to answer any question.

1327

1328 Mr. Vanarsdall - Are there any questions of Mr. McGarry? All right, Mr. Archer.

1329

1330 Mr. Archer - Mr. Chairman, Mr. McGarry and I have discussed this so if none of the
1331 other Commissioners have any questions, I'm ready to make a motion. There being none. I
1332 move for approval of LP/POD-78-78, Best Products, Phase 1, subject to the standard
1333 conditions for landscape plans.

1334

1335 Mrs. Quesinberry - Second.

1336

1337 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs.
1338 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1339

1340 The Planning Commission approved the landscape plan for LP/POD-78-78, Best Products,
1341 Phase I, subject to the standard conditions for landscape plans and the annotations on the
1342 plans. Mrs. O'Bannon absent.

1343

1344 **PLAN OF DEVELOPMENT**

1345

POD-20-00

Highwoods Plaza, Phase III
- Cox & Sadler
(POD-52-97 Revised)

McKinney & Company for Highwoods Limited Realty Partnership: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a 48 ± space parking lot addition on the north side of Highwoods Parkway. The 10.1 acre site is located at the southwest corner of Cox and Sadler Roads on parcels 38-A-12N, 28-5-1-1C and 28-5-1-1A. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

1346

1347 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-20-00, Highwoods
1348 Plaza, Phase III? No opposition. Mr. Strauss.

1349

1350 Mr. Strauss - Thank you, Mr. Chairman. Since the preparation of the agenda, staff
1351 has completed its review and we have had a number of discussions with the applicant with
1352 respect to this application. This application was initially approved... well, the project was
1353 initially approved by the Planning Commission on May 1997. At that time, the Commission
1354 approved a master plan and Phase I of a three-phase office complex. The previous two phases
1355 have been completed. We are at the last phase of this project. The original master plan that
1356 was approved showed an area at the intersection of Sadler and Highwoods Parkway as an area
1357 that was to be left undisturbed. That area is this triangular area (referring to screen) that abuts
1358 the neighborhood Saddlebrook. The applicant has now proposed to build a 48-space parking
1359 area in this location, due in part to the fact that additional parking spaces are needed to support
1360 the previously approved six-story building that is proposed with this last phase. Because this
1361 proposal is not consistent with the approved master plan, staff has asked for this application to
1362 come back to the Planning Commission for approval.

1363

1364 Staff has studied the proposal and recommends an alternative layout for the same 48 parking
1365 spaces in a different arrangement. And if they could put that layout on the table, I'll show
1366 you. First, if Leslie would just first show the plan with the red dimension lines. There is a
1367 proffered 30-foot natural or landscape buffer along the neighborhood and they are proposing
1368 35 feet and they are showing the 48 parking space area, here (referring to map on screen).
1369 And we have an alternative plan, which staff believes protects the interest of the
1370 neighborhood. This plan adjusts the numbers of parking spaces to, I believe, is 32 and it puts
1371 some additional spaces on the other side of Highwoods Parkway. With this plan, we feel we
1372 are offering more protection to the neighborhood. This neighborhood has been very vocal in
1373 the past about being buffered from the office complex. We hope with this layout we can save
1374 some additional trees. I think the applicant is ready to make a case with another plan that they
1375 would prefer to do. Well, actually I think they would like to proceed with their original plan.

1376 Due in part to the fact that they are honoring the proffers of the original case. The only
1377 difference is that they simply want to revise the master plan to allow the parking in that area.
1378 I'll answer any additional questions you may have. I would add that if the Commission
1379 decides to approve this application today we would be recommending the standard conditions
1380 for PODs, Nos. 9 and 11 amended, and we would have to make a motion to determine which
1381 layout we would like to approve. The applicant would like to come back with final
1382 construction plans for this project. I have Mr. Hank Robinson here today with Highwoods
1383 Properties. Mr. Stacey Burcin is also here representing Highwoods Properties. Thank you.

1384

1385 Mr. Vanarsdall - Good morning, Mr. Burcin.

1386

1387 Mr. Burcin - Good morning. For the record, my name is Stacey Burcin with
1388 McKinney & Company. I'm here today on behalf of Highwoods Properties, in the approval of
1389 this POD for a 48-space parking lot. I would like to ask that you go back to the original
1390 layout, if you would. I would like to explain a little bit of the background and how we got
1391 here today. As Jim indicated, this POD was approved in 1997 for a three-phase office
1392 complex. And at that time, there is a buffer that is located along the western property line.
1393 That is a 30-foot buffer that can remain in a natural state or it can be graded and replanted.
1394 During the Phase 1 construction, the entire 30-foot buffer along this residential community was
1395 preserved and all the requirements were met. In doing so, along this adjacent parking lot there
1396 is a 30-foot natural area that's been provided, actually it's 35 feet that we have managed to
1397 grade and provide for out there. In addition to that, Mr. Robinson in working closely with the
1398 community with the Phase 1 construction and that landscape plan, agreed to provide a solid
1399 wood fence along that entire western boundary.

1400

1401 Mr. Strauss had indicated that in the previous POD the area, that triangle, was committed to
1402 be left in its natural state. That is not necessarily a true representation. There is a 30-foot
1403 buffer in there but it was not used with that plan. So, it was not committed to remain in
1404 perpetuity, it was basically not used at that phase of development. What has occurred is, as
1405 buildings were developed, the first two buildings of the three phase complex were developed,
1406 various lease agreements adjusted parking lines and where parking assignments were made to
1407 various buildings. The plan for the Phase III building has been in the County had subject to
1408 approval for some time now. In fact, the E and S bond has posted. We are ready to go to
1409 construction but we have one slight problem and because of the previous assignments of
1410 parking spaces in the earlier phases, Phase I and Phase II building, there is a deficit parking
1411 that's available to this third building now. So, in order to achieve that, we decided on a
1412 parking space that use, a parking lot design that filled in this reminding corner of land, of
1413 developable land, on this property. So, we developed this. We have exceeded all of the
1414 proffer requirements by providing 35-feet of natural buffer, when only 30 is required. In
1415 addition to that, we have provided a fence along that area. The plan itself for the parking
1416 meets all code requirements and all County policies. We very much would like to go forward
1417 with the plan as we submitted. The alternative plan that's been provided to you and shown,
1418 has some potential problems that we were not sure whether or not we could overcome them or
1419 not. If that plan is approved, it may not be able to be constructed because of wetland impacts
1420 and previous commitments that may have been made to the Corp of Engineers as it relates to

1421 the drainage area going to that wetland to be saved up on Sadler Place. We were only made
1422 aware of this staff revision yesterday. So, we have been trying to, in the last day or so, work
1423 through this. But, we feel that we have a plan that adequately meets all of the codes of
1424 requirements. In addition, the owner has agreed that when we come back for the landscape
1425 plan, if there is some effective bufferring that needs to be added where we can add some trees
1426 within the existing woods, to enhance the screening better, he's fully amenable to doing that.
1427 So, we feel that the plan that we have provided, that was originally submitted and is the
1428 subject of this POD today, meets all of the requirements and should be approved as it is stated,
1429 as it is shown. I'll be happy to answer any questions you may have.

1430

1431 Mr. Vanarsdall - Are there any questions of Mr. Burcin by Commission members?

1432

1433 Mr. Taylor - I have a couple. Mr. Burcin, do you know if the landowners adjacent to
1434 there, in those first three or four properties, are they aware of the new plan?

1435

1436 Mr. Burcin - I have not notified them personally. I would understand that as a matter
1437 of policy, the County notification would have been sent to the adjacent landowners of those
1438 properties.

1439

1440 Mr. Taylor - Is there anybody from that neighborhood here in the audience this
1441 morning? (There was no answer from the audience) Mr. Marlles, to the best of your
1442 knowledge have we heard from any of the neighbors with regard to that development?

1443

1444 Mr. Marlles - I am not aware of that. I would ask Mr. Strauss if the office has been
1445 contacted.

1446

1447 Mr. Strauss - I've received no phone calls, e-mails, letters or anything from anyone.

1448

1449 Ms. Dwyer - Mr. Taylor, I worked on a case across the street. I worked on the case
1450 for Mary because she had a conflict and I know that the neighbors probably would want to
1451 know. They have been extremely active in all of the development that occurs in this area.

1452

1453 Mr. Taylor - I guess our concern on this is what the response of the neighbors will be
1454 and whether they have been contacted. And when we first looked at it, you have done a very
1455 nice job. Our hope was that we could gain some extra parking and save some of the trees.
1456 Can I go back to the deficit in parking? Do we know of this deficit? How have we just found
1457 out about the deficit?

1458

1459 Mr. Burcin - The deficit has, again, occurred primarily due to leasing arrangements
1460 where you basically have to assign to Building 1 "x" number of spaces. And as you got
1461 around to the final end there were also in the middle section some changes in travel ways that
1462 occurred in that parking field that resulted in the deficit and we are now approximately 36
1463 spaces short. There has been no significant changes. There has been some of the increase
1464 greenspace in the interior of the large parking fields and some of the changes in travel lanes
1465 that has resulted in some lost of some spaces in the middle which has created this need. The

1466 third building, as shown, has not changed. It has been the same throughout the whole process.
1467

1468 Mr. Vanarsdall - Mr. Taylor, I believe Mrs. Dwyer's suggestion was that, it's a good
1469 indication that people don't know about this meeting this morning.

1470

1471 Ms. Dwyer - I don't know but I'm just saying that they have been extremely active in
1472 other developments that have been near the neighborhood.

1473

1474 Mr. Vanarsdall - But, there is some reason.

1475

1476 Ms. Dwyer - I believe they probably would have contacted someone if they had
1477 known.

1478

1479 Mr. Taylor - That's why I was surprised that there was no one from the neighborhood
1480 here this morning.

1481

1482 Mr. Burcin - I know that I have personally worked with them when the clearing was
1483 occurring during the Phase 1 construction. I know that they were very concerned and we met
1484 with them on several occasions. I know they have my personal number. They could have
1485 contacted me. And, frankly, I would have expected a couple of people to come out today with
1486 this notification being sent out, and I have not heard from anybody. My only guesstimation on
1487 that is that they recognize that their obligation was fulfilled with Phase I and that they don't
1488 have a problem. But, I don't know that for a fact.

1489

1490 Mr. Taylor - Mr. Robinson, would you like to elucidate this quandary we are in?

1491

1492 Mr. Robinson - Good morning. I'm Hank Robinson with Highwoods Properties. What
1493 quandary?

1494

1495 Mr. Taylor - As to whether or not the neighbors have been contacted and what their
1496 thoughts might be.

1497

1498 Mr. Robinson - I have not contacted them.

1499

1500 Mr. Taylor - I recognize that you have made significant efforts in the past to contact
1501 the neighbors and they have been vocal and for some reason this time we have not heard any
1502 concerns. In fact, Mr. Strauss and I have worked, assuming there would be some concerns, in
1503 hoping we could save some of the vegetation that we strive so hard to produce in this project.
1504 And we've really not heard from any of them.

1505

1506 Mr. Robinson - No, sir. I have not contacted them. I assumed that they got the same
1507 notice we did, which was sometime last week. I've had numerous conversations with the
1508 leaders of both the neighborhoods in the past. They both have my phone number. We have
1509 talked on numerous occasions. I assumed when they got the notice if they had any questions
1510 or concerns they would call me. And I think you will find that we have always responded to

1511 them in the past. As Stacey said, we are basically asking to maximize the parking in this area
1512 while respecting the buffers, the transitional buffers. Again, as Stacey pointed out, when we
1513 met with the neighbors a year and a half ago, we agreed to put the board fence in there to help
1514 screen the area. You, I think, just mentioned that you have been out to that area and we keep
1515 it all, it's sodded, irrigated, landscaped. It's our intent, when we develop this next building to
1516 make the other side of the road equally or as nice as what you see there now. Again, I think
1517 our desire is to put the maximum number of parking spaces in that area. In the past, the
1518 neighbors I believe were confused about what we may plan to use that area for. And at one
1519 time, we talked about putting some volley ball courts for Innsbrook activities. We have since
1520 met with the neighbors and we understand that was a bad idea and we have no intent to do that
1521 now. I hope the neighbors understand that and that could possibly lead to why there is no
1522 opposition to this, to be quite frank.

1523

1524 Mr. Vanarsdall - Mr. Taylor, I have a suggestion to you, that whatever you do this
1525 morning that I would put No. 9 amended on the case, which means the landscape plan would
1526 have to come back to us.

1527

1528 Mr. Robinson - Yes. That is correct.

1529

1530 Mr. Taylor - Would that be appropriate, sir?

1531

1532 Mr. Robinson - Yes. And Stacey also spoke correctly that when we come back for
1533 landscaping, we will meet with the neighbors and make sure they understand the plan before
1534 we get here.

1535

1536 Mr. Taylor - Okay. I appreciate that.

1537

1538 Mr. Robinson - Okay.

1539

1540 Mr. Taylor - Thank you very much for your time and effort.

1541

1542 Mr. Vanarsdall - And in the meantime, if you don't feel comfortable, we'll just give you a
1543 suggestion to defer it. But if you feel comfortable with it then that's okay.

1544

1545 Mr. Taylor - I feel comfortable with it, sir, but I would just like to put in an
1546 amendment that before we come back for the landscaping plan that we do make sure we
1547 contact the neighbors.

1548

1549 Mr. Vanarsdall - That would be No. 9 amended.

1550

1551 Mr. Strauss - If I could recommend No. 11 amended also. Because as Hank
1552 remembers, there were a lot of concerns about the heights of light poles in this parking lot
1553 with the earlier phases, so we would like to see No. 11 amended as well.

1554 Mr. Vanarsdall - Good suggestion. I would bring back No. 11 amended also, Mr.
1555 Taylor.
1556
1557 Ms. Dwyer - Are we considering staff's plan or the plan submitted by the applicant?
1558
1559 Mr. Taylor - The plan submitted by the applicant.
1560
1561 Ms. Dwyer - Okay.
1562
1563 Mr. Vanarsdall - Is that all right with you, Stacey?
1564
1565 Mr. Burcin - Yes.
1566
1567 Mr. Taylor - Then, Mr. Chairman, I would move that POD-20-00, Highwoods Plaza,
1568 Phase III - Cox and Sadler, which is POD-52-97 revised, be approved with the revised plan of
1569 development as required by Chapter 24, Section 24-106 of the Code to construct a 48
1570 approximate space parking lot addition adjacent to the north side of Highwoods property. The
1571 10.1 acres site located at the southwest corner of Cox and Sadler Roads on parcels 38-A-12N,
1572 28-5-1-1C and 28-5-1-1A, zoning is O-3C be approved subject to the standard conditions and
1573 Nos. 9 and 11 amended.
1574
1575 Mr. Vanarsdall - Numbers 9 and 11 amended and the annotations on the plan.
1576
1577 Mr. Taylor - Numbers 9 and 11 amended and the annotations on the plan. Thank
1578 you.
1579
1580 Mr. Vanarsdall - Do you want the date of the plan in there?
1581
1582 Mr. Taylor - The May 1997 master plan? No, I don't think that is necessary, Mr.
1583 Chairman.
1584
1585 Mr. Vanarsdall - We've got a revised one here this morning, don't we?
1586
1587 Mr. Burcin - The plan that we are actually requesting is the plan that was originally
1588 submitted.
1589
1590 Mr. Taylor - Yes. We will just go with that original plan and then we will see what
1591 that yields. So, that, Mr. Chairman, is the motion.
1592
1593 Mr. Vanarsdall - All right. We need a second.
1594
1595 Mr. Archer - Second.
1596
1597 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
1598 in favor say aye...all opposed say nay. The motion carries. Thank you. And the Commission

1599 will take a recess.

1600

1601 The Planning Commission approved POD-20-00, Highwoods Plaza, Phase III (POD-52-97
1602 Revised) subject to the standard conditions and additional conditions previously approved and
1603 the following added conditions. Mrs. O'Bannon was absent.

1604

1605 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1606 review and Planning Commission approval prior to the issuance of any occupancy
1607 permits.

1608 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
1609 depictions of light spread and intensity diagrams and fixture mounting height details
1610 shall be submitted for Planning Office review and Planning Commission approval.

1611

1612 **The Planning Commission took a recess at this time.**

1613

1614 Mr. Vanarsdall - The Planning Commission will now reconvene. Mr. Secretary, would
1615 you give us our next case?

1616

1617 Mr. Marlles - Yes, sir. The next case is a plan of development and transitional buffer
1618 deviation request for POD-10-00. This is for Creative Office Environments.

1619

1620 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**

1621 **(Deferred from the February 23, 2000, Meeting)**

1622

POD-10-00
Creative Office
Environments

**Charles C. Townes & Associates, P.C. for DEG Virginia,
L.L.C. and Creative Office Environments:** 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 expand the parking
area by 29 33 parking spaces. The 4.25 acre site is located
along the south line of Laburnum Avenue opposite existing
Vawter Avenue at 1101 E. Laburnum Avenue on parcel 107-A-
7. The zoning is M-1, Light Industrial District and R-4, One-
Family Residence District. County water and sewer.
(Fairfield)

1623

1624 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-10-00, Creative
1625 Office Environments? No opposition. There is something on the addendum for this one also.

1626 Mr. McGarry.

1627

1628 Mr. McGarry - This plan was deferred in order to meet with the neighborhood. Several
1629 meetings have been held. This revised plan that is shown on your screen was received after
1630 the 4:00 p.m. Friday deadline. So, a motion to waive the time limit for revised plans is
1631 needed. The plan is acceptable to staff and the neighbors and several are here today. The plan
1632 would authorize construction of a cul-de-sac in an existing right-of-way. It requires a small

1633 dedication to complete the cul-de-sac. A transitional buffer deviation, which specifically is
1634 asking for a reduction of a 35-foot portion of approximately half of the frontage for the
1635 transitional buffer. The landscape plan authorizes a 10-foot-high solid board fence. Extensive
1636 evergreen landscaping, including leyland cypress, southern magnolias, and white pines. Staff
1637 recommends the landscaping plan be included with this approval to satisfy the neighbors. Staff
1638 recommends approval subject to the standard conditions, conditions Nos. 23 to 28, No. 29 on
1639 your addendum which reads: The Benton Avenue entrance is for emergency ingress and
1640 egress. A break-away gate shall be completed the design of which shall be approved by the
1641 Fire Marshall and shown on the construction plans and installed prior to an occupancy permit.
1642 So, staff recommends the approval. You will need to make three motions. The first is wavier
1643 of time. The second is for the plan of development and a third is for the transitional buffer
1644 deviation.

1645

1646 Mr. Vanarsdall - Are there any questions of Mr. McGarry?

1647

1648 Mr. Archer - Mr. McGarry, on the addendum. The added new language in No. 29,
1649 right after "A break-away gate shall be..." should the word constructed or some word be
1650 between "be" and "design"? Shall be constructed or design of which....

1651

1652 Mr. McGarry - Yes, it should be included.

1653

1654 Mr. Archer - Okay. And the other question I need to ask somebody, I don't know if I
1655 need to ask Mr. McGarry or Mr. Secretary.

1656

1657 Mr. McGarry - You can start with me.

1658

1659 Mr. Archer - Okay, I'll start with you. In a letter I got from Mr. Conlin, a part of the
1660 approval refers to constructing the fence across Vawter Avenue and approval having to come
1661 from the County. I guess a vacation is in order for us to be able to do that. Is that something
1662 we can do here today or does or does that have to come from some other authority? Are you
1663 familiar with what I'm saying?

1664

1665 Mr. McGarry - This plan came in yesterday and it does not show a fence on any of the
1666 right-of-way. So, I don't know if that letter predates this plan or not. I guess Mr. Conlin can
1667 address that.

1668

1669 Mr. Archer - Okay. This letter was dated March 20. But, I'll ask him when he
1670 comes up. He looks as though he can handle it. That's all I have Mr. Chairman.

1671

1672 Mr. Vanarsdall - Are there any more questions for Mr. McGarry?

1673

1674 Ms. Dwyer - I have one question. I see the BMPs are located along East Laburnum,
1675 at least the one, I guess, to the east.

1676 Mr. McGarry - There will be one BMP under the current version. It's the one up next
1677 to the intersection there at Laburnum and Vawter.

1678

1679 Mr. Vanarsdall - Where would it be?

1680

1681 Mr. McGarry - The BMP will be located at that intersection of Vawter and Laburnum.

1682

1683 Ms. Dwyer - It looks like it is adjacent to the utility easement. Maybe I can't read the
1684 line properly, and you can correct me if I'm wrong, but is there enough room for planting to
1685 screen that BMP from Laburnum? Or, does the BMP run right up to the easement?

1686

1687 Mr. McGarry - I believe the engineer here can clarify this further. I believe that, since
1688 there is going to be a right-turn lane in there, that I've annotated on the plan, that design of the
1689 BMP may shift back even further. But, I'll let him address that. There is only the one that is
1690 shown on the plan on the screen and not the two that are shown in your packet.

1691

1692 Ms. Dwyer - Thanks.

1693

1694 Mr. Vanarsdall - Are there any more questions? Mr. Archer, would you like to hear from
1695 the applicant?

1696

1697 Mr. Archer - I think we need to, Mr. Chairman.

1698

1699 Mr. Vanarsdall - You are very fortunate to have a well, experience, attorney to represent
1700 this.

1701

1702 Mr. Conlin - Should I be nervous. Mr. Chairman, members of the Commission, my
1703 name is Andy Conlin from Williams Mullen. I have with me Bob DeLille from Creative
1704 Office and Jeff Collins here from Charles C. Townes & Associates to answer any specific
1705 questions. If I may, I wanted to express our appreciation to the neighbors who've worked
1706 very hard and as Mr. McGarry stood out in some pretty freezing weather on Friday that Mr.
1707 Archer some how got out of not wanting to stand in the inclement weather. The purpose of
1708 this request was not to expand the building but actually to make a bad existing parking
1709 situation better. This building is used, is zoned M-1, is used for both office and warehouse
1710 with the dock space right near the residential. The idea being that they want to slightly expand
1711 the office by about 6,000 square feet, therefore, needing additional space. The access, as Mr.
1712 McGarry expressed, comes both through the residential area and comes through Benton
1713 Avenue and comes down at this location (referring to map on the screen). The other problem
1714 is the existing access in this area that trucks will either have to do a U-turn at Carolina and
1715 when they leave they will have to do an immediate U-turn to come back down Laburnum.
1716 Creating yet another unsafe condition, in addition to that one which is going to the neighbors.

1717

1718 We wanted to be able to provide parking and move the entrance as well as close the Benton
1719 Avenue access to avoid those trucks coming through the neighborhood area. And as well to
1720 make the loading area more efficient to get trucks in and out of there a little bit quicker. Also,

1721 there are fewer trucks sitting around waiting to load and unload. And as you can see, to cul-
1722 de-sac Vawter Avenue so that there is no connection to the existing residential right-of-way.
1723 The neighbors I believe did have legitimate concerns about the type of landscaping that would
1724 be going into this. And I think met on landscaping specifically at least two, probably three
1725 times, the last time to talk about the fence that would go along this area on our property. And
1726 the request was a 10-foot-high fence to block out the noise of the loading dock that occurs here
1727 as well as the site issues. And the request I made Mr. Archer was with respect not only the
1728 fence which we were thinking would go along in Vawter Avenue but actually cuts back right
1729 before Vawter Avenue. But it was always in my understanding that from Public Works we
1730 would need approval from Public Works to be able to put plantings on County property. And
1731 you can see that there is some pretty significant plantings to protect Vawter Avenue and the
1732 folks that live over in this area as well as this area immediately adjacent. So, I think that
1733 approval has to come through Public Works. Mr. Thornton heard our request and I feel pretty
1734 confident that if the neighbor requested it and the County wants it and we want it that we will
1735 be able to accomplish that. And that was the reason for my request was to get that landscaping
1736 in.

1737

1738 As Mr. McGarry had expressed there is some extensive landscaping that we have tried to put
1739 in this area to compensate for the deviation that we requested. As to the BMP, Jeff Collin is
1740 here to answer the question, but he did say that there is some room to put some landscaping in
1741 there between the right-turn lane and the BMP. There is a right-turn lane that needs to come
1742 off Laburnum to be able to go into Vawter Avenue which is a public right-of-way. At this
1743 time I would be happy to answer any questions that you may have. But, again, I will just
1744 stress that this is not an expansion of the facility, it's a change of part of the warehouse into
1745 office. And the benefit I believe is, the special benefit is to close off the Benton Avenue
1746 access and to provide better traffic on Laburnum Avenue. I'll be happy to answer any
1747 questions. And I have Jeff Collins and Mr. DeLille to answer questions as well from the
1748 operation standpoint.

1749

1750 Mr. Vanarsdall - Are there any questions for Mr. Conlin? Thank you.

1751

1752 Mr. Archer - Mr. Secretary, how do we go about initiating that approval process to
1753 construct the fence and do the plantings on Vawter Avenue?

1754

1755 Mr. Marlles - Mr. Archer, are you referring to the necessity for having to vacate or
1756 close a portion of Vawter Avenue?

1757

1758 Mr. Archer - Essentially, it's closed right now. But I'm just referring to this
1759 paragraph in Mr. Conlin's letter to me.

1760

1761 Mr. McGarry - I believe condition No. 27 addresses how the landscaping approval will
1762 be obtained. Basically, they have to include it on their construction plans before they are
1763 signed by the County, Traffic.

1764 Mr. Archer - Oh, okay, then we are protected then. Then you don't need to answer
1765 the question.
1766

1767 Mr. Taylor - Can I ask one more question on Vawter Avenue, please?
1768

1769 Mr. Vanarsdall - Help yourself.
1770

1771 Mr. Taylor - Along the, where there would be the exit lane, there is a line which I
1772 think is the old right-of-way line, perhaps. Is there landscaping along that side of Vawter
1773 also?
1774

1775 Mr. McGarry - I'm lost to which route you are making reference to.
1776

1777 Mr. Taylor - Where new Vawter Avenue is constructed and where the limit of the, if
1778 there was compass road here it would be easier, but I guess it was on the right side as we look
1779 at it. There is another line, which I think is the old right-of-way for Vawter Avenue.
1780

1781 Mr. McGarry - Okay. There is an existing right-of-way of 60 feet in width, and what
1782 you see here is a smaller cross section and it's normal for 60 feet being constructed within this
1783 right-of-way.
1784

1785 Mr. Taylor - So, it's Vawter Avenue as we see it is in the right-of-way of the old
1786 Vawter Avenue.
1787

1788 Mr. McGarry - That's correct.
1789

1790 Mr. Taylor - Now, as I look at it between the old Vawter Avenue and the new Vawter
1791 Avenue, on the right side, as we look at this screen, there is that line. That's the old right-of-
1792 way. Is that landscaped along there, or treed along there?
1793

1794 Mr. McGarry - It's existing trees and it will be supplemented with the landscaping you
1795 see before you, as part of the transitional buffer.
1796

1797 Mr. Taylor - The landscaping that I see, Ted, doesn't go all the way up to Laburnum,
1798 but there are trees in there, is what I'm asking.
1799

1800 Mr. McGarry - Yes, but I suspect when they construct the road, they will have to
1801 remove some of those trees within the right-of-way. The engineer can address that.
1802

1803 Mr. Collins - I'm Jeff Collins from Charles Townes & Associates. Do you see this in
1804 front of you (referring to map on screen)?
1805

1806 Mr. Taylor - Yes, I have that.
1807

1808 Mr. Collins - Is this the area you are referring too?

1809 Mr. Taylor - That's the area I am referring to, yes, sir.
1810

1811 Mr. Collins - This is presently a wooded lot, on this side. When this roadway is cut in
1812 there will be approximately 10 feet between this, which is the existing right-of-way line, and
1813 this which would be the proposed curb being put in for Vawter. So, there will be a strip in
1814 there. Now, during construction that strip will probably be cleared. Okay. This site here will
1815 remain untouched. As far as replanting anything in this area, I don't think we have a
1816 requirement to do that at this point. And there really isn't anything over here to be screening
1817 from our site. This is an undeveloped tract over here on this side. So, when this tract
1818 ultimately develops into whatever then that can be addressed at that point in time. But, right
1819 now we don't anticipate putting anything through this area.
1820

1821 Mr. Taylor - That wasn't part of my question, but looking at that there being nothing
1822 planted there and recognizing that there are residencies to the south, would it be advantageous,
1823 sir, to put in a sidewalk there so that those people would get access to Laburnum? When I
1824 first looked at that I was wondering if that was a sidewalk and obviously it isn't. So, I'm not
1825 quite correct but I wonder if a sidewalk might be there.
1826

1827 Mr. Collins - We haven't discussed the issue of a sidewalk but there is really nowhere
1828 to go out onto Laburnum for those folks.
1829

1830 Mr. Taylor - Thank you for answering my question.
1831

1832 Mr. Collins - Sure.
1833

1834 Mr. Vanarsdall - All right, where are we?
1835

1836 Mr. Archer - That's all I have.
1837

1838 Mr. McGarry - Are there any further questions of us?
1839

1840 Mr. Vanarsdall - Well, we are finished then. We will have to waive the time limit.
1841

1842 Mr. Archer - Yes. And before I do that, Mr. Chairman, let me just briefly bring
1843 everybody up-to-date. We had at least three meetings with the neighbors, I attended the first
1844 one, Mr. Thornton attended the last one. When this POD was proposed, it was good in that it
1845 revealed some significant things that were going on adjacent to the neighborhood that we
1846 didn't know about. If you notice, looking at the map, there is a lot of unconditional M-1
1847 properties right adjacent to a residential neighborhood and there were all kinds of things going
1848 on in there. And to the credit to Creative Office, they had a meeting, I probably shouldn't
1849 publicize this, but they had pizza and beverages of choice.
1850

1851 Mr. McGarry - They know how to run a meeting.

1852 Mr. Archer - I just thought I would throw that out for the rest of the development
1853 community. And so doing, they addressed a lot of the concerns that were there that would not
1854 have surfaced had this POD not come up. And I think they did exhibit an intention to try and
1855 be a good neighbor. The only concern that we have had since this new plan was created was
1856 to try and provide as much screening as we can for Mr. and Mrs. Giles who are not here
1857 today. But, I think we have addressed most of those things and in addition to being able to
1858 have a left-turn lane in and off of Laburnum and do away with that unsafe traffic condition
1859 that does exist. With the bufferring and the screening and a fence that's going to go in, I think
1860 overall this plan will come out better for everybody that's involved. I hope the neighbors
1861 agree with that. They are nodding in approval. There will be no more meetings with pizza
1862 and beer. I think that's the end of it. So, first of all I need to move to waive the time limit on
1863 the submitted plan. So move.

1864

1865 Mrs. Quesinberry - Second.

1866

1867 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs.
1868 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1869

1870 The Planning Commission approved the waiver of the time limit for the revised plan on this
1871 case. Mrs. O'Bannon was absent.

1872

1873 Mr. Archer - And then my motion is for approval of POD-10-00, Creative Office
1874 Environments, subject to the new revised plan, the annotations on the plans, the standard and
1875 added conditions Nos. 23 through 28 and the additional condition No. 29 which was added by
1876 the addendum.

1877

1878 Mrs. Quesinberry - Second.

1879

1880 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs.
1881 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1882

1883 Mr. McGarry - Don't forget the transitional buffer deviation.

1884

1885 Mr. Archer - Do we need a separate motion for that?

1886

1887 Mr. McGarry - Yes, sir, I believe we do.

1888

1889 Mr. Archer - Okay. Then I move to accept the plan for the transitional buffer
1890 deviation also.

1891

1892 Mr. Taylor - Second.

1893

1894 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
1895 in favor say aye...all opposed say nay. The motion carries.

1896

1897 The Planning Commission approved POD-10-00, Creative Office Environments, subject to the
1898 standard conditions attached to these minutes, the annotations on the plans and the following
1899 additional conditions. The Planning Commission also approved the transitional buffer deviation
1900 for POD-10-00, Creative Office Environments. Mrs. O'Bannon was absent.

1901

1902 23. The developer shall provide fire hydrants as required by the Department of Public
1903 Utilities in its approval of the utility plans and contracts.

1904 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1905 County Attorney prior to final approval of the construction plans by the Department of
1906 Public Works.

1907 25. Deviations from County standards for pavement, curb or curb and gutter design shall
1908 be approved by the County Engineer prior to final approval of the construction plans by
1909 the Department of Public Works.

1910 26. Approval of the construction plans by the Department of Public Works does not
1911 establish the curb and gutter elevations along the Henrico County maintained right-of-
1912 way. The elevations will be set by Henrico County.

1913 27. Details for landscaping of the area separating the two sections of Vawter Avenue shall
1914 be submitted with the construction plans for signature. Any barricade shall be approved
1915 by the Traffic Engineer.

1916 28. The right-of-way for the cul-de-sac located at the southern terminus of Vawter Avenue
1917 as shown on approved plans shall be dedicated to the County prior to any occupancy
1918 permits being issued. The right-of-way dedication plat and any other required
1919 information shall be submitted to the County Real Property Agent at least 60 days prior
1920 to requesting occupancy permits.

1921 29. The Benton Avenue entrance is for emergency ingress and egress. A break-away gate
1922 shall be constructed, the design of which shall be approved by the Fire Marshall, and
1923 shown on the construction plans and installed prior to an occupancy permit.

1924

1925 **PLAN OF DEVELOPMENT**

1926

POD-14-00

Health South Medical Center
MRI Addition & Master
Plan (POD-88-93 Revised)

**TIMMONS for HealthSouth of Virginia and Health Care
Realty Trust, Inc.:** Request for approval of a revised plan of
development as required by Chapter 24, Section 24-106 of the
Henrico County Code to construct a one-story, 6,500 square
foot MRI addition, a master plan for future dining area,
emergency room and lobby additions. The 23.35 acre site is
located on the north line of Parham Road 1,100 feet east of
Shrader Road on parcel 60-A-24 and 22. The zoning is O-3,
Office District. County water and sewer. **(Brookland)**

1927

1928 Mr. Vanarsdall - We don't need to go into much detail on this, Mr. Whitney. Did you
1929 say that they want a deferral?

1930

1931 Mr. Whitney - The applicant has requested a deferral on this case for 30 days until the
1932 April 26, 2000 meeting.

1933 Mr. Vanarsdall - April 26 for 30 days.

1934

1935 Mr. Whitney - Right.

1936

1937 Mr. Vanarsdall - Now between now and the 26th, can you and John Short, and I'll go with
1938 you if you want me too. We will all go over and point out all the things that need to be taken
1939 care of. All of the discrepancies that should have been taking care a long time ago.

1940

1941 Mr. Whitney - I'd be happy to do that. Will there be pizza and beer involved? I was
1942 just kidding.

1943

1944 Mr. Archer - I think that ought to be a standard condition.

1945

1946 Mr. Whitney - Also, the applicant, Mr. Vanarsdall, has brought up the idea of meeting
1947 with you, a representative from HealthSouth, myself, and anyone else we might want to
1948 attend, within the next 30 days to clear up the issues that have come up recently.

1949

1950 Mr. Vanarsdall - Great. With that I move that we defer POD-14-00, HealthSouth
1951 Medical Center MRI Addition to April 26, 2000, at the applicant's request.

1952

1953 Mr. Taylor - Second.

1954

1955 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
1956 All in favor say aye...all opposed say nay. The motion carries.

1957

1958 At the request of the applicant, the Planning Commission deferred POD-14-00, Health South
1959 Medical Center MRI Addition & Master Plan (POD-88-93 Revised) to its meeting on April
1960 26, 2000. Mrs. O'Bannon was absent.

1961

1962 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1963

POD-18-00

Overlook at Brook Run
Apartments - Brook Road

**Koontz-Bryant, P.C. for Petula Associates, Ltd. and
Varina Station Associates, LLC:** Request for approval of a
plan of development and a special exception for height as
required by Chapter 24, Sections 24-106 and 24-94(b) of the
Henrico County Code to construct seven (7), two-story
buildings and twenty (20), three-story buildings for a total of
282 multi-family dwelling units. The 53.42 acre site is located
on land lying on the west line of Wilmer Avenue (relocated) on
part of parcel 84-A-5E, 84-A-5NR and 95-A-2E. The zoning is
R-6, One-Family Residence District. County water and sewer.
(Fairfield)

1964

1965 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-18-00, Overlook at
1966 Brook Run Apartments? I believe we have someone who wants to speak in favor. Mr. Strauss.

1967 Mr. Strauss - Thank you, Mr. Chairman. The applicant is proposing 282 multi-family
1968 apartment units as the Secretary said in 27 buildings. The buildings are a combination of two-
1969 story, three-story, and a split two and three story type of building. In the R-6 district, which
1970 this is, the ordinance requires a special exception for buildings of three stories or greater. The
1971 applicant is prepared to make a case for the approval of the special exception for the three
1972 story buildings. The applicant has worked extensively with the adjacent property owners, in
1973 particular, the Emanuel Episcopal Church which is located directly to the south of the
1974 property, which is this property right here (referring to map on screen). Staff has reviewed
1975 the application and can recommend approval of the plans as annotated. Staff also recommends
1976 No. 9 amended as there are a number of landscape and fencing commitments that the applicant
1977 is willing to make in exchange for approval of the special exception. The applicant has
1978 worked out these landscape commitments quite thoroughly with the adjacent property owner.
1979 And I imagine he would be more thorough in going through all of those. He has a rendered
1980 site plan which I might suggest he might want to put on the document table to discuss the site
1981 layout or any landscaping provisions he would like to discuss. I would note the applicant has
1982 done a pretty good job in locating the two-story buildings adjacent to the church property.
1983 There are all two-story buildings along here, and the three story and the two, three-story split
1984 story buildings are further to the north and the west. I'll be happy to answer any other
1985 questions you may have. The applicant's architect and engineer are also here this morning and
1986 I believe Mr. Hank Wilton is also here.

1987

1988 Mr. Vanarsdall - Are there any questions of Mr. Strauss by Commission members?

1989

1990 Ms. Dwyer - Mr. Strauss, where is the recreational area provided for these
1991 apartments?

1992

1993 Mr. Strauss - Once we get the document table up I can show you, but there is a pool,
1994 and if you can see on the screen, on the north side of the project there is a club house,
1995 community center and a pool, right here (referring to map).

1996

1997 Ms. Dwyer - Anything else? Are there any other open space tot lots etc.?

1998

1999 Mr. Strauss - I would rather refer that question to the applicant. They do have jogging
2000 trails and things of that nature planned for the area further west. The applicant can enumerate
2001 on that a little bit further.

2002

2003 Ms. Dwyer - Okay.

2004

2005 Mr. Vanarsdall - All right. Good morning, Mr. Asxelle.

2006

2007 Mr. Asxelle - Good morning, Mr. Chairman and members of the Commission. My
2008 name is Bill Asxelle.

2009

2010 Mr. Vanarsdall - We can tell when the General Assembly is over when we see you again.

2011

2012 Mr. Asxelle - I know and I'm looking happy too, to get away from there. I'm here on
2013 behalf of the applicant, we'll be fairly brief, but we do want you to know that we have with us
2014 Hank Wilton who with Byan Kornbleu are the partners in this endeavor. Paul Hinson, the
2015 engineer. Joyce Hart who's one of the development coordinators. A representative of the
2016 architect, Mr. Bates is here from the church. You've heard that expression what a difference a
2017 day makes. And for those of you who were here two or three years ago when a case on this
2018 same property came up, you would be aware that a different factual situation, attitude and
2019 approach makes here because there was a lot of controversy, ill will. Today we are standing
2020 here before you I believe with a very good case that's supported by the same folks who were
2021 opposed to it four years ago. That's primarily because of the change in the application. The
2022 applicant is different and the applicant's attitude is different and the neighbors, whether it be
2023 the church or the Jefferson's Garden folks, have been very responsive. I will tell you that
2024 Emanuel Episcopal Church, we have worked with them. They have by letter advised the
2025 County of their support of the request for a special exception. And the Jefferson Garden folks
2026 have authorized us to say that they are agreeable with the request also. And so I will tell you
2027 that we were able to pull this off primarily because Hank Wilton and Bryan Kornbleu came in
2028 with a very good proposal, which we then enhanced and built upon with the discussions with
2029 the church.

2030

2031 Let me tell you what we are requesting, just so that we can orient you. The church, on the far
2032 right of your screen is Wilmer Avenue and you come off of Route 1, down Wilmer Avenue
2033 and then you come into the church. So, the church is in the lower portion. This is generally
2034 the church area here and it runs all the way, in both ends and so forth. They are our primary
2035 neighbor. So, the church as that neighbor is supported on the other side, is the owner of the
2036 property which is supportive and the Jefferson Garden folks, if you will, is a small residential
2037 area that's pretty much back in this area, somewhere back here. They are behind the church
2038 or south of the church and so they are further away. But, we have been able to do is a couple
2039 of things. One. The southern buildings that are adjacent to the church will be two-story in
2040 height. There is one additional building that's three stories on one side and two stories on the
2041 other and so there are eight that would qualify for the exception. So, we hope you will
2042 approve the special exception. We would also ask that you approve the special exception per
2043 the plans because the special exception for the three-story does not apply to the buildings that
2044 we have designated will still be two-story. So, this property goes from a fairly flat with the
2045 church and then it goes to the north, it goes downhill and to the west it goes, you know, down
2046 hill, actually through a revene and so topography works in favor of the property and the
2047 proposal. The three-story buildings are below grade. We do not think the three-stories
2048 buildings will be visible from the church for a number reasons. One, is that topography. 2.
2049 There's substantial plantings there and then three, the additional plantings that we have
2050 provided. We have also, in working with the church, we have provided for a 50-foot building
2051 setback. We provided in that 50-foot building setback there will be supplemental plantings.
2052 There will be no uses, no improvements and no area of that will be used so it's not just a
2053 setback it will be a landscaped area.

2054

2055 And then we have worked with the church, and I won't show you the plan, but we have filed it
2056 with the case, and it is a very extensive landscaping plan. The existing fence that goes around

2057 the property will stay in place. There will be an additional black vinyl fence, seven feet tall
2058 that would go around and be in place. Ivy will be placed on the new fence and ivy will be
2059 placed on parts of the old fence as agreed to try to provide an even greater shield. There will
2060 be prickly plantings between the two fences. Just basically trying to provide an aesthetic
2061 shield and also to make sure that folks don't come over from the apartments into the church.
2062 We think that all of this would be very helpful. And then we have provided, with an
2063 agreement with the church, that we will be tremendously additional supplemental plantings on
2064 the church property, off our site, but on the church property. The church benefits from having
2065 a lot of good plantings but there are areas that needs some supplementing. Then we have
2066 provided, there will be ornamental plantings such as azaleas at the end of the fence near up
2067 where Wilmer Avenue is. I would also tell you a major difference in this case, from previous,
2068 is that there will be no access off of Wilmer Avenue. The Okays had the apartments accessing
2069 on Wilmer Avenue, that is prohibited by our conditions. There is also a berm along Wilmer
2070 Avenue three to four feet tall with landscaping, and the buildings along Wilmer Avenue will
2071 be two-stories also. So, it, again, will keep the reduce height. The architectural style has
2072 changed dramatically. It's a much more attractive type building. A lot of windows with
2073 shutters, just a better aesthetic look, and also brick around the first floor. A beige/gray type
2074 of subdued colors. Recreational amenities have been placed in the back, closer towards the
2075 shopping center area. In then there have just been some things that have just developed by
2076 virtue of the church and Mr. Wilton and Mr. Kornbleu being good neighbors, there is an
2077 access road that goes from the church to Brook Run Place in the back, that road is going to be
2078 maintained by the applicant for the church on the same terms and conditions they've
2079 maintained on Brook Run Drive. They wanted a guardrail installed. There's an area where
2080 Va. Power easement that needs a guardrail for safety. That's being placed in there. We met,
2081 I did not personally, but the client met with the Jefferson Garden folks who had opposed this
2082 case before and their objection has been met because of the changes that have been made.

2083

2084 Going to the three story, overall, other than the ones we have not allowed the three stories, it
2085 does allow for a less of a footprint and more open space. I will tell you that it would appear
2086 that we are in compliance with most, not all, but most of the new multi-family ordinance that
2087 you have in consideration, we will already be in compliance with the bulk of that. In
2088 consistent with the ordinance, I do not think there's anything that would adversely affect the
2089 public health, safety and welfare or cause congestion, the supply of light in the area and the
2090 other factors that are set forth in the ordinance. And with that, I'll just close. We've got folks
2091 here who can respond to questions but would not be prepared to speak unless you have some
2092 specific inquiry.

2093

2094 Mr. Vanarsdall - I just want to mention, for the record, this is almost like it's not even the
2095 same case that I saw before. It is tremendously done and I want to thank Hank and Byan
2096 Kornbleu because you are right, we didn't get very far the first time. And I know we had the
2097 pastor of the church and half of the congregation. We couldn't work out anything, could we?

2098

2099 Mr. Asxelle - I was not involved in that part of the case, but I am familiar with it.
2100 And the difference is, quite frankly, it's just the attitude of the developer and the church was
2101 very responsive and they asked for things that were reasonable. It's just been very nice.

2102 Mr. Vanarsdall - Wilmer Avenue was one of the reasonable things, and a lady almost
2103 craved to get that taking care of like you have now. Thank you. Are there any questions of
2104 Mr. Asxelle by Commission members?

2105

2106 Ms. Dwyer- Mr. Asxelle, what is planned, if anything, for the floodplain area to the
2107 west? Will that be rezoned C-1 or trails or anything.

2108

2109 Mr. Wilton - Yes. For the record my name is Henry Wilton. And, Mrs. Dwyer, you
2110 had asked about tot lots and/or playgrounds. There will be two in the community. This will
2111 be developed in sections. There's one in the first section and there's one in the second section.
2112 And to the far left of the screen, the lower parts that's C-1, we plan a jogging trail, walking
2113 trail down there by an existing pond and we plan to put a gazebo next to the pond also. That's
2114 an existing pond right now, and we plan to make that an amenity also.

2115

2116 Ms. Dwyer - Where it says wetland boundary?

2117

2118 Mr. Wilton - Part of it is wetlands but obviously the area that we are going to improve
2119 I don't think is wetland, we can put the engineers here for that. But, we will have a jogging
2120 trail down there for the residents. And, again, we have quite a bit of acreage down there.
2121 Some of it is wetland but some it is not wetland.

2122

2123 Ms. Dwyer - So, we will be rezoning it C-1, is that what you are saying?

2124

2125 Mr. Wilton - It already is C-1, I believe.

2126

2127 Ms. Dwyer - It doesn't show up as C-1 on my map.

2128

2129 Mr. Wilton - I'll look into that and if it needs to be C-1 I would come back like I do
2130 on a lot of cases and zone it C-1. But, I will do that later on, if that's okay.

2131

2132 Mr. Vanarsdall - Are there any other questions of Mr. Wilton or Mr. Asxelle? I have
2133 one, just for curiosity, we have in the condition No. 9 amended but we don't have No. 11
2134 amended, is there any particular reason why we don't have the lighting addressed? If you
2135 don't think we don't need it then tell us.

2136

2137 Mr. Strauss - Well, projects of this type generally have a lower light pole. I've seen
2138 some as low as eight feet and because there were not a lot of parking areas, we didn't think we
2139 needed to do No. 11 amended. They've worked so extensively with the adjacent property
2140 owners, we weren't aware of any concerns about the lighting. I would like to, since you have
2141 given me the opportunity to come back up again, I've been advised by the applicant, I may be
2142 in error on one of the standard conditions, which I thought I had fixed last week. Condition
2143 No. 23 has no bearing on this case. I'll read it for you. A notice of completion form,
2144 certifying that the requirements of the Virginia Department of Transportation entrances permit
2145 have been completed, shall be submitted to the Planning Office prior to any occupancy permits
2146 being issued. This is a private road, which serves this property. Therefore, that standard

2147 doesn't really apply to this project. So, I would motion that we strike that or delete it.

2148

2149 Mr. Archer - Mr. Chairman, is it proper to make a condition that Mr. Wilton
2150 indicated his willingness to rezone the property C-1 that may not be rezoned? Is it proper to
2151 make that a condition of the case? Is it necessary? If you don't have any objection to it.

2152

2153 Mr. Vanarsdall - Mr. Marlles.

2154

2155 Mr. Wilton - After we go through the approval process, the property (unintelligible)
2156 will rezone to C-1, certainly. That's fine.

2157

2158 Mr. Vanarsdall - It's similar to the one you had on Parham and similar to the one before
2159 that.

2160

2161 Mr. Archer - I was just wondering if we need the condition, is what I'm saying.

2162

2163 Mr. Wilton - I'll come back and do it if you want to make it a condition.

2164

2165 Mr. Vanarsdall - There was a condition on the other one we had, to say that you would do
2166 it.

2167

2168 Mr. Wilton - I'm here every month, but I'll be happy to make it a condition.

2169

2170 Mr. Archer - Okay. Well, we will leave it. That's all right.

2171

2172 Mr. Vanarsdall - If you want to make that No. 34 we can. We can get Mr. Marlles to
2173 word it.

2174

2175 Mr. Hinson - Excuse me. Could I ask for a clarification? Our BMP is in the lower
2176 area of the site....

2177

2178 Mr. Vanarsdall - We need to get what you are saying on the tape, if you don't mind.

2179

2180 Mr. Wilton - The question of the engineer is can we put, the BMP is in the C-1.
2181 Again, we want to make sure that if we, and again that's why I said after we have completion
2182 of the plans we would zone the net property that we wouldn't be using for the BMP or
2183 whatever. We would rezone that to a C-1. So, I think I covered that when discussed it. After
2184 we get the final plans approved we will come back and isolate the C-1 area we do not need for
2185 any regulations. So, I think we have already clarified that.

2186

2187 Mr. Vanarsdall - Whatever you want to do, Mr. Archer.

2188

2189 Mr. Wilton - That's why we will go through the approval process. Get these plans
2190 approved and whatever we don't need we will come back before this body and we will go
2191 ahead and request a rezoning to C-1.

2192 Mr. Archer - I'll leave it. It's on the record, Mr. Chairman.
2193
2194 Mr. Strauss - For the record, I've just been advised by the principal planner that the
2195 road should remain in the R-6 district. And with the Director's concurrence, we are going to
2196 have a BMP in a C-1 district, which is what the engineer was asking him.
2197
2198 Mr. Marlles - And also, Mr. Strauss, drainage structures are permitted in C-1 district
2199 under the zoning ordinance.
2200
2201 Mr. Vanarsdall - All right. We need a motion for the special exception first, Mr. Archer.
2202
2203 Mr. Archer - All right, Mr. Chairman, I think I'm ready. As was stated by Mr.
2204 Asxelle, this case, we have met and discussed it several times with the Planning staff. And
2205 this case is a significant tremendous improvement over the case that was submitted prior to, I
2206 think it was in 1996. In this case the applicant has included several amenities and improved
2207 the sight lines and the configuration of the project to the point that I would believe that the
2208 three-story exception is in order. And, also, we have got letters of support from the church,
2209 where before the letters were of opposition and in this particular case, even though we had
2210 quite a few on the last one, I've had no calls of complaint from any of the adjacent property
2211 owners. So with that in mind, I move to allow the three-story exception as shown on the plan.
2212 I think that's the way Mr. Asxelle wanted it worded.
2213
2214 Ms. Dwyer - Second.
2215
2216 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All
2217 in favor say aye...all opposed say nay. The motion carries.
2218
2219 The Planning Commission approved the three-story special exception for POD-18-00 Overlook
2220 at Brook Run Apartments - Brook Road. Mrs. O'Bannon was absent.
2221
2222 Mr. Archer - And as far as the case itself is concern, this is an unconditional R-6 case
2223 and I think it has been worked to the point that it would be quite acceptable. And with that, I
2224 move for approval of POD-18-00, Overlook at Brook Run Apartments, on Brook Road subject
2225 to the annotations on the plans, the standard conditions for developments of this type and
2226 additional conditions No. 9 amended, and Nos. 23 through 33. And I believe with the
2227 deletion of condition No. 23 as Mr. Strauss indicated.
2228
2229 Ms. Dwyer - Second.
2230
2231 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All
2232 in favor say aye...all opposed say nay. The motion carries.
2233
2234 The Planning Commission approved POD-18-00, Overlook at Brook Run Apartments subject
2235 to the standard conditions for develop of this type attached to these minutes, the annotations on
2236 the plans and the following additional conditions. Mrs. O'Bannon was absent.

2237

2238 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2239 review and Planning Commission approval prior to the issuance of any occupancy
2240 permits.

2241 ~~23. A notice of completion form, certifying that the requirements of the Virginia~~
2242 ~~Department of Transportation entrances permit have been completed, shall be submitted~~
2243 ~~to the Planning Office prior to any occupancy permits being issued.~~

2244 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2245 the County in a form acceptable to the County Attorney prior to any occupancy permits
2246 being issued. The easement plats and any other required information shall be submitted
2247 to the County Real Property Agent at least sixty (60) days prior to requesting
2248 occupancy permits.

2249 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
2250 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
2251 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
2252 easement shall be granted to the County prior to the issuance of any occupancy permits.

2253 26. The required building setback shall be measured from the proposed right-of-way line
2254 and the parking shall be located behind the proposed right-of-way line.

2255 27. The developer shall provide fire hydrants as required by the Department of Public
2256 Utilities in its approval of the utility plans and contracts.

2257 28. All exterior lighting fixtures shall be designed and arranged so the source of light is not
2258 visible from the roadways or adjacent residential properties. The lighting shall be low
2259 intensity, residential in character, and the height or standards shall not exceed 15 feet.

2260 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2261 County Attorney prior to final approval of the construction plans by the Department of
2262 Public Works.

2263 30. Deviations from County standards for pavement, curb or curb and gutter design shall
2264 be approved by the County Engineer prior to final approval of the construction plans by
2265 the Department of Public Works.

2266 31. The pavement shall be of an SM-2A type and meet the design requirements of the
2267 Department of Public Works at the time of construction and shall be constructed in
2268 accordance with County standard and specifications. The developer shall post a defect
2269 bond for all pavement with the Planning Office - the exact type, amount and
2270 implementation shall be determined by the Director of Planning, to protect the interest
2271 of the members of the Homeowners Association. The bond shall become effective as
2272 of the date that the Homeowners Association assumes responsibility for the common
2273 areas.

2274 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the
2275 drainage plans.

2276 33. Insurance Services Office (ISO) calculations must be included with the utilities plans
2277 and contracts and must be approved by the Department of Public Utilities prior to the
2278 issuance of a building permit.

2279 **PLAN OF DEVELOPMENT**

2280

POD-19-00
Bell Atlantic of Virginia -
N. Gayton Road
(POD-119-87 Revised)

Bay Design Group For Bell Atlantic of Virginia: Request for approval of a revised plan of development and special exception as required by Chapter 24, Sections 24-106 and 24-12 (c) of the Henrico County Code to construct a 4,069 square foot addition to an unoccupied equipment building. The 1.01 acre site is located along the east line of N. Gayton Road, approximately 190 feet south of Glastonbury Drive, on parcel 35-A-28B. The zoning is A-1, Agricultural District and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

2281

2282 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-19-00, Bell
2283 Atlantic of Virginia? No opposition. Mr. Wilhite.

2284

2285 Mr. Wilhite - When the staff report was written, there were still a few remaining
2286 issues that had yet to be worked out. We have come to a conclusion on a few of those and a
2287 few are still being looked at. First of all, staff had recommended that the addition be of brick
2288 construction on all sides to match the existing building. The applicant has agreed to provide a
2289 brick structure. We have been submitted revised floor plans and elevations. They were
2290 received yesterday afternoon so the Planning Commission would have to waive the time limit
2291 in order to accept them. The problem that we have is that these elevations and these floor
2292 plans show the addition of a mechanical yard to hide the HVAC equipment for this building,
2293 and which did not appear on the site plan. The problem with this yard and the screening is
2294 because of the height of the screen. It is going to be in violation of the setback requirements
2295 for this district. In talking to the applicant this morning, they are willing to remove the screen
2296 yard from this approval. The only question would remain is how are they going to treat the
2297 location of the HVAC equipment. And if it is visible, how is it going to be screened.

2298

2299 There was another issue about fire protection for this building because this building did not
2300 show any windows. Building Inspections was going to require that the entire building be
2301 sprinkled. However, they have worked out an agreement to provide windows in certain
2302 locations and Building Inspections is now satisfied with the Plan. Staff also requested that the
2303 applicant provide some information on the generation of noise for the generators for this unit.
2304 We did receive some information yesterday afternoon. The architect of the structure is here
2305 and can answer any questions that you may have on that. The staff has not had a chance to
2306 look at these figures that have been provided to us.

2307

2308 Also, due to the design of the BMP, they need to request a waiver from the Director of Public
2309 Works because of the slopes being proposed in this. Public Works is not in a position to grant
2310 approval of this at this time. I would suggest that, if it's possible, and that, if you feel
2311 comfortable, that staff can work this out prior to signing the construction plans. However,
2312 those are the issues that remain to be resolved. If you have any questions, I'll be happy to
2313 answer them.

2314 Mrs. Quesinberry - Are there any questions for Mr. Wilhite?
2315

2316 Mr. Taylor - Kevin, on sound, we have no figures or is the architect engineer here for
2317 that?
2318

2319 Mr. Wilhite - We were provided some figures but staff has not had a chance to analyze
2320 that. The architect is here if you have any particular questions of him.
2321

2322 Mr. Marlles - Mr. Wilhite, do we know what the decibel level will be at the property
2323 line?
2324

2325 Mr. Wilhite - From the information given, the decibel levels will be 67.7 within one
2326 meter of the sound source. At the property line, we don't have that information.
2327

2328 Mr. Taylor - We will enjoy discussing this with the architect.
2329

2330 Mrs. Quesinberry - Are you ready for the applicant, Mr. Taylor.
2331

2332 Mr. Taylor - Yes, ma'am.
2333

2334 Mrs. Quesinberry - Would the applicant come forward?
2335

2336 Mr. Chakraborty - My name is Dilip Chakraborty and I'm working with Baskerville & Sons
2337 Architects. I have received the information on the generator the day before yesterday from the
2338 owner. And it said that at the source level, or one meter off, from the source level it will be
2339 102 db and with the hospital grade silence they are going to put it on that, it will reduce down
2340 to 35 db, which will be 67.7 db one meter away from the source. So, we really do not know
2341 at this point that 40 feet, which is off from the building, is the property line. I'm sure it's
2342 much less than 67.7, but we do not have any (unintelligible) from that point. At the same
2343 time, when the engineer is looking for what the County's minimum requirement, I tried to find
2344 out by going through the internet, I really had no basis that what is the minimum db level that
2345 you are looking for. Is that 65 or that's what their guess is. If it is 65 I'm sure, from an
2346 educated guess, that it will be much less than that.
2347

2348 Mr. Taylor - Sir, do you have any idea what size diesel you are running?
2349

2350 Mr. Chakraborty - Yes. It says 230 horsepower and that's 60 hertz. And I have a copy,
2351 which I can give it to you.
2352

2353 Mr. Taylor - That sounds good. Two hundred and thirty horsepower would that
2354 compare to a diesel engine that might be powering a truck.
2355

2356 Mr. Chakraborty - I'm not sure, I really can't answer that. All I know is that this was
2357 similar size of generator that was used in the Bell Atlantic-Pemberton facility. It is the same
2358 size we are using on the Gayton.

2359 Mr. Taylor - Same muffling?
2360
2361 Mr. Chakraborty - Yes.
2362
2363 Mr. Taylor - Have there been any complaints, sir, by the neighbors of that generator?
2364 At 67db that's about....
2365
2366 Mr. Chakraborty - Sixty Five. I did one job in Petersburg, a hospital area....
2367
2368 Mr. Taylor - What is 65 compared to?
2369
2370 Mr. Chakraborty - Sound db level? Sound source minimum, the people can hear good as
2371 40, I would say is a comfortable level. Sixty five at the property level is fine. It is inside the
2372 building and the wall is a 18 thick CMU wall. It goes all the way to the other side of the
2373 deck. And there is a louver, an open type louver, it opens only when the generator kicks on.
2374 And if needed, I can tell you that we can use a sound (unintelligible) type of louver that would
2375 also deaden some sound intensity.
2376
2377 Mr. Taylor - That's adequate.
2378
2379 Mr. Chakraborty - Thank you.
2380
2381 Mrs. Quesinberry - Before you sit down, could you spell your last name for our record?
2382
2383 Mr. Chakraborty - Okay. C H A K R A B O R T Y.
2384
2385 Mrs. Quesinberry - Thank you. I'm not going to try to say it.
2386
2387 Ms. Dwyer - Where is the generator located that we have been talking about on the
2388 site?
2389
2390 Mr. Chakraborty - That's inside the building.
2391
2392 Ms. Dwyer - And outside of the building it would be making that much noise?
2393
2394 Mr. Chakraborty - At the source (unintelligible) right, here (referring to map on screen) it
2395 says 67 inside.
2396
2397 Ms. Dwyer - Inside.
2398
2399 Mr. Chakraborty - Right.
2400
2401 Ms. Dwyer - What's the noise level outside?

2402 Mr. Chakraborty - Outside, we do not know, but I'm sure it's much less than 65. And
2403 there is, right here (referring to map), there is a louver that opens, when it is required, and
2404 that can also, we can put sound (unintelligible) system or sound (unintelligible) louver.

2405

2406 Ms. Dwyer - Is that facing the Gayton Church or N. Gayton Road?

2407

2408 Mr. Chakraborty - Yes. And (unintelligible) 150 feet, something like that.

2409

2410 Ms. Dwyer - So, it's not facing the neighborhood, Sedgemoore?

2411

2412 Mr. Chakraborty - No, the neighborhood is totally opposite. It's on the other side.

2413

2414 Ms. Dwyer - Thank you.

2415

2416 Mr. Taylor - Mr. Chakraborty, do you have experience with similar diesel
2417 installations in similar buildings in similar residential areas?

2418

2419 Mr. Chakraborty - No. But, I have a bigger experience so it is, when I used to work for
2420 another company, we had provided a generator for the Southside Regional Medical Hospital
2421 over in Petersburg which is about 100 yards from the residential buildings that are there. At
2422 that time, we had gone through vigorous, my calculations, that was because of the three or
2423 four bigger size generator used inside the building. So, we were a little bit concerned, at the
2424 time, it's not just of the residential but also the patients of what the sound intensity level is.
2425 So, yes, we have some kind of experience. But, that's what I was talking about, that if it is
2426 67.7 inside the room than outside of the property level is much less.

2427

2428 Mr. Marlles - Mr. Taylor, I was just going to remark, I don't know if this helps or
2429 not, but I know that the Board of Zoning Appeals has heard a number of case involving
2430 various types of switching stations. One of their standard conditions is that the noise level
2431 shall not exceed 65 decibels at the property line. That seems to work pretty well in terms of
2432 protecting the adjacent residential neighborhoods. And I think what we are being told is that
2433 the decibel level inside the building is going to be 67.7 so just based on experience with those
2434 cases, I would think that we would not exceed 65 decibels at the property line.

2435

2436 Mr. Chakraborty - Definitely not.

2437

2438 Mr. Taylor - I would agree. I don't believe sound is a problem.

2439

2440 Mrs. Quesinberry - Do you need to hear from anyone else, Mr. Taylor?

2441

2442 Mr. Taylor - There was a question of planting. Did we resolve that, Mr. Wilhite?

2443

2444 Mr. Wilhite - Well, the planting, if you are referring to the West Broad Street Overlay
2445 District and the 35-foot streetscape buffer, they have committed to providing the plant material
2446 required of that section of the code. The landscaping will still have to be done later, either

2447 administratively or if the Planning Commission wishes, for that plan to come back.

2448

2449 Mr. Taylor - This is going to be adjacent to that residential area, so we will enjoy the
2450 opportunity maybe to look at the landscaping plan and see if that's agreeable to the applicant.

2451

2452 Mr. Marlles - Mr. Wilhite, was there an outstanding issue as far as the screening of the
2453 HVAC equipment?

2454

2455 Mr. Wilhite - Yes. And it just came to our attention this morning, because of the
2456 location of the screen yard, it's in this area right here (referring to map) this area did not show
2457 up on the site plan. And this area will be in violation of the 40-foot side yard setback
2458 requirements. And because of the height necessary to screen the equipment on the side of the
2459 building, they have said that that can be eliminated from the plan. In order to approve this
2460 today, that area would have to be eliminated. But, that still doesn't answer the question of
2461 where the equipment is going to go eventually.

2462

2463 Mr. Marlles - Does staff have a recommendation at this point or does it depend on
2464 where the equipment goes?

2465

2466 Mr. Wilhite - Well, we would have to see how they want to handle the equipment.
2467 They still have some area to meet the 40-foot requirement in this area here, but whether or not
2468 they can get all of the equipment within that area, that I can't answer. But, there is some
2469 room for a screen yard but whether or not it's going to meet their needs I can't answer that.

2470

2471 Mr. Marlles - Is there a commitment on the applicant's part to make sure that wherever
2472 that equipment ends up it will be screened?

2473

2474 Man in Aud. - Sure.

2475

2476 Mr. Marlles - Okay.

2477

2478 Mr. Taylor - Do we need to make that a part of the motion?

2479

2480 Mr. Marlles I think they are agreeable to that.

2481

2482 Mr. Taylor - Okay. Thank you.

2483

2484 Mr. Wilhite - If you do agree to waive the time limits to accept these plans then staff
2485 would annotate the plan that they have to meet the 40-foot setback that's required.

2486

2487 Mr. Taylor - Thank you.

2488

2489 Mrs. Quesinberry - Are you ready to make a motion to waive the time limit?

2490 Mr. Taylor - Yes. Madam Chairman, I would move that we waive the time limits for
2491 POD-19-00, Bell Atlantic of Virginia and POD-119-87 revised.

2492

2493 Mr. Archer - I'll second that motion, Madam Chairman.

2494

2495 Mrs. Quesinberry - Okay. The motion is to waive the time limits. We have a second, Mr.
2496 Archer. All in favor say aye...all opposed say nay. Waiving the time limits carries.

2497

2498 The Planning Commission approved to waive the time limits for POD-19-00, Bell Atlantic of
2499 Virginia - N. Gayton Road (POD-119-87 Revised). Mr. Vanarsdall was absent for this case
2500 only. Mrs. O'Bannon was absent.

2501

2502 Mr. Taylor - Now, for the motion on the case, Madam Chairman. I move that POD-
2503 19-00, Bell Atlantic of Virginia, be approved subject to the standard conditions for
2504 developments of this type, and additional conditions Nos. 23, 24, 25, 26, and 27.

2505

2506 Mr. Wilhite - And Nos. 9 and 11 amended.

2507

2508 Mr. Taylor - And Nos. 9 and 11 amended.

2509

2510 Ms. Dwyer - Second.

2511

2512 Mrs. Quesinberry - We have a motion and a second, Mrs. Dwyer. All in favor say aye...all
2513 opposed say nay. The motion carries.

2514

2515 The Planning Commission approved POD-19-00, Bell Atlantic of Virginia - N. Gayton Road
2516 (POD-119-87 Revised), subject to the standard conditions attached to these minutes for
2517 developments of this type, the annotations on the plan and the following additional conditions.

2518

2519 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2520 review and Planning Commission approval prior to the issuance of any occupancy
2521 permits.

2522 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2523 depictions of light spread and intensity diagrams and fixture mounting height details
2524 shall be submitted for Planning Office review and Planning Commission approval.

2525 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2526 the County in a form acceptable to the County Attorney prior to any occupancy permits
2527 being issued. The easement plats and any other required information shall be submitted
2528 to the County Real Property Agent at least sixty (60) days prior to requesting
2529 occupancy permits.

2530 24. The developer shall provide fire hydrants as required by the Department of Public
2531 Utilities in its approval of the utility plans and contracts.

2532 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2533 County Attorney prior to final approval of the construction plans by the Department of
2534 Public Works.

2535 26. Deviations from County standards for pavement, curb or curb and gutter design shall
2536 be approved by the County Engineer prior to final approval of the construction plans by
2537 the Department of Public Works.

2538 27. Insurance Services Office (ISO) calculations must be included with the utilities plans
2539 and contracts and must be approved by the Department of Public Utilities prior to the
2540 issuance of a building permit.

2541

2542 **SUBDIVISION**

2543

Bewdley
(December 1999 Plan)

E. D. Lewis & Associates, P.C. for Willbrook, L. L. C.:
The 22.0 acre site is located at the north end of Henry Ward
Boulevard on parcels 216-A-55 and 100. The zoning is R-2C,
One-Family Residential District (Conditional). County water
and sewer. **(Varina) 20 Lots**

2544

2545 Mr. Wilhite - You are being handed out a revised cover map and an annotated
2546 conditional plat. This plat had been included in your packet but staff had not had a chance to
2547 review this revised plat. The zoning of this property was recently approved by the Board.
2548 They had requested R-2AC, R-2C was approved, hence the need to revise the layout of the
2549 subdivision. They ended up changing the boundaries and also they lost three lots from the
2550 original submittal. Twenty lots are what they are asking to be approved. The revised plat also
2551 shows the stub street to the adjacent property to the west as staff had requested. Also the
2552 Henry Ward Boulevard extension is now shown as a 50-foot right-of-way instead of the 105
2553 that was constructed with the school. This is acceptable to the traffic engineer. The proffered
2554 buffers are shown along the boundaries of the subdivision. There is also a proffer requiring a
2555 tree preservation area. These areas will be shown as easements on the subdivision plat.
2556 Reserved portions that are shown on this plan may be conveyed to the adjacent property owner
2557 prior to recordation. Staff is okay with that. There is an addendum included. The original
2558 condition No. 14 has been eliminated that was to request a sidewalk be constructed. Because
2559 of the change in the zoning of the subdivision, curb and gutter will not be constructed within
2560 this subdivision and staff would also remove the recommendation that a sidewalk be
2561 constructed. There is a new condition No. 14 that appears on the addendum and this addresses
2562 the recent change to the subdivision ordinance dealing with stub streets. It requires that
2563 signage be placed on the stub streets as acceptable to the Director of Public Works, and as far
2564 as location being acceptable as well. That addresses the possible extension of this stub street in
2565 the future. With that, staff can recommend approval of this revised conditional plat with the
2566 annotations on the plan, the standard conditions and the condition shown on the addendum.

2567

2568 Mr. Vanarsdall - Are there any questions?

2569

2570 Mrs. Quesinberry - I just have a question, Mr. Wilhite, on the reserved areas to be conveyed
2571 to the adjacent landowners. Is that a for sure thing or.... what do we know about that?

2572

2573 Mr. Wilhite - That is what's been indicated to us at this time. It is my understanding
2574 from the engineer that they are working on drawing up the deed for conveyance at this time

2575 and they hope to have that accomplish prior to the subdivision plat being recorded. If it is not
2576 recorded then they do need to show these areas as reserved on the subdivision plat and we ask
2577 that it be shown either as reserved for future development or reserved for conveyance to
2578 adjacent property owners. They have to identify what the purpose of the reserved area is for.

2579

2580 Mrs. Quesinberry - Okay.

2581

2582 Mr. Marlles - Mrs. Quesinberry, I'm certain that was a part of the agreement for the
2583 rezoning between the applicant and the adjacent property owners that was worked out.

2584

2585 Mrs. Quesinberry - Okay. Thank you. That's all I have.

2586

2587 Mr. Vanarsdall - Are there any more questions by Commission members? I'll entertain a
2588 motion, Mrs. Quesinberry.

2589

2590 Mrs. Quesinberry - This plan, some of the Commission members might recognize, we just
2591 saw a couple, I think last month or two months ago, and denied this at the Commission level
2592 but when it went to the Board there were substantial changes. You might also recall, that we
2593 had a lot of citizen input both in meetings before the Commission and a lot of citizens that
2594 showed up for the meeting concerning this particular parcel and how it was developing, and I
2595 don't see any of them here today so that kind of speaks for itself. But, a lot of the issues got
2596 worked out before this plan got to the Board and got approved. So, I feel pretty good about
2597 the way it's turned out at this point. And, my first motion to waive the time limit, Mr.
2598 Wilhite.

2599

2600 Mr. Wilhite - That will not be necessary. We received the revised plat in plenty of
2601 time.

2602

2603 Mrs. Quesinberry - Then I'd like to make a motion to for approval of the POD here for
2604 Bewdley subject to the standard conditions for subdivisions served by public utilities and with
2605 the additional conditions Nos. 12, 13, and 15 on our agenda and the addition of condition No.
2606 14 on the addendum and the annotations on the plan.

2607

2608 Ms. Dwyer - Second.

2609

2610 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Ms.
2611 Dwyer. All in favor say aye...all opposed say nay. The motion carries. And, just for the
2612 record, I didn't ask for any opposition because the only one out there was Mr. Lewis and he's
2613 presenting the case, but anyway, if anyone should search for year from now, there was no
2614 opposition to Bewdley.

2615

2616 The Planning Commission granted conditional approval to subdivision Bewdley (December
2617 1999 Plan) subject to the standard conditions for subdivisions served by public utilities, the
2618 annotations on the plan and the following additional conditions. Mrs. O'Bannon was absent.

2619

- 2620 12. Prior to final approval, the engineer shall furnish the Planning Staff a plan showing a
 2621 dwelling situated on Lot 15, Block A to determine if the lot design is adequate to meet
 2622 the requirements of Chapter 24, of the Henrico County Code.
- 2623 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
 2624 the plat and construction plans and labeled "Limits of 100-Year Floodplain." Dedicate
 2625 floodplain as a "Variable Width Drainage & Utility Easement."
- 2626 14. The developer shall provide signage, the wording and location as deemed appropriate by
 2627 the Director of Public Works, which addresses the possible future extension of the stub
 2628 street.
- 2629 15. Prior to final approval, a draft of the covenants and deed restrictions for the
 2630 maintenance of the common area by a homeowners association shall be submitted to the
 2631 Planning Office for review. Such covenants and restrictions shall be in form and
 2632 substance satisfactory to the County Attorney and shall be recorded prior to recordation
 2633 of the subdivision plat.
- 2634
- 2635 Mrs. Quesinberry - Make Mr. Lewis tell us why he named this thing Bewdley?
 2636
- 2637 Mr. Lewis - Mrs. Quesinberry, I did not name the subdivision.
 2638
- 2639 Mrs. Quesinberry - You are denying that now but I think you were involved in that.
 2640
- 2641 Mr. Vanarsdall - Somebody told me it was the name of one of your cows.
 2642
- 2643 Mrs. Quesinberry - It's your mother's maiden name, isn't it, go on, tell us?
 2644
- 2645 Mr. Lewis - Mr. Chairman, I thought the last person on the agenda got pizza.
 2646
- 2647 Ms. Dwyer - That is a rumor.
 2648
- 2649 Mr. Archer - The last person on the agenda buys pizza.
 2650
- 2651 Mr. Lewis - Let me say this, good bye.
 2652
- 2653 **APPROVAL OF MINTUES: February 2, 2000 and February 23, 2000**
 2654
- 2655 Mr. Vanarsdall - Does anyone wants to approve the minutes of February 2 and February
 2656 23. I see that Mr. Archer and Mrs. Dwyer sent in their comments. Can I get a motion?
 2657
- 2658 Ms. Dwyer - I move the minutes be approved as amended.
 2659
- 2660 Mr. Archer - Second.
 2661
- 2662 Mr. Vanarsall - The motion was made by Mrs. Dwyer and seconded by Mr. Archer. All
 2663 in favor say aye...all opposed say nay. The motion carries. Is that for both set of minutes,
 2664 Mrs. Dwyer?

2665 Ms. Dwyer - Yes.

2666

2667 Mr. Vanarsdall - Good. Now the last item we have Mr. Marlles will explain it to us.

2668

2669 Mr. Marlles - Thank you, Mr. Chairman. Hopefully everybody received a copy of a
2670 letter dated March 21, 2000 to the Planning Commission with an attached resolution to initiate
2671 a zoning ordinance amendment in respective Section 24-2 of the County Code. This is a
2672 section of the ordinance that came up over discussion regarding the State Fairground with the
2673 County's Attorneys Office. There was, I think, consensus on the part of the Board and the
2674 administration that this section does need to be amended. So the staff is respecting that the
2675 Planning Commission act on the resolution which would allow us to initiate a zoning ordinance
2676 amendment and also to schedule a work session on April 26, 2000. That is staff's
2677 recommendation.

2678

2679 Mrs. Quesinberry - I'd like to make a motion that we approve the resolution to initiate the
2680 amendment and work session for 24-2.

2681

2682 Mr. Vanarsdall - All right. We need a second.

2683

2684 Mr. Taylor - Second.

2685

2686 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.
2687 Taylor. All in favor say aye...all opposed say nay. The motion carries.

2688

2689 The Planning Commission acted on the resolution to allow Planning to initiate a zoning
2690 ordinance amendment and scheduled a work session for April 26, 2000. Mrs. O'Bannon was
2691 absent.

2692

2693 Mr. Marlles - Mr. Chairman, we do have arrangements for the Commission to have
2694 lunch. We will be going through the cafeteria line as a group and if there is no other business
2695 we probably need to go upstairs and get in line. Our public hearing will start at 1:00 p.m.

2696

2697 Mr. Vanarsdall - Thank you, Mr. Secretary, for that information. So we will reconvene
2698 somewhere near one o'clock back here.

2699

2700 **At this time the Planning Commission broke for lunch.**

2701

2702 Mr. Vanarsdall - I see Mrs. Wade in the back. She just couldn't stay away. After 20
2703 years up here she's got to spend some time down there now. It's nice to have you, Mary.
2704 Now the Planning Commission will now reconvene and we have three different public hearings
2705 before we are through. I'll now turn it over to Mr. Marlles, our secretary.

2706

2707 Mr. Marlles - Thank you, very much, Mr. Chairman. The first item on the public
2708 hearing agenda is the Nine Mile Road Corridor Special Strategy Area. This is an amendment
2709 to the County's 2010 Land Use Plan. And the staff presentation will be given by Mr. Bittner.

2710
2711 **PUBLIC HEARINGS**
2712 **BEGINNING AT 1:00 P.M.**
2713
2714
2715

2716 **Nine Mile Road Corridor Special Strategy Area (2010 Plan Amendment)**

2717

2718 Mr. Vanarsdall - Good afternoon, Mr. Bittner.

2719

2720 Mr. Bittner - Good afternoon, Mr. Vanarsdall. Again, we are here for the Nine Mile
2721 Road Comprehensive Plan Amendment. The purpose of it is to amend the 2010 plan by
2722 designating Nine Mile Road a special strategy area. This designation would reflect the
2723 recommendation of the Nine Mile Road economic analysis and revitalization plan. Some
2724 background of the Nine Mile Road Study, as you are aware, it was a joint effort between the
2725 County and local business leaders. The impetus of it was concern over the economic conditions
2726 of the corridor, the quality of the businesses there and the fact that some of them were shutting
2727 down and so forth. The final report was prepared on March 9, 1998, and it was endorsed by
2728 both Planning Commission and also endorsed by the Board of Supervisors in April 1998. The
2729 amendments we are talking about today would replace the RC10 Special Strategy Area in the
2730 2010 Plan with the NMR or Nine Mile Road Special Strategy Area. The amendment would
2731 also adopt the recommendations of the Nine Mile Study as strategies for the NMR Special
2732 Strategy Area. The RC10 Special Strategy Area is a redevelopment corridor and it is
2733 comprised of Nine Mile Road between New Bridge Road and I-64. The focus of this special
2734 strategy area is improvement to the appearance of the corridor.

2735

2736 This shows how the land development guide would be amended. Again, the left is the existing
2737 RC10 Corridor, which would be removed and replaced with the NMR. Although, I would
2738 like to point out, in effect, the plan really isn't losing anything because the NMR Corridor
2739 comprises what was the RC10 Corridor. And the studies for the Nine Mile Road Study also
2740 recommend improvement of the appearance, which was the rationale for the RC10. So, we
2741 are just adding to what the plan already says, or we are just changing a bit.

2742

2743 The strategies outline in the Nine Mile Road Study falls in two categories. The first category
2744 is designed to address the entire corridor. And also the study recommends or points out or
2745 defines five sub areas of Nine Mile Road each with its own character, issues and
2746 recommendations. I'll first get into the strategies that are designed to address the entire
2747 corridor. Those include an increase in the number of jobs in the corridor, revitalizing the
2748 entertainment role, bringing in movie theatres, restaurants and other similar uses, expansion of
2749 the retail and service operations in the corridor, expansion of the customer potential, mainly by
2750 increasing the number of houses in the area. And, also, providing suitable infrastructure,
2751 especially in those areas that don't have any infrastructure at the moment.

2752

2753 Getting to the sub areas identified in the study, starting on the western side of the corridor, at

2754 Nine Mile Road and I-64, the study identifies the Eastern Government Center, which here you
2755 can see on the top picture (referring to screen) is a picture of the Government Center. The
2756 bottom picture is some scattered housing on the north side of Nine Mile Road also in the
2757 vicinity of the Government Center. The strategy for this sub area, outlined on the plan,
2758 includes encouraging campus style office parks, limited retail uses, monument signage,
2759 screening of parking areas and also more residential development on the north side of Nine
2760 Mile Road. And the study has a development scenario, which is shown here. The Eastern
2761 Government Center is in the middle of the picture. Some office development located to the
2762 southeast, across Nine Mile Road, and then, of course, increased housing in the area along
2763 Dabbs House Road. Moving east in the corridor, we come to the next sub area, which is the
2764 Fairfield Commons Mall area. The Study identifies this as the cornerstone of the corridor.
2765 It's at the intersection of Nine Mile Road and Laburnum Avenue. In the top picture, here is
2766 that intersection. In the bottom picture is the actual Fairfield Commons Mall structure itself.
2767 The strategies outline include making this a designation retail and high-quality entertainment
2768 area. Putting employment uses behind the retail uses and encouraging flex space and
2769 office/warehouse uses. Those would be the uses recommended in the mall building, but
2770 behind the retail portion of the building. And there are actually two development scenarios in
2771 the study. The first of, which is here. The large building in the center is the Fairfield
2772 Commons Mall. Red areas represent suggested retail commercial type uses and the blue areas
2773 represent flex space, office/warehouse and other uses. As you can see, they will be located in
2774 behind the front of building and away from the Nine Mile Road frontage of the site.

2775 The second development scenario is basically the same except that it has less free standing
2776 retail. Most of it would be contained within the mall structure itself. Further down the
2777 corridor we come to the New Bridge sub area. That's the New Bridge Baptist Church in the
2778 top picture on Nine Mile Road and the bottom picture show property on the north side of Nine
2779 Mile Road right across from the New Bridge Church. This area generally serves as a
2780 separation between the two retail centers Fairfield Commons and Highland Springs. Strategies
2781 for the New Bridge area include encouraging continued residential development, limiting
2782 retail, to small scale of convenience and service uses designed to serve the residents in the
2783 immediate area. Encouraging a grid street pattern similar to the Highland Springs street
2784 pattern. We are also encouraging sidewalks to facilitate pedestrian movement in the area. The
2785 development scenario for this sub area is shown here. The New Bridge Baptist Church is in
2786 the bottom right corner of the picture. And you can see a grid street pattern housing
2787 development proposed on the northwest side of Nine Mile Road.

2788 We next come to the Highland Spring sub area and this is a picture of the intersection of Nine
2789 Mile Road and Holley Avenue. The Study identifies this as the town center of the Nine Mile
2790 Road corridor. The strategies outlined in the study include having it to continue to function as
2791 the town corridor, continued pedestrian scale development, smaller buildings close to the road,
2792 sidewalks. A combination of retail, residential and office uses are encouraged. And, also the
2793 County is to investigate the possibility of providing a public parking lot. The idea being, to
2794 make it easier for people to come to Highland Springs and spend the afternoon shopping,
2795 going to a dentist appointment etc. The development scenario is shown, here, and right in the
2796 middle of the dash line, outlined box, is the corner of Nine Mile Road and Holley Avenue. A

2797 little bit further to the east you can see a proposed parking lot and that's not necessarily the
2798 exact location but it's an idea or development scenario for a parking lot designed to serve the
2799 Highland Springs area. And you can see that it will be well landscaped, aesthetically pleasing,
2800 etc.

2801 The last sub area identified by the plan is the Airport Drive area, which is at the intersection of
2802 Nine Mile Road and Airport Drive and these are the pictures that you are looking at right now.
2803 As you can see, it's a commercial center, gas station, fast food, etc. The Study actually
2804 recommends no new strategies for this area because it's seen as the most healthy and active in
2805 the Nine Mile Road corridor.

2806 The next step for this comprehensive amendment we are discussing today includes any
2807 discussion or concerns that the Commission may have. Any citizen comments that might be
2808 forthcoming, and then of course we move on to the Board of Supervisors level where we
2809 would have a work session and a public hearing. We would notify citizens and landowners at
2810 the time of a Board public hearing, when and if it is scheduled. However, the amendment we
2811 are talking about today is pretty much only the first step in a process outlined by the Nine Mile
2812 Road Study. Some of the other steps recommended by the Study include a second
2813 comprehensive plan amendment to revise the land uses in the corridor. Make them consistent
2814 with the recommendations in the Study. It also recommends a potential rezoning in the
2815 Fairfield Commons Mall. Again, to facilitate more and different kinds of business to move in
2816 there. Perhaps adopting an overlay zoning district or modifying parts of the zoning ordinance.
2817 Again, designed to increase business activity. And also utilizing business development
2818 programs similar to the state enterprise zone program. And as a matter of fact, the
2819 administration is preparing an application for a state enterprise zone for part of the Nine Mile
2820 Road Corridor. And Mr. Marilles can speak more to that if you have any questions on that.
2821 So, with that, I'll end my presentation and I'll be happy to answer any questions you may
2822 have.

2823 Mr. Vanarsdall Are there any questions of Mr. Bittner by Commission members? I have
2824 one, Mr. Bittner. If you would go back up to where you had the rendering of the New Bridge
2825 Baptist Church. The church is in the right-hand corner, the lower corner. Where that
2826 development is now, what's there now?

2827 Mr. Bittner - Are you talking about the housing proposed there?

2828 Mr. Archer - Nothing.

2829 Mr. Vanarsdall - Yes.

2830 Mr. Bittner - That property, you can actually see, in the bottom picture, where the
2831 wooded portion is, that's looking from the New Bridge Baptist Church parking lot, across the
2832 street to that property.

2833 Mr. Vanarsdall - Do you know the zoning on it?

2834 Mr. Bittner - No, not off the top of my head, no I don't. I believe it's residential
2835 because there are some scattered homes on it already.

2836 Mr. Vanarsdall - Thank you. That's all the questions I have. Anybody else have a
2837 question?

2838 Mr. Archer - Mr. Bittner, in that same area, that church has been designated for a
2839 school project hasn't it?

2840 Mr. Bittner - I'm not certain, I'm not aware of it.

2841 Mr. Archer - I thought so. Would that have any effect on how we plan on proceeding
2842 with this plan?

2843 Mr. Bittner - At first reaction, I don't think so because New Bridge is recommended
2844 as a residential type area and oftentimes schools are in residential areas. The idea being, to
2845 make it easier for children to get to it.

2846 Mr. Archer - That's all I got.

2847 Mr. Vanarsdall - Thank you, Mr. Bittner. This is a public hearing and we welcome any
2848 comments from the audience.

2849 Ms. Dwyer - Mr. Bittner, several of the recommendations that we have talked about
2850 would require some changes to our ordinance and I want to focus particularly on
2851 redevelopment, strategies and those are prominently represented in your work here. We talked
2852 about interim and partial improvements to non-conforming lots. You mentioned that we need
2853 to examine County regulations pertaining to the use of non-conforming lots. Then we talked
2854 about the flex space in Fairfield Commons and we really don't have any current zoning
2855 ordinance that would allow for the kind of uses that are being proposed here. It seems to me
2856 that if we are going to actually implement this, we need to start with some of the foundational
2857 requirements, which would be changing our ordinance to allow for these things to happen. I
2858 mean, posing things that can't be done at this point because Our own ordinance prevents that.
2859 Do we have some sort of a timetable or to begin working on our ordinance to allow for the
2860 suggestions that have been made here?

2861 Mr. Bittner - Do you want to take that, Mr. Marlles?

2862 Mr. Malles - Yes. Mrs. Dwyer and members of the Commission, many of these
2863 strategies come out of the report that was prepared several years ago by the consultant and
2864 there are literally dozens of recommendations. Staff is going to go through the report and the
2865 strategies to try to prioritize those things that should be done first. The first two items that
2866 Mr. Bittner referenced, of course getting the Comp. Plan Amendment accomplished is what
2867 we felt was the first priority. But, staff has also been actively working over the past year on
2868 the enterprise zoned application for portions of the corridor. But, once we get those two items
2869 complete we are going to go back, again, and prioritize those strategies and recommendations
2870 that we feel will have the greatest impact.

2871 Ms. Dwyer - Well, we talked I know, the meeting with the Board about having
2872 something in our zoning ordinance that would foster redevelopment of existing properties that
2873 are vacant or not in use or not used up to its full potential. It seems to me that that's fairly,
2874 it's a large project, and it could be a fairly complicated project and it seems to me we ought to
2875 be working on that now because that underlies so much of what is in here. I mean, if we get
2876 money for the enterprise zone but we can't implement what we are getting the money for
2877 because our own ordinance doesn't allow that then, you know, we are kind of stuck in the
2878 mud. So, I would just like to suggest that we move forward on an ordinance amendment that
2879 would allow these changes to occur, particular in the area of redevelopment of existing and
2880 underused property. I mean, I would hate for this to sit on the shelf for another two years
2881 because we actually can't do anything.

2882 Mr. Vanarsdall - All right. Thank you. So, future recommendation, now, is that what I
2883 hear.

2884 Mr. Bittner - I'm sorry. What was that, Mr. Vanarsdall?

2885 Mr. Vanarsdall - Turn to the next page.

2886 Mr. Bittner - This if for this specify Comp. Plan amendment, these steps outlined
2887 here.

2888 Mr. Vanarsdall - Do you want us to make a motion to recommend this to the Board for a
2889 public hearing?

2890 Mr. Marlles - Yes, sir. That is staff's recommendation. In fact, tentative
2891 arrangements have been made to brief the Board of Supervisors on this plan amendment at a
2892 work session, I think it is the second week in April.

2893 Mr. Vanarsdall - Okay. If there is no one else to speak from the audience and if the
2894 Planning Commission have no more questions, I will entertain a motion to send this to the
2895 Board.

2896 Mrs. Quesinberry - I like to make a motion to recommend the Nine Mile Road Plan
2897 Amendment to the Board of Supervisors for a work session.

2898 Mr. Archer - A public hearing.

2899 Mrs. Quesinberry - A public hearing.

2900 Mr. Marlles - You are recommending the plan amendment of the Comprehensive Plan
2901 to the Board of Supervisors.

2902 Mrs. Quesinberry - All right. So amendment of the Comprehensive Plan to the Board of
2903 Supervisors.

2904 Mr. Archer - Second, Mr. Chairman.

2905 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.
2906 Archer. All in favor say aye...all opposed say nay. The motion carries.

2907 The Planning Commission granted approval for the plan amendment for the Comprehensive
2908 Plan be forward to the Board of Supervisors for a public hearing.

2909 Mr. Vanarsdall - Thank you very much, Mr. Bittner. Now we have our second public
2910 hearing and we can't start until 1:30 p.m. So, we will just sit here for eight minutes and look
2911 at each other. And then we have Multi-Family next on the agenda.

2912

2913 Mr. Vanarsdall - Ladies and gentlemen, the Planning Commission will now
2914 reconvene. We have finished with the 1:00 p.m. and now we go to the 1:30 subject. Mr.
2915 Marlles.

BEGINNING AT 1:30 P.M.

2916

2917

2918

2919 **Proposed Ordinance Amendments:**

2920 **a. Multi-Family Development Standards**

2921 **b. Single-Family Residential Buffer Requirements**

2922

2923 Mr. Marlles - Thank you, Mr. Chairman. Our 1:30 public hearing has to do with
2924 proposed ordinance amendments dealing with multi-family standards as well as single-family
2925 residential requirements. This has been the subject of several work sessions with the
2926 Commission. Ms. JoAnn Hunter is prepared to give the staff report.

2927

2928 Mr. Vanarsdall - Ms. Hunter. Good afternoon.

2929

2930 Ms. Hunter - Thank you, Mr. Chairman. Good afternoon, members of the
2931 Commission. We have been talking about this for the last several months but I want to go
2932 back to the beginning and remind everybody why we are here with some background
2933 information. These two ordinance amendments originally came out of what we were calling
2934 our residential strategies project, which originally began back in August of 1998 with the
2935 Board of Supervisors. Some of the Phase I recommendations included addressing the multi-
2936 family projects and residential setbacks. It also included flag lots which the Commission and
2937 Board addressed last year. In July 1999, the Commission asked staff to bring these two
2938 ordinance amendments forward and we have had three work sessions since the July meeting on
2939 the ordinance language. We have sent notification to all of the interested parties. Every
2940 citizen organization in the County has received notification and all of the developers and
2941 builders in our databases have also received this information.

2942

2943 The reason why we have been working on this multi-family ordinance is because we felt that
2944 the County's is absorbing more than its regional fair share of residential development on small
2945 lots and multi-family development. Surrounding jurisdictions have taken measures to
2946 discourage multi-family development and we have over 500 acres of land that are currently
2947 zoned for multi-family and is still vacant. The housing mix in the County is 65% single-
2948 family and 35% multi-family, which is considerably higher than our surrounding jurisdictions.
2949 We have three multi-family districts, other surrounding jurisdictions only have one. In the
2950 County we have 30,000 apartment units, compared to 10,000 in Chesterfield and 2,000 in
2951 Hanover County. Right now, our only requirement for multi-family districts are that they
2952 have to meet density, setback requirements, parking and landscaping requirements, and the
2953 landscaping requirements only kick in as far as the transitional buffer. I have handed out to
2954 you a revised ordinance tonight. It is dated March 22, but there are really no substantive
2955 changes or content changes. The County Attorney's office has reviewed the ordinance
2956 amendment and it is a very complicated ordinance amendment, because we are making the
2957 changes to three different sections, one dealing with townhouses, one with condominiums and
2958 one with multi-family standards. When the County Attorney first did the formatting, he felt
2959 that the changes should be put into the section, which made it a very long ordinance. What we
2960 have done is we have gone back and taken a look at it, and we have put the standards only in

2961 the first section, which is on page 3 of the ordinance. It is under the development standards
2962 for townhouses, and then in other sections of the ordinance, it refers you back to that section
2963 so that you don't have it listed in three different places. The only other change is the
2964 grandfathering. We originally had the applicability statement at the end. The County
2965 Attorney's office felt that it needed to be in each section so that when it was put into a codified
2966 form that it would read properly, and we have also done that. The only final change is minor
2967 language clarification to the private road standards following review by Public Works and I
2968 think we have talked about that before, and I will review that in detail later in the presentation.
2969 Some of the elements that we are looking at in this ordinance amendment deal with refuse
2970 containers, HVAC screening, perimeter buffers, setbacks for driveways and parking areas,
2971 increasing the building height, road standards, sidewalks, recreational areas, open space and
2972 density.

2973

2974 The first few issues here, I think we have come to a general agreement with all parties and
2975 there are not a lot of outstanding issues, so I am going to run through these issues very
2976 quickly. If you have any questions, please go ahead and stop me. The first concern was with
2977 refuse containers not being screened, and you can see what happens when we don't have that
2978 requirement (referring to slide). What the proposed ordinance would require is "that refuse
2979 containers shall be provided and be conveniently accessible to all residents. They shall be in
2980 an enclosed area with masonry materials except for gates and doors, and the gates and doors
2981 shall be opaque and oriented to minimize the enclosure from the rights of way." These would
2982 be examples of things that would meet what we are currently proposing in our ordinance
2983 (referring to slide). It is much improved. Another concern was that we had no requirement to
2984 screen HVAC units. This is what occurs (referring to slide). What we are proposing is that all
2985 equipment be screened from view at the property line, and we are leaving them the option of
2986 either using landscaping to screen it, as shown in this picture (referring to slide), or with
2987 materials that are compatible with the building.

2988

2989 There has been a concern that is no requirement for perimeter landscaping and the need for
2990 adequate buffering between neighboring uses. Right now, again, as I said before, it only kicks
2991 in if there is a transitional buffer requirement. There has also been a concern that the setback
2992 driveways and parking areas are too close to roadways and adjacent uses in the multi-family
2993 structure. They are usually large three-story buildings and they are close to the road, and the
2994 parking areas are not being screened. This is what happens (referring to slide). What we are
2995 proposing is that there will be a perimeter buffer that will meet the Transitional Buffer 25
2996 requirement, which would require a 25 foot space, and within that space, for every 100 feet,
2997 you would have four evergreen trees, two small shrubs, two small trees, and 16 shrubs. We
2998 did put a provision in there that if there was existing landscaping that could be credited
2999 towards the landscaping requirement. We have also requested in the ordinance that structures
3000 be a minimum of 50 feet from the property line and 75 feet when it is adjacent to single-family
3001 residential, and that parking areas would be 25 feet from the road. These are examples of
3002 some of our existing structures that meet these standards.

3003

3004 There has been a concern, especially in owner-occupied developments, of private road
3005 standards. These roads often deteriorate more quickly because they are not inspected by the

3006 County. They don't have to be built to any specific standard, and it is the responsibility of the
3007 homeowner's associations to go in and maintain the road, which is often very costly. You
3008 have seen examples all over the County where private roads are failing. What the road
3009 language states is that, and this is language that is a little bit different from you saw last
3010 month, but the intent is still the same. This is based on Public Works' standards, the final
3011 pavement design shall be based on the California bearing ratio of the subgrade material, that is
3012 the CBR test which analyzes the soil conditions and that seems to be the critical element of
3013 how you design a road, depending on what the soil is. The minimum pavement would be six
3014 inch aggregate base material and two inch SM2A asphalt. It could be higher depending on
3015 what your CBR test says, but that is the minimum.

3016

3017 All materials and construction methods would be in accordance with VDOT standards. A
3018 geotechnical engineer shall certify each phase of the construction and a defect bond would be
3019 posted only for owner-occupied development, and the bond would be held for three years.
3020 Public Works has indicated that they feel that this is critical. We have talked about "is the
3021 bond necessary" if we do the geotechnical certification and they felt it was very important and
3022 that three years was the absolute minimum of what they could use to determine if the road was
3023 going to fail.

3024

3025 Another concern has been the inadequate parking requirements and limited sidewalk
3026 connection. Currently, our standards are two spaces for town houses, one and half spaces for
3027 multi-family units. What happens is people with recreational vehicles take up parking spaces
3028 and with the one and a half spaces or two spaces per unit, if you have two people living there,
3029 it just doesn't provide enough visitor parking. What the ordinance is proposing is to increase
3030 the number of spaces to two and a quarter per dwelling unit and for age-restricted units, it
3031 would only be required to go to two units per acre. This is an example of someone who had
3032 extra parking spaces and they put it off to the side, which is a great location for recreational
3033 vehicles. We are not proposing that (referring to slide). We are just proposing the increase in
3034 the number of spaces.

3035

3036 Another issue has been with the density. There was a concern when we first started this
3037 ordinance that if we were proposing all of these requirements, how were they going to fit
3038 everything in on site. After some further research, we found that they actually were not
3039 building to the maximum density anyway, but the Commission at the last meeting felt that they
3040 wanted to include the density requirements in there. Right now it is 12 units for townhouses.
3041 The ordinance proposes eight. It is 14.5 units in the R-5 District. The ordinance proposes 12,
3042 and 19.8 units in the R-6 District and the ordinance proposes 16. One thing we are proposing
3043 though, that will help the development community, considering all of these other requirements
3044 that are being included, right now the height requirement is 2-1/2 stories. If they want to go
3045 to three stories they have to go through a special exception process. It is another
3046 administrative program they must meet. We are taking that out and would allow three stories
3047 by right.

3048

3049 Mr. Marlles - Ms. Hunter, at the last work session, I think, with the Planning
3050 Commission, you had the average densities that had been approved for those three zoning

3051 categories. Do you have that information with you?

3052

3053 Ms. Hunter - I have them with me. I don't have copies of that.

3054

3055 Mr. Marlles - That is fine. I can bring that up later.

3056

3057 Ms. Hunter - Another big concern has been with the recreational amenities and open
3058 space and the lack thereof that we are getting in some of our apartment complexes. Currently,
3059 our Code does not require either of these items to be addressed and often if we do get
3060 recreational amenities, they are on small, un-developable pieces of land at the perimeter of the
3061 project. Here are some examples of our recreational amenities in our apartment complexes
3062 (referring to slide). This is an example of one that is at the back of a complex where the
3063 police have had considerable concerns about it due to crime because it is not in an area where
3064 the eyes of the community can be on it (referring to slide). Here is one that is kind of
3065 squeezed in between a parking area and not a very efficient use of impacting the design of the
3066 community (referring to slide).

3067

3068 Our proposed ordinance amendment right now states that recreational areas shall be provided
3069 and be at least the size of at least 10% of the gross acreage or a minimum of one acre The
3070 minimum acreage is in there because we are seeing some of the other localities have a
3071 minimum parcel size requirement. We did not put that in, but with this one acre minimum,
3072 that in effect does have the same impact as a minimum acre size, and the reason why you want
3073 a larger community is because you want it to be large enough so that it can withstand and keep
3074 the amenities provided and they can maintain them at a good level. The ordinance says that
3075 recreational structures must comprise at least 40%, and within planned communities of at least
3076 300 acres, recreational amenities within one mile can be used to satisfy this requirement. We
3077 also have an open-space provision that says impervious cover shall not exceed 40% of the site.
3078 There has been a significant amount of concern of how this 40% recreational structures
3079 language, and staff has spent hours and hours looking at this issue, and that ordinance
3080 language. The intent is really to have some recreational open space within the community that
3081 provides some open space, some areas for both passive and active uses, and not to just have
3082 some space off in the corner but for it to be incorporated into the design. You can see, these
3083 are some positive recreational pictures. This is what we would want to encourage, and like
3084 this example (referring to slide). This is positive open space and recreational areas and there
3085 are not any structures in it, but it still has the positive impact on the community. We have
3086 come up with some language, that I have given a separate hand out to you for consideration by
3087 the Planning Commission, and what it would be is "Area shall be provided that is conveniently
3088 accessible and designed to serve a variety of active and passive uses." Again, it would still be
3089 a 10% grace acreage or a minimum of one acre, but instead of a 40% recreational structures,
3090 we say at least 40% of the total recreation area shall be consolidated into
3091 a single area and may not be located within a flood plain or on slopes exceeding four to one,
3092 and that is the same as the 25%. This would get us to our intent of having a continuous area
3093 of open space. What we wanted to avoid was having pockets that are between buildings that a
3094 developer is required to have anyway, and then just put them in, use the same layout, and
3095 connect them with walking trails. After speaking with the County Attorney's office about the

3096 language being consolidated, they could not do that. That would be connected and not
3097 consolidated. So, that is revised language the Commission may want to consider.

3098

3099 The grandfathering provision, currently what it states is that standards would apply to all
3100 projects that do not have an approved POD. There has been considerable discussion on this
3101 item, also, and there is some additional revised language for you to consider. This is drafted
3102 by the County Attorney's office. It says "Standards shall not apply if there was an approved
3103 plan of development or if compliance with a concept plan or a proffer approved with the
3104 zoning case would conflict with the development standards." This is considerably more
3105 permissive. To give you an example, if someone proffered a 15 foot buffer and our ordinance
3106 is saying the ordinance needs to be 25 feet, they would only need to meet the 15 foot buffer,
3107 so the Commission needs to look at this and consider if they want to be this permissive or not,
3108 and there may be an in-between between these two provisions. That is it for the multi-family
3109 standards. I can quickly run through the buffer requirement, unless there is any question for
3110 me?

3111

3112 Mr. Vanarsdall - Any questions of Ms. Hunter by Commission members?

3113

3114 Mr. Archer - Ms. Hunter, would you rather we wait until you do all of it, or do this
3115 partially?

3116

3117 Ms. Hunter - It doesn't make a difference.

3118

3119 Mr. Archer - I have a question mostly about grandfathering. When you were doing
3120 the study, did you determine how many multi-family acreages that are already zoned? What
3121 would be an example of some of the oldest zonings that still exist?

3122

3123 Ms. Hunter - I see one for 1983, a couple in 1988, and a few in 1990, and the rest
3124 would be more recent, 1998 and 1999.

3125

3126 Mr. Archer - But most of these older ones never had a POD filed? They are just
3127 setting here.

3128

3129 Ms. Hunter - Just setting there.

3130

3131 Mr. Vanarsdall - Don't we have some older than that in the Varina District?

3132

3133 Ms. Hunter - We have them, but they wouldn't be conditionally rezoned.

3134

3135 Mr. Vanarsdall - No, they would not.

3136

3137 Ms. Hunter - They were not, and any that have no conditions on them, whatever
3138 ordinance is adopted, they would need to meet all of those standards.

3139 Ms. Dwyer - This grandfather provision that you just handed to us. Is this from the
3140 County or is this submitted by the development community or what?

3141

3142 Ms. Hunter - This was in response, the County Attorney did this in response to a letter
3143 that was received by the development community.

3144

3145 Mr. Vanarsdall - Ms. Dwyer, I asked Tom Tokarz, Assistant County Attorney, for
3146 different wording, and he quickly told me that this was not a legal matter, this is a matter of
3147 politics. I asked if he would get something worded up for us. He did. He talked to Mr.
3148 Marlles and Mr. Silber before. What this simply means is, you remember that one of the
3149 attorneys, I believe Jim Theobald, suggested that everything proffered be grandfathered, and
3150 that would be all well and good, but there could be one proffer that says "All houses will have
3151 slate shingles" and that would be all, so we are back in the same boat, so he worded this to
3152 say, "All proffers approved with a rezoning case wouldn't conflict with the development", so
3153 that is the reason it is like that. Because the grandfathering is one of the big concerns of the
3154 community, from the community.

3155

3156 Mr. Archer - Well, Mr. Chairman, that is one of the reasons I asked that question,
3157 because we've got zoning cases that are 17 years old. It concerns me about what may have
3158 been built near them or adjacent to them, and somebody could just come in with a 17-year old
3159 zoning case and build.

3160

3161 Mr. Vanarsdall - So we had to have something there to catch that.

3162

3163 Ms. Dwyer - Well, but according to this, if a 17-year old zoning case had a proffer
3164 that conflicted with what is being proposed, then the proposals would not apply.

3165

3166 Ms. Hunter - If it conflicted with whatever they proffered would apply. If they didn't
3167 have a proffer on density, then whatever the new standard said would apply. If they had a
3168 proffer saying that setback was 15 feet, then that would apply.

3169

3170 Ms. Dwyer - We require a 25 foot perimeter buffer and the proffer said that there
3171 would be a five foot buffer, then the five foot would apply.

3172

3173 Ms. Hunter - That would apply, based on this language, yes.

3174

3175 Mr. Vanarsdall - Any more questions from Ms. Hunter? All right, thank you, Ms.
3176 Hunter.

3177

3178 Ms. Hunter - Do you want me to quickly run through the buffer ordinance? The
3179 second ordinance amendment was to look at residential buffer requirements along major roads
3180 and the intent was to push houses further back off of the roadway. You will see some of the
3181 problems (referring to slide), and also to get the fencing off of the roadway, here are some
3182 fences (referring to slide)...but then you also have examples like this with the house being right
3183 on the road, and it doesn't provide much protection for the homeowners in that house. This is

3184 another example (referring to slide). What the ordinance proposes is that rear and side lots
3185 adjacent to major arterials shall have a minimum 35-foot buffer and when adjacent to minor
3186 arterials and minor collectors, it would be 25 feet. The buffer shall satisfy the transitional
3187 buffer 25 requirement. These are the ones that I had reviewed with you earlier, the four large
3188 trees, two small trees, and 16 shrubs. Fencing may be placed within the buffer, but must be at
3189 least 15 feet from the right of way. It requires a 35-foot buffer adjacent to the interstate and
3190 this would apply to all properties that do not have conditional subdivision approval. Some of
3191 the examples that meet these requirements, this one here and that is it (referring to slide).
3192 Does anybody have any questions about the buffer ordinance?

3193

3194 Mr. Vanarsdall - Any questions?

3195

3196 Ms. Dwyer - I have one question about 19 and 118. We talked about there is a 35
3197 foot buffer requirement and a 25 foot buffer requirement initially, and then we said that the
3198 buffer shall satisfy the transitional buffer 25 requirements of 24-106. Is that a subtle conflict
3199 between saying that the transitional buffer 25 requirements apply to a 35-foot buffer when a
3200 transitional buffer 25 only requires 25 feet?

3201

3202 Ms. Hunter - It will require 35 feet but it will be this planting standard of the
3203 transitional buffer 25.

3204

3205 Ms. Dwyer - OK, so maybe we should just state that. The buffer shall satisfy the
3206 planting or the landscaping requirements of the transitional buffer 25.

3207

3208 Ms. Hunter - OK.

3209

3210 Mr. Vanarsdall - All right. Any other questions? Thank you, Ms. Hunter.

3211

3212 Ms. Hunter - Thank you.

3213

3214 Mr. Vanarsdall - That was very good. Now, this is a public hearing, and we would like
3215 to hear from anyone in the audience who would like to speak about this. We have heard from
3216 some of you before, but we don't mind hearing you again. We welcome it.

3217

3218 Mr. Webb Tyler - My name is Webb Tyler and I am an engineer with Youngblood, Tyler
3219 and Associates. I don't want to belabor a subject and you've worked long and hard on this,
3220 but I do want to point out that at least 80% of it we started a long time ago. We were off.
3221 We have improved probably down to 20%, and I would like to point out just a couple of
3222 things where we still have not come to, at least in my mind, a common ground, or we are in
3223 dangerous areas. The recreational area talks about it being 10% of the growth area. I recently
3224 filed a POD because of a scared client on a multi-family, and that had approximately 10 to 11
3225 acres of flood plain in it, but the density is only calculated based upon the net area out of flood
3226 plain, so what we are doing is, I've got a project that is about 25 acres of multi-family, but
3227 about 40 acres of actual property, so under that scenario, my recreational requirements would
3228 be based upon the gross acreage, meaning the 40 acres versus my density is actually calculated

3229 on the net acres. So, if we do this theory, if I exclude the flood plain from my boundary,
3230 which would be the best way for me to do it to work your ordinance, then I would have only
3231 25 acres net. And, I would end up with 10% and that would be 2.5, but if I included the
3232 floodplain, as I should from a land planning perspective, because that is part of the parcel,
3233 then it is going to be 40 acres and it is going to be 4.0 acres recreation, so what your
3234 ordinance, your proposal on this particular aspect was encouraging me to exclude flood plain
3235 from a parcel that is zoned C-1 that I can't develop it. So, I am going to pay to do the most
3236 efficient layout, and I am going to do a 25-acre parcel with no floodplain in there, and because
3237 your ordinance is tied to the growth versus the net on your recreational requirement. I suggest
3238 to you that it should be tied to the net acreage just as your density is tied to the net acreage to
3239 encourage me to include the floodplain in the parcel so it is part of an ownership and can be
3240 maintained properly. That is only my personal thoughts and does have to go to the Board of
3241 Supervisors on that issue.

3242

3243 Secondly, on the impervious cover, the 40% impervious cover with the increased parking, it is
3244 true that you all gave us the 3-story buildings versus 2-1/2, so for all practical purposes we
3245 were getting a 3 story to begin with. I can't remember the last time you all turned down a
3246 special exception and you did not grant a 3-story on a multi-family development. That is very
3247 true that that was a gift from the Planning Department and we are very grateful for it. It was a
3248 hassle to go get that, however, the reality of it is we are increasing impervious cover from,
3249 because of the additional parking requirement and, I believe, that we cannot meet the 40%
3250 impervious cover. I believe it is more like 45. I was comfortable with 50%, but somehow I
3251 seem to have lost, and it started out at 50, then it surprisingly went down to 40. I argued and
3252 it didn't move up any, and I believe it needs to be at 50% and I could probably squeeze it at
3253 45%, but it can't be worked at 40%. But, again, it goes before the Board of Supervisors, and
3254 I am sure we will continue this discussion. In the interest of time, the market place is saying
3255 to us that 1.9 to 2.0 spaces per unit is satisfactory. The market place, I believe, greatly in the
3256 marketplace because people won't rent the units. The ordinance says 1.5, but my multi-family
3257 developers say, I don't care what the ordinance says, I want 1.9 to 2.0. All right. So most of
3258 the projects that we have done in the past five years have been 2.0 spaces per unit and to the
3259 best of my knowledge we have not had a problem. They do not allow recreational parking in
3260 there. The original proposal from staff was 2.5 spaces per unit and we disagreed with that and
3261 we did compromise down to 2.25, but yet again, we believe it is still excessive design and 2.2,
3262 we believe, is more than satisfactory. Again, we will talk to the Supervisors when it goes to
3263 that level and I don't want to belabor that subject because I know that the group does not want
3264 to move it on.

3265

3266 Last, and certainly not least, I would like to thank you for at least considering the
3267 grandfathering issue. It is the first time we have actually seen some movement on you all's
3268 side, although it is less than what we would find as acceptable, it is some movement, and I
3269 encourage you to believe, to understand that many of these people have, in fact, bought large
3270 tracts of land, have borrowed money, have been loaned large sums of money, tens of millions
3271 of dollars on the development, and the reduced value of those by the change of this ordinance
3272 has a major impact on their financial well being, and the bank's ability to keep that loan in a
3273 stable format. I encourage you to strongly consider allowing those projects that are already

3274 zoned in their entirety to go forward under the old ordinance so that there is not an adverse
3275 financial impact on the developers and inequity caused by the banks to the developers, which
3276 is obviously when they have to put more cash into the deal. Thank you very much. I will be
3277 glad to answer any questions. We have made major progress and for that I am thankful. I am
3278 thankful.

3279

3280 Mr. Vanarsdall - Any questions for Mr. Tyler by Commission members?

3281

3282 Ms. Dwyer - Mr. Tyler, I just wanted to note that Chesterfield requires 20% of their
3283 gross area to be in common area and in addition, I understand that an additional 10% of the
3284 gross area to be in recreational space, so I am just using that as a comparison to our
3285 requirement of merely 10% to recreational area.

3286

3287 Mr. Tyler - There are no two ways, I don't disagree with you as far as the
3288 comparison to Chesterfield. There are some communities that believe in lower densities and
3289 greater sprawl. There are others of us that believe in higher densities with less sprawl, and
3290 that is a philosophical chain or philosophical belief; contrasting, I would rather have more
3291 open spaces that are truly open spaces rather than spreading everybody out. I reserve my
3292 further discussion on small lots for later today on that subject.

3293

3294 Ms. Dwyer - Sprawl is an issue, and also overcrowding of parcels, which is another
3295 issue which is one of the questions we are trying to address here.

3296

3297 Mr. Tyler - I understand that and I recognize your concern. That is a philosophical
3298 difference that I would respectfully say I believe in higher densities and then open areas.

3299

3300 Ms. Dwyer - I just want to point out another comparison, and I make these
3301 comparisons, because I think it is relevant to what we are doing in Henrico County, and other
3302 jurisdictions near us are doing similar things or different things, I think that is relevant to our
3303 discussion, and Hanover has 30% impervious cover, compared to our 40%, so I just mention
3304 that because I think it is important when we are trying to access the reasonableness of what we
3305 are considering here.

3306

3307 Mr. Tyler - I agree with you wholeheartedly. That is one aspect of Hanover's
3308 ordinance, but Hanover also awards increased density for good design, which I have advocated
3309 since the very beginning, but I was told no, no. We don't want to do that. So, I am a great
3310 believer in brick. I believe a developer should be awarded added density for all brick
3311 structures, but again, unfortunately, my argument fell on deaf ears at this point in time.

3312

3313 Ms. Dwyer - Well, actually, it has not, and that is one of the things I have been
3314 thinking about since you supported that several work sessions ago.

3315

3316 Mr. Tyler - Some of my peers may want to be chopping my legs off for saying this,
3317 but I do believe that a developer should be awarded density for brick or higher cost building
3318 materials, and not just like a chocolate cone dipped in chocolate, or a vanilla cone dipped

3319 where the architect didn't use it aesthetically but I am talking about vertical 3-story brick
3320 panels that are blended with maybe a certain types of siding, such as a hardy plank, which is a
3321 concrete-type of siding. It looks like wood and architecturally stylish, not just crudely done.

3322

3323 Ms. Dwyer - As I look at the Hanover ordinance, they talk about excellence in use of
3324 topography, excellence in siting the building, use terms like that, which I think you are
3325 referring to in your remarks.

3326

3327 Mr. Tyler - That is correct. It gives greater flexibility to the staff to award bonus
3328 points for a good plan, and having done multi-family projects in Hanover, you are awarded
3329 additional points for a house overlooking a lake, you are awarded additional points for using
3330 what is essentially a dam break or a surge if the dam ever broke for recreational areas,
3331 preservation of trees, preservation of buffers, a little buffering abutting the Interstate, and you
3332 can, in fact, if memory serves me correctly, win as much as, I believe it is as much as 20 to
3333 25% increase in density for good design, and it is like, it is a bonus essentially.

3334

3335 Ms. Dwyer - Thank you.

3336

3337 Mr. Archer - Mr. Tyler, may I ask one question before you leave. You said that if we
3338 reinventing the grandfathering clause for just a second. I understand the situation you
3339 mentioned in which loans have been made and commitments have been made for loans, but
3340 can you find some way you think that some kind of time limit can be placed on how far the
3341 grandfathering clause goes back, when you talk about 17 years?

3342

3343 Mr. Tyler - I would agree with you. I think it is not unreasonable to do time. But,
3344 for example, to give you an example, or to answer your question, I think a two-year time
3345 frame is reasonable. All right? But what has been created by - you are proposing right here,
3346 is a premature surge on multi-family submissions that are now coming before you. For
3347 example, my firm has a 378 apartment unit coming to you, to Mr. Taylor, next month, which
3348 was brought on slightly prematurely by this particular project, and I don't see why it should
3349 be. It is for H.H.Hunt. The Gumenicks own some property at Patterson and Gaskins. They
3350 ought not to be developing it now, because we still haven't completed the development of The
3351 Madison at Spring Oaks on Broad Street north of Three Chopt, a 500-unit development where
3352 the infrastructure is in at the north end of Wellesley, but the market has said we can't afford to
3353 build the buildings, but we've got all of this infrastructure in. So, it is totally illogical that
3354 somebody wants to go out and build apartments but what they are doing is, they are getting
3355 their POD approved, or trying to get their POD approved, using the 14.5 units to the acre.
3356 They ought not to be building it because the market place has said you've still got more places
3357 to build that has got infrastructure in, so they ought not to be breaking the ground, but yet they
3358 are scared to death, so what they are going to do is they are going to get their PODs approved,
3359 try to get the PODs approved with the ordinance as it presently exists, and then they are going
3360 to wait probably, and the POD has a validity of five years, based upon the State government
3361 regulations, and the County's position you can get it renewed, and then a continued renewal
3362 for a five-year period, so that project is going to get a POD approved and then it is going to sit
3363 for a while, and they are going to keep the renewals alive on it until the market has said we are

3364 ready, we actually need more multi-family, we're going to actually build the vertical buildings
3365 on The Madison at Spring Oaks, which has all of the infrastructure in, and its POD is still
3366 alive, so this surge brought on by these ordinance changes is causing all kinds of inordinate
3367 abnormal activity in the poor engineering community. There is one engineering firm,
3368 thankfully it is not mine, that literally had its entire company working on one project
3369 practically 24 hours a day trying to beat the deadline because we didn't know where the
3370 grandfathering was. That is totally illogical. What is logical is you give us a couple of years
3371 to work through the process. Then, it is a function of the developer has not bought this land
3372 and a loan with a understanding that he is actually going to develop it. It is more of a property
3373 owner that owns the land and they are looking at a long-term gain, or a developer who really
3374 isn't a developer and not developing a multi-family, he is more of a speculator. But, if you
3375 don't give us any time frame whatsoever, then it causes havoc with the banks and those
3376 developers that truly do develop the land and take the risks, and ought to reap the rewards, not
3377 the speculators. The speculators are probably stabbing me in the back right now, but
3378 anyway...

3379

3380 Mr. Archer - Well, you agree then that there ought to be a time frame somewhere else
3381 where we can work out...

3382

3383 Mr. Tyler - I don't disagree with you. Once again, I am speaking as Webb Tyler. I
3384 am not representing the homebuilders, because they may be shooting me in the back now, too.
3385 The reality of it is you don't want to reward the speculators, but you don't want to punish the
3386 developers who are actually taking a risk, getting out there and building the stuff, and who
3387 have borrowed lots of money from the friendly bankers and the bankers simply say, "I am
3388 sorry." Density has gone down from 14.52 to 12. You just lost 70 units on your apartment
3389 project. You just lost a million and a half dollars worth of value off of a loan. Please send
3390 your check payable to Big Bank for a million and a half, and I expect it in here in five days."
3391 And, then, at the other end of the line, you hear this, cough, cough, cough, because you've
3392 got to put up the cash. That is tough. Or he has got to go get a financial partner. Thank you.

3393

3394 Mr. Archer - You are welcome.

3395

3396 Mr. Vanarsdall - Thank you, Mr. Tyler. Ms. Hunter, did you want to respond?

3397

3398 Ms. Hunter - There was discussion at the last work session that we pick a date of
3399 properties that were zoned in say the last five years, that could they be grandfathered. We
3400 double checked with the County Attorney's office and they said that we could not do anything
3401 like that. That is picking a date, whether it was 3 years, 5 years, 10 years, would be
3402 completely arbitrary. Whatever we decide would need to be applicable to all properties in the
3403 same manner. One way to address what Mr. Tyler was saying, though, is we could say that
3404 this ordinance becomes effective, not at the date of adoption, but you can pick a date. That is
3405 another way.

3406

3407 Mr. Vanarsdall - To give them time to honor their prior commitments.

3408

3409 Mr. Archer - OK. Well, thank you, too, Mr. Chairman, and thank you, too, Ms.
3410 Hunter. I just kind of have a problem with something that has been sitting around for that
3411 amount of time, and I certainly agree with what Mr. Tyler says about long-range loan
3412 commitments. We need to work on that a little bit.

3413

3414 Mr. Vanarsdall - My question would also be, "What does staff recommend other than
3415 what we have for plan adoption? Do we have an alternative? Do you see what I am saying,
3416 Mr. Secretary?

3417

3418 Mr. Silber - Mr. Chairman, I think one thing the staff believes they can recommend
3419 to the Commission is that for those zoning cases that were conditionally rezoned or had
3420 proffered layouts for those properties, that would be a reasonable compromise, to be able to
3421 draw a line there saying, if you have a proffered condition that had a layout that was accepted
3422 with that zoning case, but I don't think we are in a position today to recommend. What Mr.
3423 Tokarz has come up with, we believe that has taken it a step too far.

3424

3425 Mr. Vanarsdall - We are not in a position, you are saying, to recommend to you two years
3426 from now, a year and a half, October 14?

3427

3428 Ms. Dwyer - Ms. Hunter said we are not permitted to do that according to the County
3429 Attorney's Office.

3430

3431 Mr. Vanarsdall - OK. I knew this would be a concern and I understand it. All right.
3432 Who would like to be the next speaker? Come right down.

3433 Good afternoon.

3434

3435 Ms. Nelda Snyder - Good afternoon, Mr. Chairman, and members of the Commission. I am
3436 Nelda Snyder from the Varina Beautification Committee, and fortunately for you we have
3437 much more general comments. On behalf of the Committee, we commend the staff and in
3438 particular, Jo Ann Hunter. It is definitely an improvement in multi-family housing. We
3439 would have liked to have seen the whole set of original proposals put into ordinances, but we
3440 certainly support what remains of those proposals, and we feel that quality of life for Henrico
3441 citizens is as important, if not more important, than the development community's desire to fill
3442 every inch of Henrico earth. We would also like to reiterate our philosophy of no density
3443 without commensurate amenities. Whenever zoning is sought for more than several single-
3444 family homes, we hope the County will require amenities, such as open space, recreation
3445 areas, heavy landscaping, and more quality of life detail, such as architectural detail. The
3446 denser the category of the zoning that is requested then the more amenities should be required.
3447 These proposals are a good first step in that direction, and also noting Ms. Dwyer's comments
3448 on Hanover's point system or points granted, that could be considered an amenities-density
3449 kind of set-up, and we think that that is a great idea. Thank you.

3450

3451 Mr. Vanarsdall - Thank you. Any questions? Who would like to be the next speaker?

3452 Come on down.

3453

3454 Ms. Rose - Good afternoon. I am Barbara Rose. As a citizen of Henrico I want to
3455 compliment Henrico and for years I think they have done an excellent job and it has made this
3456 a desirable, good quality of life community. However, I am concerned with these changes,
3457 and I am concerned with what I am hearing “is it tit for tat?” You are looking at Chesterfield.
3458 You are looking at Hanover. I don’t know if you are looking at Richmond, and I am
3459 concerned over the one-third decrease in townhouse density from the 12 to 8 figures and why.
3460 The first concern relates to the development increase and the cost and effect on affordable
3461 housing. With an increasing elderly population and others who need such housing, need
3462 rentals, smaller affordable units, the change is a concern. My second concern has already
3463 been brought up and that relates to flexibility. I have not examined the whole Code but from
3464 comments made, I think that it is apparent there is no flexibility in this ordinance for increased
3465 density where warranted due to the special character and amenities offered in a development,
3466 and so I would invite you to defer this measure and study the impacts on costs in light of
3467 changing, and it is not, I invite you, at a minimum to consider amendments to add flexibility
3468 in the density where the development amenities and characteristics warrant it. Thank you.

3469

3470 Mr. Vanarsdall - Thank you very much. Mr. Moore.

3471

3472 Mr. Glenn Moore - Mr. Chairman and members of the Commission, I am Glenn Moore and
3473 I am an attorney. I am here this afternoon, not representing a client, but I am basically
3474 speaking from my years of experience I have had in land use work, and also members of our
3475 firm, Jim Theobald and I particularly have been working with the Home Builders Association
3476 of Richmond and some of my comments reflect things that have been discussed among the
3477 Home Builders which shouldn’t be considered the official position of the Home Builders. I
3478 have gone over some of my comments with Mr. Jones, the Chairman of the Legislative
3479 Committee, at Home Builders, and hopefully this will reflect some of their thoughts. I’d like
3480 to start with a few general comments concerning the, all of my comments really relate to the
3481 multi-family phase of this, and townhouse, as opposed to the setback issues.

3482

3483 My first general comment would be that some sort of grandfathering ought to be included. I
3484 think that the proposal that has been made is a big improvement. I think it is an
3485 acknowledgement that something should be done, and I am not sure that it is sufficient, and I
3486 will give you an example why, because as I understand the language, I haven’t seen it, but as I
3487 understand the language, if you proffered a certain number; let’s say you proffered 14 units
3488 per acre and now the maximum is going to be 12 in an R-5, you could still do 14 units per
3489 acre, and that is good as far as it goes. What happens a lot of times in proffered zoning cases
3490 is you will have, particularly with larger scale developments, you will have things that are
3491 offered or conceded or agreed to be done in one area, for example, dedication of a school site
3492 or extension of utilities through an area that may not have been served otherwise, maybe was
3493 bigger or more capacity than a developer needed, so that that other developers or the County
3494 itself could benefit from that in the future, and in exchange for that, the developer got his
3495 zoning and is about, when he can get to it, do the development, so the point I am making is,
3496 sometimes the proffers that exist, and they may not relate to the density, and yet the things that
3497 have been given through the proffer process have caused the project to increase and it is
3498 tantamount to changing the rules in the middle of the game or could be. However, I do think

3499 that the suggestion is an improvement, and just adding on to that, I know that there is a State
3500 law provision that specifies, and I don't know exactly what it says, unfortunately, but there is
3501 a State law provision, maybe Mr. Silber or Mr. Marilles knows, but it basically says something
3502 to the effect that if you have a proffered zoning case, you can't lose the benefit of those
3503 proffers. That is probably an over-generalization of it, but I would hate to see, I think what
3504 would be one approach to this would be to check and see what that State law says, and make
3505 sure that the ordinance at least follows that State law. I guess one thing you could say to me
3506 is, "Mr. Moore, if you have State law protection, why do you worry about having it in our
3507 ordinance?" I guess the answer to that is, "It is great to have it in the State law, but that
3508 means that you have to go to court to enforce it." So, I don't think we want to be in that
3509 position. I would much rather see the ordinance itself carry out what State law requires.
3510 Secondly, I think it would be appropriate, and I don't believe this has been done, to notify the
3511 affected property owners, that is, people that own R-5 and undeveloped R-5 and R-6 and RTH
3512 land that are going to be impacted by these ordinance amendments. I don't think that has been
3513 done. I think it would be burdensome. I know when the West Broad Street Overlay District
3514 was adopted, all of the people that were affected by that, I believe, were notified by mail, and
3515 I think it would be just be fair play to carry forward with that process in this instance.

3516

3517 The third point I would like to make is, and this probably is the thing I feel the strongest
3518 about. I think there ought to be either a provisional use permit process or a conditional use
3519 process, or some mechanism in the zoning ordinance that allows the Planning Commission or
3520 the Board of Supervisors through the PUP process to allow deviations from some of these
3521 requirements, because there might be good ideas in the general proposition, there are certainly
3522 going to be instances where there are going to be greater imposed hardships and are going to
3523 require things that simply are not necessary, and costly, and therefore benefit no one. I will
3524 give you a couple of examples of those, particularly with respect to senior projects. With
3525 parking, now I recently had a project in Mr. Vanarsdall's district up on Parham Road, a senior
3526 project, where we had the parking requirement reduced from the current standard of two to
3527 one per acre. Now to do that, we had to go to the Board of Zoning Appeals. And we were
3528 successful in doing it, and it has worked fine, and that is because we were able to satisfy the
3529 Board that that is an appropriate number of spaces. Why can't we do the same sort of thing
3530 with the Planning Commission - maybe we could do it in the same way that you handle
3531 deviations to the transitional buffer requirement. Maybe it could be as simple as something
3532 like that, or alternatively, it could be through a conditional use permit or a provisional use
3533 permit. And also, recreational areas, again I don't know that these requirements are
3534 unreasonable as a general proposition, but with a small project, maybe a seven or eight acre
3535 project, saying that at least an acre has to be in recreational area may be burdensome. I just
3536 don't know, and I think that it is incumbent upon the developer to come before the
3537 Commission or the Board and satisfy whatever body it is that is going to approve that, that that
3538 is the case. Otherwise, they do have to comply with the standards, and Ms. Dwyer, I did want
3539 to make a comment. You were talking about Chesterfield with Mr. Tyler, they do have a
3540 process like that, and I think you will find that a lot of the development they have over there in
3541 non-single family residential developments, you will find that the people do go through a
3542 conditional use process to obtain deviations from some of those requirements.

3543

3544 Finally, as a general statement, I would like to say, and I think this is obvious. It follows
3545 along with what Ms. Rose just said. Many of these requirements, perhaps all of them are
3546 going to drive up the cost of housing, in this instance it is primarily; well, it is not primarily
3547 but to the extent it is apartments, rental housing, and condominiums and when you drive up
3548 the cost of housing, you are taking, you are removing, you are going to have an adverse
3549 impact on the availability of affordable housing. I think when you take the changes you are
3550 making in this ordinance, and you add them to the changes that are being proposed in the
3551 single-family residential district, it is, those changes together are going to have an adverse
3552 impact on the availability of affordable housing in Henrico County, and I think that is
3553 something that you need to be aware of. At least, I have that feeling that you need to be aware
3554 of. Getting to some specific comments, with respect to density, for condominiums in a RTH
3555 District, there are seven per acre, whereas I believe it is eight in the R-5 and R-6. It seems to
3556 me that they ought to be the same in both districts. We would agree with Mr. Tyler's
3557 comment about the impervious cover limitations. It should be raised to 45%. I am not an
3558 engineer, I don't know what is right, but the engineer's tell us that 40 is really pushing it,
3559 especially when you are going to go to the increased parking requirements which drive up the
3560 impervious cover. We would also agree that two spaces per unit is sufficient. We would say
3561 that the requirement for a defect bond, I am not sure that I understand why it shouldn't be one
3562 year in the same fashion that the defect bond for a public road is one year, rather than the
3563 three year requirement. This is, particularly since now we are going to specific standards that
3564 the developers have to follow for putting in the private roads, and so you know you are going
3565 to have some minimal level of quality in the road itself. It is an expense and again having an
3566 impact on the costs of housing, and also, I don't know, the language in the ordinance
3567 references the bond has to be posted prior to the "last certificate of occupancy." That could be
3568 a nightmare to administer, it seems to me. I don't know how, because you don't always have
3569 the road going in the same time that the units are being built. Suppose the road goes in and
3570 for some reason some section of the townhouses isn't built for a few years, and then he's got
3571 to post the bond. I just don't think that that has been, I don't know how that is going to be
3572 administered. Maybe in administration it will work itself out. It doesn't seem to me that the
3573 language, strictly speaking, is well conceived. What do you do about, one thing I will just
3574 mention and maybe this isn't an issue, the screening of air-conditioning units, above-ground
3575 units. I know on the project that we have up on Parham Road, we have that situation and I
3576 can give you some photographs where they show some units, and these are units in the wall. I
3577 think they are not unattractive, and yet they are not screened, and does that mean that you
3578 can't build units like that anymore (referring to slide)? I question whether that is precisely the
3579 way that issue ought to be handled. That would be all I have to say on this. I would be happy
3580 to answer any questions that you all have.

3581

3582 Mr. Vanarsdall - Let me ask you a question, Mr. Moore. You didn't mention the height
3583 of the buildings. Is that a concern, whether they be two stories or three?

3584

3585 Mr. Moore - I would agree with Mr. Tyler's comments. I can't remember when one
3586 has been denied. It is done at the same time you do the plan of development, and, yes, three
3587 is a good idea because that is going to help with your impervious cover.

3588

3589 Mr. Vanarsdall - Three stories would give more open space.
3590

3591 Mr. Moore - I think that is a good change.
3592

3593 Mr. Silber - Mr. Moore, for your information, there was a special exception for a
3594 three-story apartment complex that was denied in 1996.
3595

3596 Mr. Vanarsdall - Would that be something you would put under a PUP or that you would
3597 suggest be put under a PUP? Did I answer my own question?
3598

3599 Mr. Moore - I don't see it as a problem, I wouldn't see that as a problem, frankly. If
3600 you go back to the 2-1/2, and then if somebody wants to deviate from that, you may continue
3601 with either the same procedure you have now, or some other alternative where you can ask for
3602 an exception. Personally, I am not an apartment developer, but personally I wouldn't have a
3603 lot of trouble with that.
3604

3605 Mr. Vanarsdall - The other question that I have, or statement is, you mention that you
3606 have no problem with two parking spaces. We are proposing 2.25.
3607

3608 Mr. Moore - I think it ought to be reduced. I agree with Mr. Tyler's comments that it
3609 should be reduced to two. It is now 1-1/2, at least for apartments, raising it to two...
3610

3611 Mr. Vanarsdall - Parking is one of the biggest problems there is, particularly in today's
3612 world when you have a one bedroom apartment and two people usually occupy it, and it would
3613 be unheard of if they both worked at the same place, left home at the same time, came back
3614 and rode together.
3615

3616 Mr. Moore - All right, suppose you left it at 2.25, but you put in a situation where
3617 you can come in and ask for a deviation from that for some good reason.
3618

3619 Mr. Silber - Along those lines, there is another amendment moving through. The
3620 Commission has already heard it and now it is before the Board of Supervisors, that addresses
3621 that, and would give flexibility to parking. The Planning Commission, when they see a POD
3622 could deviate from those requirements, as long as there is other land on the property where
3623 additional parking could be built, so we are working on that ordinance amendment, as well,
3624 that would deal with that.
3625

3626 Mr. Moore - I don't believe that that, based on what you described it, Mr. Silber, that
3627 would totally address the concerns from my standpoint. It might help, but you would still
3628 have to have extra land. And I am suggesting that as an example with the senior project, it is
3629 simply if you have an age-restricted project, and you can satisfy some authority or some board
3630 that you only need one space per unit, then why would you have to build 2.25. You are just
3631 building unnecessary parking spaces.

3632 Mr. Silber - It would depend on the use, obviously. Uses can change and parking
3633 demands can change and under certain circumstances, you would want to have additional land
3634 to put in the parking. I think in the circumstance such as a project such as this, in many cases
3635 I think the 2.25 is fairly accurate. You may need to keep the 2.25, but what we are saying is
3636 that would be reviewed on a case by case basis. I think there is some flexibility that is being
3637 built into the ordinance.

3638

3639 Mr. Moore - All I can tell you, Mr. Silber, is the project we just built on Parham
3640 Road could not have been built if that would have been the requirement. It is age restricted by
3641 proffer and also by the way that it was financed.

3642

3643 Mr. Vanarsdall - That is different. We are not saying two spaces for age restricted. Are
3644 we?

3645

3646 Mr. Moore - What are you saying?

3647

3648 Mr. Vanarsdall - Yes, we are.

3649

3650 Mr. Moore - I am saying that there could be instances where, well, one way to get
3651 into this is to drop the standard to two across the board. That is what we would like. Two
3652 and a quarter is what you would like, but if is two or 2.25, and I still have the opportunity to
3653 come in and ask for an exception of some sort, at least that opportunity exists. It is going to
3654 be my job to prove that it should be granted.

3655

3656 Mr. Vanarsdall - All right. We appreciate your comments, Mr. Moore.

3657

3658 Mr. Archer - These pictures, did you have any specific comment to make about them?

3659

3660 Mr. Moore - The only thing I was intending to show by those pictures, and you can
3661 see the air-conditioning units in the wall, would those air-conditioning units comply with the
3662 requirements for, I don't know whether they would be considered to be screened with the same
3663 type of material as the building. It is, particularly the ones at ground level that you see in the
3664 lower right-hand corner, I can tell you (referring to slide). You can see these and they are not
3665 objectionable, and yet I am not sure they would comply with the ordinance, but the ones on
3666 the ground level would be easier to deal with. The ones up on the second and third level, I
3667 don't know how you deal with them with this language.

3668

3669 Mr. Vanarsdall - Is this Coppermill?

3670

3671 Mr. Moore - No. This is not in Henrico County. However, there is one right up the
3672 street that has the same sort of arrangement.

3673

3674 Ms. Dwyer - Mr. Moore, if you referenced ground-based HPAC and mechanical
3675 equipment or roof-top placed mechanical equipment, that would take care of your concerns.

3676

3677 Mr. Moore - I think that it would, yes.
3678

3679 Ms. Dwyer - These units which are built into the building.
3680

3681 Mr. Moore - Yes, I think there it would; if this were, it sort of depends on how this is
3682 administered. When you come in with a POD, there is a person who takes your POD, and the
3683 Planning people that review it, are they going to look at something like this and say, "OK, that
3684 is consistent with the ordinance." Or, are they going to make you come in and, I don't know,
3685 make you put vinyl around it or whatever. Some of this would be dependent upon how it was
3686 actually administered.
3687

3688 Ms. Dwyer - I think if we referenced the ground location or the rear location, then
3689 that would be satisfactory.
3690

3691 Mr. Moore - I felt like that is what everybody had in mind in the first place.
3692

3693 Ms. Dwyer - I think so. I don't think that there was an intention to prohibit what you
3694 depicted here.
3695

3696 Mr. Vanarsdall - Thank you. Who would like to be next? Does anyone else want to
3697 speak? This is a public hearing. Mr. Lewis.
3698

3699 Mr. Lewis - Mr. Chairman, my name is Delmonte Lewis. I just have a couple of
3700 questions really. I think, you know, I didn't realize that we would be shown a brand new
3701 ordinance this morning, but I think it has certainly helped. My concern is two things: 40% of
3702 hardscape, I had a question from the staff you know, exactly what does that mean, and I know
3703 it means gazebos, clubhouses, swimming pools, but does the parking facility come in with the
3704 40%? Do pedestrian trails and things you put in as an amenity, does that come into that
3705 definition? If so, 40% may not be what we are looking for, but it may not be that bad, but if
3706 we are talking just about things that are relative to swimming pools, tennis courts, basketball
3707 courts, then that sort of hardscape and eliminating the parking, then we have a problem,
3708 because I don't think any facility, like 197 units could possibly afford to not only build that
3709 much hardscape, but they could not maintain it. And you know what happens when it is not
3710 maintained. It just goes, pardon the expression, to pot.
3711

3712 Mr. Vanarsdall - And your question was what is included?
3713

3714 Mr. Lewis - Correct. That is one of my questions. The other one is relative to the
3715 grandfathering. I think great strides have been made there. My question is, with almost every
3716 zoning case you have a conceptual plan, and generally speaking, that conceptual plan is either
3717 proffered or it is made a part of the case. Now, if that conceptual plan shows setbacks, shows
3718 certain amenities, such as a swimming pool, tennis courts, or whatever, does that take
3719 precedent over what the new ordinance would be. That is my question on that. And, that is
3720 really, I don't want to go into all of the other things that Mr. Tyler and Mr. Moore have said,
3721 because those are the two things that are my concerns, and it depends upon what the answer is,

3722 I have some exhibits I would like to show you on that.

3723

3724 Mr. Vanarsdall - Does someone want to attempt to answer that now? Mr. Marlles. Mr.
3725 Silber.

3726

3727 Mr. Silber - I think we'd like to see the exhibits. I think maybe the answer I might
3728 try to give you, Mr. Lewis, on the parking and things that would be counted towards
3729 recreation, I think if it is a parking area that is affiliated with and serves just that clubhouse
3730 and pool and if it set off and it is designated as "recreation area" over there, I think we would
3731 count all of that recreation, the sidewalks, the parking areas. All of that would be considered
3732 part of your 40% of your 10%. If it is in an apartment complex, and you've got a pool and a
3733 clubhouse, I don't think we can just count the parking up and down the area. I think it has to
3734 be set aside and designated, so it may be reviewed on a case by case basis, but I would be
3735 interested in seeing what you have to share with us.

3736

3737 Mr. Vanarsdall - Thank you. Mr. Lewis. All right, you go ahead and explain it to us.

3738

3739 Mr. Lewis - (Brings up exhibits and shows to Commission members) This is a
3740 project that we have zoning on. It is a proffered case, but if we look at the hardscape of the
3741 40% being just clubhouse, swimming pools, basketball courts and this sort of thing, or
3742 gazebos, what I have shown here in the red is hardscape. We have 5,000 square foot
3743 clubhouse, an Olympic swimming pool, a tot swimming pool, and the only other thing we can
3744 think of, beside a gazebo or two would be tennis courts. We would have to have 10 tennis
3745 courts for this 197 units. That is, if we cannot allow the parking facility to be associated with
3746 that particular use, or we cannot use trails. Now, on the other hand, this is the same, let's call
3747 it generic plan, it is showing what we would intend to build on that project as far as an
3748 amenity for the recreation. The three ponds on that will be BMPs. What you see in green and
3749 blue really come to about 10% of the total gross area, but here we are allowed to use all of our
3750 property. We don't have flood plain. Then, the red is a gazebo at the top, down at the
3751 bottom we have a gazebo, next to that lake, the other red building is a clubhouse, then you see
3752 the swimming pool beside it; one tennis court, a parking facility that would be adjacent to the
3753 clubhouse, and it is hard to see, but throughout the development we have approximately four
3754 or five thousand linear feet of trails for jogging or walking or whatever. This would not come
3755 to 40%, but it would to somewhere close to 200 square feet per unit, because we have
3756 proffered a maximum number units of 197 for this particular project and we may consider that
3757 it would be more relevant to relate our recreation facilities to the number of units, simply
3758 because sometimes we proffer lesser units than we are allowed, even with the new ordinance.
3759 Those are the two exhibits you saw and I wanted you to see. Any questions?

3760

3761 Mr. Silber - Mr. Lewis, what percent is this that you showing on this plan?

3762

3763 Mr. Lewis - The green and the blue, and all of the colored is approximately 10% of
3764 the gross area. The other, I don't have a percentage of that, but it comes out as far as per unit
3765 as approximately 198 sq. feet per unit, not including the parking. I did not include the
3766 parking, just the facility, just the clubhouse, swimming pool, tennis court and the gazebos, and

3767 the walking trails.

3768

3769 Mr. Silber - What is the area that is north of that northernmost lake that wraps around
3770 Gaskins and runs around Patterson? The open space along the roadways.

3771

3772 Mr. Lewis - That is a BMP with a green space around it.

3773

3774 Mr. Silber - I mean the area that is not colored, that runs along Patterson and
3775 Gaskins.

3776

3777 Mr. Lewis - Oh, that area over there is a separate zoning case. That is a high rise we
3778 had zoned some years ago.

3779

3780 Mr. Silber - No. I am still talking about within your project; it looks as though there
3781 is a considerable amount of open space right in there (pointing).

3782

3783 Mr. Lewis - That is just green open space and it is the buffer that we proffered along
3784 Gaskins Road.

3785

3786 Mr. Silber - And some of that wouldn't be counted toward your 10%?

3787

3788 Mr. Lewis - It could be. It is strictly open space. We don't have a problem with the
3789 10% as open space, Randy. I think the problem we had was with the 40%.

3790

3791 Mr. Vanarsdall - All right, anyone else? Would anyone else like to speak? I'd like to
3792 hear from you while we have a chance.

3793

3794 Ms. Dwyer - Mr. Vanarsdall, I have a couple of comments to make and we have had
3795 a long list of speakers from the audience, but I'd like to address some comments made about
3796 our references to other jurisdictions. I'd like to say that examining what other jurisdictions do
3797 is very important. This is a matter of simply good research to find out what others similarly
3798 situated to you, what those other jurisdictions are doing, and that is what we have done by
3799 looking at what Hanover and Chesterfield have done. I think that is simply incumbent upon us
3800 to do that research and to determine what other jurisdictions are up to. Secondly, this is not a
3801 question of tit for tat, I am not sure it would be possible for Henrico's multi-family standards
3802 to be similar to those other jurisdictions, especially when we look at the statistics that show we
3803 already have three times the number of apartments in Henrico as Chesterfield has. We have
3804 15 times the number of apartments when we compare ourselves to Hanover. Even the
3805 provisions that we are looking at today we do not rise to the quality of development standards
3806 that those two jurisdictions have in several instances. For example, we are proposing 40%
3807 impervious cover. Hanover has 30% and Chesterfield also has 20%. Common area 10%,
3808 recreational area - we are only proposing 10% for open space, 40% of that would be
3809 recreational area, so even with these, our standards are far below those of other jurisdictions,
3810 and it is useful to look at that to see where we are relative to other jurisdictions to gain
3811 information and instruction from those jurisdictions and what their practices are. Secondly,

3812 relating to affordable housing, in my view, these standards will benefit those who live in
3813 affordable housing more than any other group of people. What we have, if we have, if the
3814 market determines that we have a high dollar renter, then we are going to have amenities,
3815 we are going to have recreational and usable recreational spaces and open spaces. Where we
3816 seem to have had the problems in the past, our experiences have been that when we have lots
3817 of unconditional multi-family zoning in the County, and sometimes that zoning, that
3818 development is, to the letter, what our ordinance requires and we have found that to be very
3819 minimal and to create environments that may not be livable or may not provide the quality of
3820 life that we think all Henrico should have, so the big emphasis for this is to raise the bar, raise
3821 the minimum standards under which all people will be living in multi-family housing in
3822 Henrico.

3823

3824 Mr. Vanarsdall - All right. Thank you for those comments, Ms. Dwyer.

3825

3826 Mr. Marlles - Mr. Chairman, I'd also like to add to Ms. Dwyer's comments about
3827 affordable housing by pointing out that I think Henrico County, perhaps next to the City of
3828 Richmond, has the largest supply of affordable housing in the region, by far again.

3829

3830 Mr. Vanarsdall - It does that. Thank you, kindly. Any other comments from the
3831 Commission?

3832

3833 Ms. Dwyer - Mr. Chairman, I have a proposal to make in light of some of the
3834 comments that we have heard today, particularly with regard to the sliding scale. I think Mr.
3835 Tyler has mentioned that, and said that it has fallen on deaf ears, and I think that might be
3836 something for us to consider. I don't know how the rest of the Commission feels about that.
3837 When I look at issues, such as density, as well as some of the quality issues that we have
3838 discussed here today, it seems to me that that might be something that would be in our benefit
3839 to work into this ordinance, something along the lines of what Hanover has done. They have
3840 design elements that relate to use of topography, siting of the building, court yards, pedestrian
3841 treatments, trees and shrubs, water features, fountains and recreational facilities, and those are
3842 built into the ordinance so that a minimum density level is established in the ordinance and to
3843 the extent the Commission or the Board determines that these design elements have improved
3844 the quality of that development, then a corresponding increase in density is permitted. I
3845 believe that was also mentioned by one of our citizen who commented today. So, I am
3846 wondering if the Planning Commission might want to consider implementing something like
3847 that in this ordinance, possibly to start with a minimum density that would be equivalent to the
3848 lowest density that we had discussed, which is not representative in this document today, but
3849 the lowest one we have discussed in our work sessions, and allowed to increase to the density
3850 level that exists today depending on the implementation of those design elements and the
3851 determination by the Commission or the Board that those design elements have been
3852 appropriately introduced in the development.

3853

3854 Mr. Vanarsdall - All right. Mr. Marlles, Mr. Silber, do you have anything to add to that?

3855

3856 Mr. Marlles - Mr. Chairman, I think I tried to keep pretty exact notes of the concern,

3857 and there are two other broad areas that I think we may need to take a look at or perhaps can
3858 improve upon. There is concern with the grandfathering provision as it is worded, and
3859 frankly, I do not believe at this point in time that staff can support the County Attorney's
3860 recommended wording, however, that does not mean that staff, given some additional time,
3861 could not come up with some acceptable wording that we could support on the grandfathering
3862 provision. The other area that I have heard repeatedly presented is, perhaps, the need to try to
3863 introduce some flexibility into some of these standards, given maybe unusual circumstances,
3864 and again, I think there is an opportunity, perhaps, to do that, but in addition, I think, to Ms.
3865 Dwyer's suggestions, that are the two other areas that I have consistently heard through these
3866 discussions.

3867

3868 Mr. Vanarsdall - So the other suggestion would be amenities? Is that right? I mean sort
3869 of like awards or something?

3870

3871 Mr. Marlles - Right, I think that is the idea of Ms. Dwyer's suggestion. Density
3872 bonuses or sliding scale zoning.

3873

3874 Mr. Vanarsdall - Encouragement to do something better.

3875

3876 Mr. Marlles - It is a little bit different approach than what we've been doing. I think
3877 that it would take some additional time for staff to really fully consider those types of changes,
3878 those are major changes from what staff has presented. So, I would say if the Commission is
3879 agreeable to staff looking at those changes, I really don't believe I could recommend that we
3880 go forward with this ordinance to the Board at this time.

3881

3882 Ms. Dwyer - Mr. Marlles, what flexibility are you talking about that would not be
3883 included in the density bonus concept?

3884

3885 Mr. Marlles - I think I have heard the concern expressed that primarily has to do with
3886 parking for different types of - I think senior housing has been brought up - and recognizing
3887 what Mr. Silber said, we are working on an amendment which we feel at least partially
3888 addresses that issue, so maybe with some time to discuss that with representatives of the
3889 development community, that may not be an issue, but again, I consistently heard that need for
3890 flexibility in the parking requirement.

3891

3892 Ms. Dwyer - Anything else?

3893

3894 Mr. Vanarsdall - Mr. Marlles, if we are not comfortable with this, then I don't think we
3895 should pass it on to the Board simply to let them work it out, or you all have to work with the
3896 Board further. I would not be in favor of unloading it on the Board. I'd be in favor of trying
3897 to do - take the comments that each person said and see what we can do with them. I am in
3898 agreement, I guess.

3899

3900 Mr. Archer - I agree with that, too. Mr. Chairman, we have heard comments and
3901 concerns here today that we certainly have not had time to analyze, and certainly staff has not

3902 had time to work with any of what we heard today. We have had to work with what was
3903 prepared for us, so I see no need to rush.

3904

3905 Ms. Dwyer - What are the thoughts of the Commission on the density bonus concept?

3906

3907 Mrs. Quesinberry - I'd like to say that considering the density bonus concept probably, with
3908 some further study on it, would answer a lot of our questions. Just for example, thinking
3909 about the grandfathering clause, and maybe Mr. Tyler would want to comment on this again,
3910 but if you had a density bonus, assuming you were going to build a very high quality project,
3911 you would not lose any density.

3912

3913 Mr. Vanarsdall - You wouldn't what?

3914

3915 Mrs. Quesinberry - You wouldn't lose any density in your project, and I am sure everybody
3916 wants to build a high quality project, so that seems to address that issue in my mind. The rest
3917 of this ordinance, I think, is really pretty close to ready. I think the only thing that I would
3918 really want to look at is the possibility of including somehow in it the idea of this density
3919 bonus where it could add something to the project and if the developer wanted to explore that,
3920 that we would be flexible enough to look at that.

3921

3922 Mr. Taylor - OK. And, also what Mr. Moore mentioned was about the zoning he had
3923 didn't have enough parking spaces and he had to go to BZA and get that. What you are saying
3924 and what Mr. Moore said, if we had a way built into this that we could do it at the
3925 Commission, they wouldn't have to go to another body and get the same thing done. I think
3926 we should consider that, also. The same type of flexibility. So,

3927

3928 Mr. Silber - Mr. Chairman, depending on what the Commission wants to do, if you
3929 have interest in the density bonus concept, one option would be to send it on to the Board of
3930 Supervisors allowing the staff to work on it between now and the first work session with the
3931 Board, and we can present that concept to the Board, see how it is received and then prepare
3932 the detailed information as necessary. If not, we can work on it and bring it back to the
3933 Commission, but it is...

3934

3935 Mr. Taylor - Well, I think that is a good suggestion, but that is not the only thing that
3936 Mr. Marlles mentioned: grandfathering, flexibility and environmental and encouragement to
3937 build a better mouse trap, so you are saying work on all of those things between now and
3938 Board time.

3939

3940 Mrs. Quesinberry - Yes, but what I am saying is the density bonus really does answer a lot
3941 of those issues and that would be something we could consider just including in the ordinance
3942 that we are looking at right now without throwing it...I don't see that we are at a point to
3943 throw out the baby with the bathwater. We have come too far and worked too hard. What I
3944 am saying is that I am interested and willing to look at a density bonus, and I think that will
3945 answer a lot of questions, but I really don't think we need to stall this thing any longer than it
3946 is necessary to do that.

3947

3948 Mr. Vanarsdall - OK. So you agree to send it on to the Board? Is that what you are
3949 saying?

3950

3951 Mrs. Quesinberry - Yes, and work on the density bonus.

3952

3953 Mr. Vanarsdall - And they will work it out. When is it supposed to be heard by the
3954 Board?

3955

3956 Mr. Marlles - It is not scheduled.

3957

3958 Mr. Vanarsdall - Oh, it is not scheduled. All right.

3959

3960 Mr. Taylor - Mr. Chairman, in addition to density, we have also talked to different
3961 speakers about their quality of the development. We have talked about the imperviousness of
3962 the site. We have talked to amenity bonuses. We have also talked to some aspects of
3963 environmental additions that might enhance the quality of the project; different speakers
3964 handling different topics. I wonder if Mr. Tyler or Mr. Lewis could give us their thoughts on
3965 how fast the developers could form some kind of a task force with maybe one or two of the
3966 Commission or the staff sitting with them to address proposals in each of these areas that we
3967 could bring back to the Commission and leave the context of the proposal intact and take those
3968 areas where we could make progress and work on those, and bring those back as separate
3969 proposals in each of those categories for consideration by the staff and by the Board, and
3970 working together with the development community, who certainly have a lot of experience that
3971 we don't fully appreciate in terms of the economics and the sensitivity in dealing with bankers.
3972 I think this might be helpful to both sides, because we've got a lot of good ideas on this piece
3973 of paper, and we've got a lot of good ideas that are coming to us from the podium, and I think
3974 that it best that we try to maximize the potential from both sources, and see what we can do in
3975 the race against time to get this to the supervisors.

3976

3977 Mr. Vanarsdall - What do you all think of that?

3978

3979 Ms. Dwyer - I think there has been a considerable amount of input, and I agree with
3980 Mrs. Quesinberry that the density bonus seems to address those quality issues that we have
3981 been hearing about and are, in fact, most interested in, and it also conceivably provides a
3982 means for flexibility regarding density so that the maximum density that is available now
3983 would continue to be available in developments, assuming that the density bonus standards are
3984 met.

3985

3986 Mr. Taylor - I certainly agree with that, Ms. Dwyer, but if we pick up environmental
3987 or a couple of others, we might just find some nugget out there that is easily reachable that
3988 helps us, even as we talk about density.

3989

3990 Mrs. Quesinberry- Can you expand on that? I frankly don't know what you are talking
3991 about. You've got to help me out here.

3992

3993 Mr. Taylor - OK. One of the speakers was talking about it, I think it was Mr. Lewis,
3994 they've got some environmental features in their development that they are proud of, and they
3995 have got these nice features and those features perhaps are of such value that we can allow a
3996 little bit of density if they incorporate those features, then I would offset one for the other.

3997

3998 Mrs. Quesinberry - Well, wouldn't that be included in what we are talking about with
3999 looking at a density bonus?

4000

4001 Mr. Taylor - I would think it would do it to some extent, but not to a full extent.

4002

4003 Mr. Vanarsdall - Mr. Tyler, do you want to say something else?

4004

4005 Mr. Tyler - I just had a chance to confer with Mr. Lewis. He and I believe that
4006 working with the Homebuilders and the staff, if you could give us about 60 days to work out a
4007 density bonus arrangement that would be in addition to what the staff has proposed. In other
4008 words, we take the staff's proposal, all right, we don't change the staff's proposal, we just put
4009 on top of that a density bonus plan, all right, that would give us credit for good design. For
4010 example, more water features that would be in the open space. All right. The functioning of
4011 BMPs, wet pond BMPs rather than dry pond BMPs, good design, tougher to get approval by
4012 Corps, that is the environmental issue that Mr. Taylor was talking about. As far as those
4013 additional bonuses in density, it would solve the grandfathering because you get the higher
4014 quality. Don't talk to me about grandfathering. You give me good quality; I give you good
4015 density. All right. Thirdly, it also solves the ability of giving you some flexibility. I am
4016 doing an Alzheimer's Home for the elderly that are classified because they have got some type
4017 of unit arrangement as multi-family, though Alzheimer's people don't drive a lot, so why do
4018 they need two parking spaces and give Mr. Moore the flexibility with his proposals that this
4019 Commission could grant, so it is not 2.25 spaces, but actually one space rather than burdening
4020 the BZA with all of these things. The density bonus, a developer thinks in terms of density
4021 and quality, or lack thereof, because that effects his profits, and so, therefore, I am esthetic,
4022 elated to hear you all, that there might be some possibility of what I thought was a Chinaman's
4023 chance in blank, to that coming back.

4024

4025 Mrs. Quesinberry - You thought we were immovable, didn't you?

4026

4027 Mr. Tyler - Where there is life, there is hope.

4028

4029 Mrs. Quesinberry - What I want to make clear before you walk away is what I am interested
4030 in is, I am interested in the staff proposal pretty much as is, but I am also very interested in a
4031 density bonus that starts out with our proposed density in this staff proposal but would allow
4032 you to elevate up to current density levels for quality.

4033

4034 Mr. Tyler - I understand you, Mrs. Quesinberry. I guess I was under the impression
4035 from Ms. Dwyer that she wanted to start out at 10 units to the acre and you can go all the way
4036 to 14.52 units to the acre.

4037
4038 Mrs. Quesinberry - No. It is the lowest that has been proposed.
4039
4040 Mr. Tyler - The lowest that has been proposed is ten, and we got it back up to 12.
4041 All right.
4042
4043 Ms. Dwyer - Up to 14.
4044
4045 Mr. Tyler - Up to 14. So there is plus and there is minus. That is a lot of flexibility
4046 to you all.
4047
4048 Mrs. Quesinberry - It kind of depends on the quality of the project then, doesn't it?
4049
4050 Mr. Tyler - Yes, it does.
4051
4052 Mr. Taylor - But my thought is there is quality in different segments.
4053
4054 Mr. Tyler - Very much so.
4055
4056 Mr. Taylor - We should pay attention, I feel, to those segments. It may not just be
4057 density. It may be quality. It may be some amenities. It may be environmental. It may be
4058 some other feature that one site favors while you couldn't consider it in another site.
4059
4060 Mr. Tyler - No doubt about it, sir.
4061
4062 Mr. Taylor - I just think that some joint effort might help us to get us where we want
4063 to go and the developers to help us get there.
4064
4065 Mr. Tyler - I understand. You would feel that awarded density bonus points or
4066 percentage points for increasing from 10 to 14.52 for a variety of factors, such as more
4067 amenities, more open space, more physical amenities, a trail that works, wet pond BMPs
4068 versus dry pond BMPs, more brick, those types of quality enhancements maybe garages for, as
4069 an example, garages for recreational vehicles, which some people consider ugly. Those types
4070 of added bonus.... (at this point one tape ended while the other began and some comments
4071 were lost during the switch) This would increase you from 10 units to the acre to 14.52 units
4072 to the acre if you were a great designer and you were using high quality. That's how I
4073 envision it. But, if you had the lowest quality, you're trying to build the cheapest product,
4074 you had lower densities down to 10 units, but you still had to meet all the new ordinance
4075 requirements. In other words, the proposal by staff.
4076
4077 Mr. Vanarsdall - Mr. Tyler, let's go over this. So, you're saying, leave it as it was
4078 presented today?
4079
4080 Mr. Tyler - Yes sir.

4081 Mr. Vanarsdall - I mean we have all your comments, but take it as Ms. Hunter
4082 presented it, and move on that and y'all would need 60 days. That's pretty long.

4083

4084 Mr. Tyler - This is a complicated subject. I mean its not as simple because you're
4085 trying to assess what is good design, and then you're trying to put a quantitative number to it
4086 as far as a percentage of bonus. And, so, there may be 15 to 25 design features that you
4087 consider that you can get bonus points for, and then there may be assigned percentages. For
4088 example, if you decide that you're going to build an over size pool, then you might get, you
4089 know, a half unit per acre. If you're going to build a wet pond versus a dry pond, you'd get
4090 another half unit per acre, thereabouts.

4091

4092 Ms. Dwyer - Could I stop you right there?

4093

4094 Mr. Tyler - Yes ma'am.

4095

4096 Ms. Dwyer - Because I don't think that's something that should be that defined in the
4097 ordinance. When I look at the Hanover Ordinance, for example, they say, "You get a 2
4098 percent increase for excellent use of existing topography and/or land re-contouring..." That
4099 doesn't say, if you do this or that specific thing to cite your building, then you get "X"
4100 number of points. It just says, you know, it leaves it open; excellence in whatever
4101 development standing you're looking at. I think that's what we should do also. I don't think
4102 we need to...

4103

4104 Mr. Tyler - You want it for of a general and a specific?

4105

4106 Ms. Dwyer - Right. That would be a point of discussion and negotiation in each
4107 individual case, depending on the circumstances of that case between the developer and the
4108 Board or the Commission.

4109

4110 Mr. Tyler - The developer would also need to submit a preliminary plan.

4111

4112 Ms. Dwyer - Right.

4113

4114 Mr. Tyler - ...and have that preliminary plan, at least, approved by the Commission
4115 before you could go to a final plan. So, there's going to be a slightly longer process. In other
4116 words, you've got a site plan approval, and you're going to tend to see more plans at zoning
4117 processes.

4118

4119 Ms. Dwyer - And it gives you the flexibility that you want. It gives you the density
4120 potential that you want.

4121

4122 Mr. Tyler - Yes ma'am.

4123

4124 Ms. Dwyer - And it gives us the opportunity to make sure that quality is commensurate
4125 with density.

4126 Mr. Tyler - All right. That's fine.
4127
4128 Ms. Dwyer - The point of that was, it doesn't have to be that complicated, if the
4129 Ordinance is not as specific as you were indicating it could be.
4130
4131 Mr. Tyler - I understand.
4132
4133 Ms. Dwyer - If I may make a recommendation? I don't know if anybody else wants to
4134 do that or not.
4135
4136 Mr. Vanarsdall - All right.
4137
4138 Ms. Barbara Rose - I'm Vice-Chair of a relatively new organization; Henrico Affordable
4139 Housing Partnerships, that was started by a Rev. Lisa Sikes. And we actually was a partner
4140 with the business community developers and Henrico County. So, I would just like, that in
4141 their meeting, if, at least, we were advised of the time and date and given an opportunity to
4142 send a representative.
4143
4144 Mr. Vanarsdall - Thank you. We were just probably saying what y'all were saying, and the
4145 fact that...
4146
4147 Ms. Dwyer - If we can hear this in 30 days, again, bring it back before the Commission
4148 in 30 days with the Ordinance being as it is proposed today, including the grandfathering
4149 provision staying the same, adding a minor change to the HVAC screening requirement that
4150 recognizes it only applies to ground or rooftop HVAC equipment. And, then add in the
4151 density bonus provision that its modeled after the Hanover provisions, and that has a density
4152 range a maximum of what the density is today to a minimum of what has been proposed
4153 throughout the work sessions. And then have that come back to us so that we could review
4154 that, because that is a new concept.
4155
4156 Mr. Vanarsdall - Right. In 30 days?
4157
4158 Ms. Dwyer - In 30 days. Can we do that in 30 days?
4159
4160 Mr. Marlles - Yes. We can, Mrs. Dwyer.
4161
4162 Ms. Dwyer - We'll use that in the form of a motion.
4163
4164 Mrs. Hunter - Is there any recommendation on the Recreational Amenities? That was the
4165 other proposal that we gave you two options on today.
4166
4167 Ms. Dwyer - Well, that could be part of the density bonus.
4168
4169 Mr. Taylor - I think that the context of this density bonus would be characterized by...
4170

4171 Ms. Hunter - Right. But, you still need to have a minimum standard for the ones who
4172 chose not to go through the density bonus.

4173

4174 Mr. Taylor - Yes. The way I would see it, is there would be a minimum bonus. There
4175 would be a minimum level for everybody, but that, through the bonus program, we could
4176 adjust that, depending on the quality, in several categories of the development, would be for us
4177 to define those categories, and then put some criteria as to what would be a scale...

4178

4179 Ms. Dwyer - I thank, may be, Mrs. Hunter, what you proposed, today, would suffice
4180 for that.

4181

4182 Mr. Taylor - Yes.

4183

4184 Mr. Vanarsdall - That's what Mr. Tyler said, but we can't do it in 60 days. We'd like to
4185 do it in 30, if you don't mine.

4186

4187 Mrs. Quesinberry - Why didn't you talk about this earlier? I just had to say that.

4188

4189 Mr. Vanarsdall - We all want to know.

4190

4191 Mr. Vanarsdall - Mrs. Dwyer, you made that in a motion, didn't you?

4192

4193 Ms. Dwyer - Well, I can. I think Mr. Archer had...

4194

4195 Mr. Archer - I did have a question to ask. What does Hanover call its plan? Do they
4196 call it a "Density Bonus Plan?" Did we just kind of draft that language today?

4197

4198 Ms. Dwyer - It was in the materials that Ms. Hunter gave us a couple of work sessions
4199 ago. It's just a provision that discusses density and then has a listing of design points...

4200

4201 Mr. Archer - quality points?

4202

4203 Mr. Marlles - Mr. Archer, that's kind of a generalized concept. In this case the idea is
4204 to try to promote quality multi-family development, but it can be used for other desirable ends
4205 as well.

4206

4207 Mr. Archer - You know, I don't know. Sometimes language bothers me. "Density
4208 bonus," you know, sounds like a extra roll of toilet paper or something.

4209

4210 Mr. Vanarsdall - It does.

4211

4212 Mr. Archer - I would rather for us to call it something that sounds a little...

4213

4214 Mrs. Quesinberry - Why don't we just call it "the Tyler proposal?"

4215

4216 Mr. Archer - If we call it, "Quality Points". Just a suggestion.
4217
4218 Mr. Vanarsdall - Mr. Secretary.
4219
4220 Mr. Marlles - Yes sir.
4221
4222 Mr. Vanarsdall - When you're speaking of 30 days, are you speaking of the 26th of April
4223 which is the normal POD day to bring this back to us?
4224
4225 Mr. Marlles - Yes sir.
4226
4227 Mr. Vanarsdall - All right. And do we have anything on there, any kind of public hearing
4228 on the 26th?
4229
4230 Mr. Marlles - Actually, we do have a public work session that should last about half
4231 hour to 45 minutes, but that's the only thing, I believe, that's on that agenda.
4232
4233 Mr. Vanarsdall - That would be an hour. So, what time did we set that? I don't remember.
4234 I didn't write it down.
4235
4236 Mr. Marlles - We have not. We can be flexible.
4237
4238 Mr. Vanarsdall - Why don't we have a motion to do this and bring it back to us on the 26th
4239 of April, and then we'll work out the time later, okay?
4240
4241 Mr. Marlles - Yes sir.
4242
4243 Mr. Vanarsdall - And if we get another free lunch, we'd like to do it in the afternoon.
4244
4245 Mr. Silber - Mr. Chairman, we also have, and maybe we already mentioned this. We
4246 also have the work session the Ordinance Amendment 24-2 that day.
4247
4248 Mr. Marlles - We just said that.
4249
4250 Mr. Silber - Okay. The POD agenda is looking pretty heavy for that day. We'll feed
4251 you.
4252
4253 Ms. Dwyer - I don't think there will be much discussion on this.
4254
4255 Mr. Marlles - We'll feed you lunch.
4256
4257 Mrs. Quesinberry - Most of the discussion on this should be pretty much taken care, especially
4258 today. We had a lot of good discussion today back and forth.

4259 Mr. Vanarsdall - We've had all the meetings we need to have on it now. We know what we
4260 need and want to compromise on and what we want to do. So, we don't need any more
4261 meetings. We just need for the staff to work on it and bring it back to us. Is that the way
4262 y'all see it? Okay. All right. We need a motion to do that.

4263

4264 Ms. Dwyer - Well, I made the motion.

4265

4266 Mr. Taylor - I second it.

4267

4268 Mr. Vanarsdall - Who seconded it, Al Taylor?

4269

4270 Mr. Archer - You got it.

4271

4272 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Taylor. All those in favor
4273 say aye—all those opposed by saying nay. The motion is carried. We appreciate everyone
4274 who came, everyone who spoke and everyone who listened, everyone who took part, everyone
4275 who agreed and everyone who disagreed. We'll come back and we're going to build a "better
4276 mouse trap."

4277

4278 We will take our last public hearing for the day which was scheduled for 2:00 o'clock. Mr.
4279 Marlles will explain what this is.

BEGINNING AT 2:00 P.M.

4280

4281

**4282 Proposed Ordinance Amendments to eliminate controlled density development and the R-
4283 3-A, R-4 and R-4A One-Family Residence Districts:**

4284

4285 Mr. Marlles - Thank you, Mr. Chairman. The public hearing that was scheduled for
4286 2:00 o'clock, which it's now 3:39 p.m. has to do with a proposed ordinance amendment to
4287 eliminate controlled density development provisions in the Zoning Ordinance and would also
4288 eliminate the R-3A, R-4, and R-4A One Family Residence Districts. I would just remind the
4289 Commission that this was a request that was forwarded to the Commission and staff by the
4290 Board of Supervisors. Mr. Blankinship is prepared to give the staff report.

4291

4292 Mr. Blankinship- Mr. Chairman, members of the Commission, as you look at the draft
4293 headed "An Ordinance to amend and reordain Section 24-11", you see all the language that's
4294 in bold and underlined there states that, from the effective date of this Ordinance onward, the
4295 Board of Supervisors would no longer grant rezonings to the R-3A, R-4, and R-4A zoning
4296 districts.

4297

4298 Ms. Dwyer - Excuse me. Would you pass those out?

4299

4300 Mr. Blankinship - I have more copies.

4301

4302 Mr. Archer - Is this the same one?

4303

4304 Mr. Blankinship - Yes sir. That's the same one that went out in the packet. This is actually
4305 two separate ordinances. The first one 24-11 says, "March 3, 2000 Draft" in the lower left
4306 hand corner. The other two pages, beginning with Section 24-12.1(a) is the March 8, 2000
4307 Draft in the lower right corner.

4308

4309 In the 24-11 having to do with the R-3A, R-4, and R-4A zoning districts, it reads, "The
4310 property zoned R-3A, R-4, and R-4A on the effective date of the Ordinance shall not be
4311 deemed to be non-conforming and shall be developed and used in accordance with the
4312 provisions of this Chapter applicable to such districts." That means that if property is already
4313 zoned to one of those districts, this amendment will have no effect on it at all. We're not
4314 removing those districts from the Ordinance. We are not changing the development standards
4315 or the densities or the setbacks or anything else for those districts. The statement is simply
4316 that the Board will no longer consider rezonings to those districts.

4317

4318 On the other ordinance, the two-page ordinance, 24-12.1(a), essentially, the same thing is
4319 done for controlled density development. As of now, those developments are permitted by
4320 Provisional Use Permit. This amendment would begin by striking that paragraph A so that
4321 they would no longer be permitted by Provisional Use Permit. And, then in the
4322 Developmental Standards in 24-95, adding a sentence at the end of the paragraph on the
4323 approval procedures stating, "Controlled Density subdivision plats may only be approved for
4324 developments which had received approval of a Provisional Use Permit for controlled density

4325 development on or before the effective date of the ordinance...” So, again, anything that
4326 already has been developed or anything that already has a Provisional Use Permit for
4327 controlled density would not be affected by these amendments in any way. The Board would
4328 simply be stating that in the future they will not consider applications for new controlled
4329 density developments.

4330

4331 And, that is the end of my presentation. I believe you’re going to have a rather heated policy
4332 debate, but from the technical side, I think this is fairly cut and dried.

4333

4334 Mr. Vanarsdall - All right, any questions for Mr. Blankinship by Commission members?

4335

4336 Ms. Dwyer - Mr. Blankinship, could you give a little history of how this came to be
4337 before us, today?

4338

4339 Mr. Blankinship - Certainly. Probably, the best way for me to do that is to read the Board of
4340 Supervisors’ Resolution. “WHEREAS, on January 27 and 28, 2000, the Board of Supervisors
4341 and Planning Commission held a retreat to study future land use in the County and the
4342 relationship of residential growth to service demands and physical impacts; and

4343

4344 WHEREAS, the Board has become increasingly concerned with the pace, density, and quality
4345 of residential development and its impact on the ability of the County to maintain balanced
4346 growth, and to officially deliver high quality services to County residents, and;

4347

4348 WHEREAS, the Board has been made aware of various problems caused by small lot
4349 development and by the reservation and maintenance of common areas and environmentally
4350 sensitive areas in many subdivisions; and

4351

4352 WHEREAS, the Board believes that the Zoning Ordinance contains too many zoning
4353 classifications for one family residences; and

4354 WHEREAS, the Board desires to reduce the number of One-Family Residence Districts, and
4355 to eliminate future controlled density development in order to promote balanced growth and
4356 high quality residential growth, and thereby facilitate the creation of convenient, attractive,
4357 and harmonious communities;

4358

4359 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it directs the
4360 Planning Staff to prepare, and the Planning Commission to review amendments to the
4361 Rezoning Ordinance to eliminate future controlled density development and R-3A, R-4, and R-
4362 4A One Family Residence Districts.”

4363

4364 That pretty well sums up the Board’s position that they have found enough concern with large
4365 houses on small lots that they believe the residential zoning districts that allow for the smallest
4366 lots; the three classifications of the smallest lots should no longer be included in requests.
4367 And, also, the Controlled Density Development which allows smaller lots in exchange for
4368 reserved open space should no longer be considered.

4369

4370 Mr. Marlles - Mr. Blankinship, I also think its true that no other County in the region
4371 has as many single family districts that permit lot sizes less than 12,000 square feet. I believe
4372 there are five single family districts now that currently provide lot sizes less than 12,000
4373 square feet. I believe our neighboring jurisdictions, perhaps, Hanover might have one, and
4374 Chesterfield might have one. Is that right, Mrs. Hunter? Yes. That's correct.

4375

4376 Mr. Vanarsdall - Also, adding to that, Mr. Secretary, Chesterfield County; theirs is 12,000
4377 square feet. This would leave Henrico with 11,000 square feet.

4378

4379 Mr. Blankinship - Yes sir. That's correct. The R-3 District would still allow 11,000.

4380

4381 Mr. Vanarsdall - Right. So, we're still below them also? All right any more questions by
4382 Commission of Mr. Blankinship? If not, this is a public hearing, and we'd be glad to hear
4383 from any one who wants to speak. Come down and state your name. Glad to hear from you.
4384 Come on down.

4385

4386 Ms. Barbara Rose - As I stated earlier, I'm here on behalf of HAHP which is Henrico
4387 Affordable Housing Partnerships. This is a new group gathered in January of 2000 by
4388 Reverend Lisa Sikes, consisting of representatives from numerous faith communities; non-
4389 profit housing organizations, and citizens.

4390

4391 The group is concerned with affordable housing, and its availability in Henrico County. And
4392 it seeks partnerships, both with government, businesses, developers on such housing issues.

4393

4394 I'm here, today, to express HAHP's concern over this proposed ordinance to eliminate the
4395 three smallest single family lot zoning districts. The first is the increased cost which will
4396 result. The proposed increased lot size is approximately 30 percent. The minimum of 7,750
4397 square feet. It will now be 11,000 square feet. The lot width change is over 33 percent
4398 increase from a minimum of 60 feet, to 80 feet. What does this do to costs? Assume that the
4399 same percentage increase, about 33.3 is passed onto the cost of a home and the average cost of
4400 a first home for a first homebuyer in Henrico is about \$120,000. Such cost would increase to
4401 \$160,000.

4402

4403 We're concerned about the potential negative impact on the ability of the County non-profit
4404 organizations and developers to address affordable housing for all, especially, the elderly,
4405 immigrants, minorities, single-family households, and police and fire workers on limited
4406 budgets.

4407

4408 We're concerned that there's been no study of the pros and cons of this measure and of
4409 alternatives. And, yet, as was recorded in last Sunday's Richmond Times-Dispatch, this is a
4410 very complex area of growth and land use planning.

4411

4412 It also raises various issues. Flexibility. Does this measure reduce flexibility? Is there an
4413 allowance here where, for increased density where the character of the development warrants
4414 as we just discussed in the previous ordinance amendments?

4415

4416 Sprawl: Does this measure encourage sprawl and inefficient use of land resources; increased
4417 costs, which I already addressed? It may also go to infrastructure and roads. More miles of
4418 roads have to be built.

4419

4420 Quality of life. What about green space? Open space. Preservation of Farms. Woodlands.
4421 Traffic concerns and environmental concerns.

4422

4423 Is it consistent with Henrico's Strategic Plan? More particularly on Page 16, the Community
4424 Development Goals, No. 2 reads, "...to provide residents opportunities which will
4425 accommodate a variety of housing types for all people.:" And on Page 17, the Objectives.
4426 "Encourage diversity of housing by type, density and price range."

4427

4428 Because of these concerns and issues, HAHF asks you defer action on these amendments and
4429 ask for a study by staff to address the issues raised above, to address other jurisdictions
4430 approaches, which comments I think you already have some information. To explore other
4431 studies on approaches to these issues; including Loudon County, Hanover County's recent
4432 ordinance on a new residential plan. Address ways to add flexibility and density and lot size
4433 where the character of the development warrants it. And to work with the other jurisdictions
4434 in a regional effort to address growth and land use planning, including affordable housing.

4435

4436 I would mention a recent affordable housing project that I just visited with a group from
4437 HAHF this weekend; Winchester Green in Chesterfield County. I don't know if this plan,
4438 what it would do to that community. It's amazing architecturally. The services there are state
4439 of the art, over \$3 million day care center, community services onsite townhouses. If you
4440 haven't seen it, I encourage you to go see it.

4441

4442 Alternatively, even if you were to go forward with this and not recommend deferral and
4443 studies, we ask that you recommend a study as outlined above to include Henrico as the leader
4444 in a regional effort to address growth and land use planning, regionally, which will
4445 accommodate a variety of housing of all types for all people. I thank you.

4446

4447 Mr. Vanarsdall - Do you spell your name, "Rose?"

4448

4449 Ms. Rose - Yes. Just like the flower.

4450

4451 Mr. Vanarsdall - Any questions of Ms. Rose?

4452

4453 Mr. Archer - Ms. Rose, you stated, I think I wrote this down correctly, the average first
4454 home buyer is \$120,000?

4455

4456 Ms. Rose - I said, "Let's assume that." I have, in talking to various developers, I
4457 have heard that there is a range. Now, of that, although I am aware that off of Parham and
4458 going out towards Woodman, there's some homes in the \$110,000 range.

4459

4460 Mr. Archer - I'm sorry, I didn't mean to misquote you. I thought that was the figure
4461 you were stating.

4462

4463 Ms. Rose - Any other questions? Thank you.

4464

4465 Mr. Vanarsdall - Thank you, Ms. Rose. Any one else? Come on down. Glad to hear from
4466 you.

4467

4468 Ms. Jackie Atiyeh - Good afternoon. My name is Jackie Atiyeh, and I'm the President of the
4469 Richmond Association of Realtors. On behalf of the 3,300 members of the association, many
4470 of whom live and work in Henrico County, I stand in opposition of the proposed future
4471 elimination of R-3A, and R-4, and R-4A One Family Residential Districts.

4472

4473 In the resolution directing the Planning Staff to prepare the document we discussed here,
4474 today, the Board of Supervisors indicated that their desire to promote balanced growth, and
4475 high quality residential growth, and thereby, facilitate the creation of convenient, attractive
4476 and harmonious communities, I submit that if balanced growth and convenient communities
4477 are the stated objectives, then eliminating R-3A, R-4, and R-4A should not be upheld.

4478

4479 First, take the issue of convenience. If this amendment to the Zoning Ordinance passes, the
4480 result will be fewer homes, on bigger lots. Gone will be the option for infill development.
4481 Gone will be the option to cluster homes around preserved open space. What we will have is
4482 an abundance of, however, is traffic.

4483

4484 Owning your own home is the moniker of the American dream. And people will not give that
4485 up easily. Rather, they will drive longer, and further to work, thereby, increasing traffic and
4486 generating even greater needs for improvements to existing roads, as well as the creation of
4487 new ones.

4488

4489 Why should it come to this? Why not give developers the flexibility to respond creatively to
4490 market opportunities and give the public greater choices about where they live and how much
4491 house they chose to purchase?

4492 Next, the issue of balanced growth. Without these zoning classifications, thousands of
4493 Henrico residents will be unable to own their own home. Moreover, new starter homes would
4494 be a thing of the past. A proposal that would drive up the cost of new homes construction, as
4495 with the proposal before you, denies entry into the housing market for thousands of individuals
4496 who fall below a certain economic level.

4497

4498 That's not balanced growth. That's not reflective of the aspirations of the County's
4499 comprehensive land use plan which calls for the safe, and adequate housing for all economic
4500 levels. And it flies in the face of one of the tenants of our Association, which is to promote
4501 equal housing opportunities for all people.

4502

4503 In the interest of sustained economic development, a continuation of the excellent quality of
4504 life enjoyed in this County, and the opportunity for people of all economic levels to achieve

4505 the American dream in Henrico, I urge you to reconsider the proposal before you. Thank you.
4506

4507 Mr. Vanarsdall - How do you spell you last name, Jackie?

4508

4509 Ms. Atiyeh - ATIYEH.

4510

4511 Mr. Vanarsdall - I've seen it. And you're at Henrico Realtors?

4512

4513 Ms. Atiyeh - Pardon? I'm President of Richmond Association of Realtors of the
4514 Richmond Area.

4515

4516 Mr. Vanarsdall - Thank you. Any questions?

4517

4518 Ms. Atiyeh - Thank you very much.

4519

4520 Mr. Vanarsdall - All right, who wants to be next?

4521

4522 Mr. Tingley - Good afternoon, Mr. Vanarsdall, and members of the Commission.

4523

4524 Mr. Vanarsdall - Mr. Tingley.

4525

4526 Mr. Tingley - My name is Clement Tingley. I am Past President of the Homebuilders
4527 Association. Clarke Jones, who is our legislative chairman, and who would normally be here
4528 to speak to you today is unable to be because of the death of a close friend. And I've been
4529 asked to speak on behalf of the Homebuilders Association.

4530

4531 Henrico County and the Homebuilders Association have had a long history of working
4532 together. I think most recently, we worked together on the problem with regard to flag lots.
4533 And, together, I think we found a good solution to that problem; one that solved the problem,
4534 and, yet, at the same time, did not become an overly burdensome regulation on the industry.

4535

4536 As I listed to the Resolution that sent issue to the Planning Commission, there was a fairly
4537 extensive problem statement, and, only one solution. And I truly believe that there are other
4538 solutions that we can find together that would offer more opportunities and more flexibility
4539 and not preclude the ability to provide housing at a reasonable price in Henrico County.

4540

4541 I echo some of the comments that were made by Mrs. Rose with regard to the impact this will
4542 have to the first time homebuyer in the County. As y'all pointed out, you do have a large
4543 number of apartment dwellers in this community. And, if you increase the entry level price
4544 for a new home, surely, basic economic principles say that resale homes will increase in value
4545 as well; therefore, making it that much harder for many of your residents to be able to
4546 purchase a new home.

4547

4548 So, I would ask that you defer this, and we try and develop some flexible alternatives that will
4549 address both your concerns and our concerns. The big picture is in the Richmond

4550 Metropolitan Area in the next decade, if you believe the population forecast by the Virginia
4551 Employment Commission. There's probably going to be a demand for about 45,000 new
4552 units. That's 4,500 units a year. And, they have to be put somewhere. Either that, or we
4553 have to face economic stagnation, because our industry, in fact, responds to job growth. That
4554 is what's creates the demand for housing.

4555

4556 And I believe, again, echoing Mrs. Rose's remarks, that its time for the region to look at the
4557 housing needs instead of each local government pursuing their parochial interests in excluding
4558 opportunities for affordable housing. And, we have some other people who are going to speak
4559 on behalf of the Association. Judy, did you want to speak to the land use issue?

4560

4561 Mrs. Quesinberry - Just ask you a question before you sit down, Mr. Tingley. And the
4562 previous two speakers might want to say something about this as well. But, I'm hearing terms
4563 like, "entry level new home," "first-time homebuyer," and "affordable housing." I'm not
4564 sure what the definitions are and this may not be the forum to discuss those, but my question
4565 is, "Can you not build those in an R-3?" Your preface here is, that without the other zoning,
4566 that those things would be impossible?

4567

4568 Mr. Tingley - May I run the numbers for you?

4569

4570 Mrs. Quesinberry - Yes.

4571

4572 Mr. Tingley - Let's just say for the sake of argument, I think this is a fair estimate that
4573 right now, the price for an entry level new home lot is about \$30,000. Last year, I was
4574 offered some lots over on Telegraph Road at \$30,000. So, let's use the number \$30,000. In
4575 eastern Henrico, they're probably a little bit less. A little more in western.

4576

4577 And, that's based on a 60-foot lot. If you go to an 80-foot lot, that is a one-third increase.
4578 That means that the value of the lot, the cost of the lot has to go up one-third. So, that means
4579 that lot is going to go from \$30,000 to \$40,000. That will be the typical first-time homebuyer
4580 lot in Henrico County.

4581

4582 Mrs. Quesinberry - What you're saying then, an R-3 lot—11,000 square feet, that you could in
4583 R-3 would be \$40,000?

4584

4585 Mr. Tingley - Well, this is a hypothetical example. I mean, obviously, that's a
4586 function of the market. But, what I'm saying is, that if, right now, you can build on a 60-foot
4587 lot, minimum, if you go to a minimum of an 80-foot lot, the impact is going to increase the
4588 cost of the available lots by one-third. Okay. And that number is somewhere around
4589 \$40,000. And, then, are you with me?

4590

4591 Mrs. Quesinberry - Yes. I'm not sure I accept that, but go ahead.

4592

4593 Mr. Tingley - Okay. And, then, the rule of thumb in our industry is that the cost of
4594 the package; the home and lot, has to be four to five times the cost of the lot in order for there

4595 to be an appropriate perceived value. And, then you have something that costs \$120,000m
4596 with a \$100,000 lot and you have a \$10,000 garage on it. But nobody's going to pay
4597 \$120,000 for that.

4598

4599 And, so, the house has to be in proportion to the price of the lot. Hence, the rule of thumb
4600 that it should be four to five times. That means that, if the price of the house goes up
4601 \$10,000, then the price of the home package that's put on the lot is going up four to five times
4602 that \$40,000 to \$50,000. It's a very significant impact.

4603

4604 Ms. Dwyer - Mr. Tingley, he suggested that we be regional in our approach to this.
4605 As I heard in the opening remarks, even if we eliminate these three zoning classifications,
4606 Henrico will still allow a single-family building lot that a 1,000 square feet smaller than the
4607 smallest building lot that's allowed in Chesterfield County. Are you saying that Chesterfield
4608 County has no affordable housing?

4609

4610 Mr. Tingley - Chesterfield County, like Henrico County, has an inventory of already
4611 zoned land.

4612

4613 Ms. Dwyer - There existing ordinance, the smallest lot is 12,000.

4614

4615 Mr. Tingley - I understand. But, they have an existing inventory of land that has
4616 already been zoned. I have a community that I'm building in down there right now. And, I
4617 have 7,000 square foot lots. But, once that inventory is gone, and its being worked through
4618 right now, you will see significant increases in housing costs in Chesterfield County. And
4619 y'all have an inventory too. And I'm not saying that it's right what Chesterfield County is
4620 doing. And that's why I think that we need to sit down and look at the regional needs. If
4621 there are 45,000 new homes that need to be built in various price ranges each year, where are
4622 they going to be built?

4623

4624 Ms. Dwyer - Mr. Marlles, there seems to be somewhat of an assumption that Henrico
4625 does not have affordable housing. And, I think I heard you mention earlier that, in your view,
4626 is not the case. I know you don't have the resources and statistics in front of you, but if you
4627 could just let me know what your thoughts are on that?

4628

4629 Mr. Marlles - Ms. Dwyer, members of the Commission, Mrs. Rose did say something
4630 that I do agree with, and that is, housing markets and affordable housing have to be looked at
4631 on a regional basis. I think when you look at the figures, I think it will prove out that Henrico
4632 has more than its fair share of affordable housing, both in terms of rental and single-family
4633 units. I think, next to the City of Richmond, we have the highest number of subsidized
4634 housing units. I think the figure was already thrown out. We have 30,000 apartments, versus
4635 Chesterfield 10,000 apartments. I think when you compare those figures, I think the
4636 perception that people have in Henrico is very different than actually what the numbers show.
4637 I think we do have more than our fair share of the regional affordable housing market. I think
4638 the numbers will bear that out.

4639

4640 Ms. Dwyer - Thank you.
4641
4642 Mr. Vanarsdall - Thank you. What did you say; 45,000 buyers per year?
4643
4644 Mr. Tingley - There's a demand for about 4,500 housing units a year.
4645
4646 Mr. Vanarsdall - Oh, 4,500.
4647
4648 Mr. Tingley - Forty-five thousand (45,000) in the next decade.
4649
4650 Ms. Dwyer - In where, the region, the County?
4651
4652 Mr. Tingley - In the Richmond Metropolitan Area.
4653
4654 Ms. Dwyer - Okay.
4655
4656 Mrs. Quesinberry - Starter, first-time houses, or just housing in general?
4657
4658 Mr. Tingley - Across the entire spectrum.
4659
4660 Mrs. Quesinberry - Across the package. Okay.
4661
4662 Mr. Vanarsdall - Yes sir, Mr. West.
4663
4664 Mr. Junie West - Mr. Chairman, members of the Commission, my name is Junie West.
4665 I'm not sure if I'm representing the Homebuilders or Timmons or myself, but I'm here. I'll
4666 give some thoughts to the understanding the objectives. And I've given a lot of thought to the
4667 objectives of the elimination of the zoning districts.
4668
4669 The overall assessment of what we have in the County currently, I don't think that I'm
4670 opposed that we've got too many zoning districts. There's a lot of residential zoning districts,
4671 and sometimes they get confusing, quite frankly.
4672
4673 But, the concern that I've got, is we've got a zoning ordinance that was developed in the
4674 1960's. And we're developing product 40 years later that is quite a bit different house than it
4675 was 40 years ago. And I think that real studying of the products that are needed in the housing
4676 market, and the lots that accommodate those houses is the real way to go with the evaluation.
4677
4678 Now, I don't have the answer to say, you take a cleaver and you chop off this side of the
4679 spectrum and that's the way it is. I personally don't think that's the most talented way to
4680 accomplish reorganization or restructure of the ordinance. I don't have that answer right now
4681 because I haven't really viewed it.
4682
4683 We talk about the bordering counties. And I like to think that the relationship that we've had
4684 over the past 20 years with our organization and the County and the homebuilders in the

4685 County has been one that I really like the other counties to look at Henrico and say, “We did it
4686 right.” And, I think we have.

4687

4688 The concern that I’ve got is I don’t have the answer. I understand the objectives and I think
4689 that deferral of the action to try to present some solutions and answers is the proper fashion in
4690 which to look at this. Is this going to promote sprawl? Is it going to promote quality? I don’t
4691 really have the answer to that, but we’re talking about taking action on an issue that we really
4692 don’t know the results of. And, I think that’s where I am at this point of the representation.

4693

4694 I’ve thought for probably 5 years now that we need to take a look at the product that’s being
4695 built and the product that’s being demanded by the citizens in the way the housing,
4696 themselves, structure the Ordinance towards that. And I think we’ll find out a bit better of
4697 how the Ordinance should look at that point. And I think that would develop with work
4698 sessions with the staff work sessions, with the people who are providing the houses, and the
4699 people who are buying the houses.

4700

4701 Mr. Vanarsdall - Let me ask you this. You may not know the answers. I don’t.
4702 Throughout Henrico County and some parts of Henrico County, you can go down a block and
4703 won’t find two houses that are owned. They are absentee landlords. Some of them are run
4704 down where no one should have to live in them. Do you think this would make those people
4705 “pretty up” their homes, make them more livable? I mean, you know, if you can rent
4706 something, why do something to it? Do you think this is going to have any kind of adverse
4707 effect on that?

4708

4709 Mr. West - I don’t know.

4710

4711 Mr. Vanarsdall - I don’t either. I just thought I’d throw that out.

4712

4713 Mr. West - I really don’t know.

4714

4715 Mr. Vanarsdall - I wished it would.

4716

4717 Mr. West - Yes. I think where we are, today, is an understanding of the objectives,
4718 in trying to figure the most quality approach to meeting those objectives.

4719

4720 Mr. Vanarsdall - Okay.

4721

4722 Mr. West - I am convinced that chopping the districts off is not the highest quality
4723 approach from a land planing perspective.

4724

4725 Mr. Vanarsdall - Any one else have any questions for Mr. West?

4726

4727 Ms. Dwyer - So, Mr. West, you’re saying, we have an antiquated ordinance that’s not
4728 reflective of the kinds of housing products that are typical today or available today, and maybe
4729 we should take a comprehensive look at our Zoning Ordinance, not just, you know, surgery

4730 with a chain saw, and just go in and be a little more precise and specific about what changes
4731 need to be made.

4732

4733 Mr. West - I think there are definite portions of it that are antiquated that need to be
4734 looked at. Tri-level housing was great in the 70's, but you never see any built today. And, its
4735 just an example of developing the ordinance around the product. It's never made sense to me
4736 to develop the lot, and figure how to get a house to fit on that lot. If you know what the
4737 product is and you talk to the major homebuilders what the product is, it only seems fitting to
4738 me that the lot should fit the product, and not the other way around. And, I think we can
4739 understand that product, and understand the real need of "What is affordable housing lot
4740 size?" I don't know the answer to that standing here. I really don't.

4741

4742 Mr. Vanarsdall - I don't either.

4743

4744 Ms. Dwyer - It could be R-3.

4745

4746 Mr. West - You know, it might be R-1, but it might be R-4, you know. That's a
4747 drastic change. But, I try to be objective and try to get to the end result and the proper
4748 answers and I just don't think we have them. But I think that we don't know that we're
4749 making a quality decision by chopping off several zoning districts. I think, in combination
4750 with understanding what the objectives are, and revisiting the setbacks, lot widths, in the
4751 various zoning districts, my instinct says that if we have too many zoning districts, and you
4752 don't need them all, but which one's do we need, and how should they be revised? I would
4753 think there's a value in revising some of them.

4754

4755 Ms. Dwyer - I don't disagree that we could use a comprehensive look at our zoning
4756 ordinance.

4757

4758 Mr. West - And I don't mean that we have to take the whole Ordinance. Obviously,
4759 you can take that section of the classification of the lots and the zonings and I think do some
4760 real positive things with it.

4761

4762 Mr. Vanarsdall - Thank you, Mr. West. Anybody else?

4763

4764 Mr. Glenn Moore - Mr. Vanarsdall, I'm Glenn Moore. I'll try to be very brief. I know the
4765 Commission is aware is that both the State law mandates that localities provide affordable
4766 housing, and the Comprehensive Plan of Henrico also requires that. And, I'm not suggesting,
4767 I don't know it could absolutely be said that these changes mean that there is elimination of
4768 affordable housing or even an adverse effect. I think that it could be possible. But, I merely
4769 state that to remind you that those requirements need to be satisfied.

4770

4771 I've heard a lot, Mrs. Rose, and Mrs. Atiweh also about more flexibility in single family
4772 development. And I really believe if these districts are going to be eliminated, or even if
4773 they're not going to be eliminated, for that matter, the single-family zoning ordinance districts
4774 could benefit by some restructuring in some manner.

4775 I was talking to Delmonte Lewis a minute ago. We were talking about Chesterfield County,
4776 Ms. Dwyer, and you mentioned the minimum size lot in Chesterfield County. But, in
4777 Chesterfield County, you can apply for a conditional use permit, or a conditional use for a
4778 plan of development, and you can go beneath those lot sizes. That opportunity is available.
4779 Now, the Planning Commission and the Board don't have to approve those requests.
4780 Obviously, they extract quality standards before they grant them, I'm assuming. I think
4781 something like that is something that Henrico County could benefit from.

4782

4783 Hanover County, just in the last 30 days, adopted; they've eliminated, as I understand, I was
4784 just there the night that they did this, have been following it somewhat in the paper. But what
4785 they have done is eliminated their R-1, R-2, R-3 Districts, and now have something called an
4786 RS District. And, basically, there is really not a minimum size lot per se. You, basically, can
4787 come in and ask for a density which is consistent with what's in the immediate area of that
4788 property, because the Board's not going to approve anything that exceeds that, I wouldn't
4789 think. But, if you want to, let's say, cluster lots or cluster houses to save trees or save Civil
4790 War trenches, something like that, you're allowed to do that.

4791

4792 You really can't do that with the zoning districts that you have in Henrico County. And,
4793 particularly, with the elimination of the controlled density. That did allow us for some
4794 flexibility, if this amendment is adopted, is going to be eliminated.

4795

4796 So, I think it would be a good idea. Regardless of whether or not these changes are approved,
4797 if something like that, that would benefit both developers. I'll acknowledge, on behalf of the
4798 development community, that it can benefit developers, it can also benefit localities to look at
4799 how you require single-family development to be done. I'll be happy to answer any questions
4800 you might have.

4801

4802 Mr. Vanarsdall - Any questions for Mr. Moore? Thank you.

4803

4804 Mr. Condlin - Mr. Chairman, members of the Commission, my name is Andy Condlin,
4805 with Williams, Mullen. I'm here on behalf of a group I've appeared here on behalf before in
4806 front of you; the Greater Richmond Association for Commercial Real Estate. I've received
4807 Board support to request that this proposal be deferred. You might ask, "Well, its commercial
4808 real estate. What's your interest in residential?" Obviously, I've appeared before you
4809 representing residential. But, from a commercial standpoint, as has been expressed before,
4810 commercial growth and a healthy economic environment is contingent upon, and is desperate
4811 for good quality and affordable housing. The two work hand in hand. I've got to tell you.
4812 There's a number of smart people that have stepped up here before, that are a lot smarter than
4813 me, that can handle and understand all these nuances and the effects of what would occur.
4814 The brutal and honest truth is, we've had absolutely zero time. I only received the ordinance
4815 just less than a week ago; a few days ago. The primary concern of most of my clients was,
4816 "Was there going to be a grandfathering?" And the second concern was, "What's the effect
4817 from here on in for property that's A-1 that we want to develop residentially, what's going to
4818 be the impact?" I didn't have an answer. Our support staff didn't have an answer, because
4819 we haven't had an opportunity yet to consider these issues.

4820

4821 I would also reiterate what Mr. Moore had said. Hanover is actually studying, and I do not
4822 believe its been passed yet, what we call "a sliding scale" for residential, where it's actually, if
4823 you do four of the following seven or eight items, you can get "X" percent increase in density.
4824 You know, they have groupings like that. Again, there's many alternatives that, as Junie
4825 said, a matter of just chopping them off. It may not be the best quality and the best answer for
4826 what we want to accomplish and what our goals are. That's all I have. Again, I would
4827 reiterate request for deferral and I'd be happy to answer any questions.

4828

4829 Mr. Vanarsdall - Any questions for Mr. Condlin? Thank you, Mr. Condlin. Any one else
4830 like to speak?

4831

4832 Mr. Gene Watson - Good afternoon.

4833

4834 Mr. Vanarsdall - Good afternoon, sir.

4835

4836 Mr. Watson - I'm Gene Watson, and I am here as a citizen of Henrico County.

4837

4838 Mr. Vanarsdall - did you say, WATSON?

4839

4840 Mr. Watson - WATSON, yes.

4841

4842 Mr. Vanarsdall - Gene?

4843

4844 Mr. Watson - Yes. I've been a longtime resident of Henrico County. But for 15 years
4845 moved around the country and moved in several other locations. And, I can tell you, it was a
4846 pleasure to come back to Henrico County. And, I appreciate what you have done, in your
4847 Commission, over the years to maintain the quality of life in Henrico.

4848

4849 I'm also a member of the Mission and Outreach Committee of River Road Presbyterian
4850 Church. And have been involved in refugee re-settlement. And have recently worked with a
4851 family, and we had a very difficult time finding, in our community of western Henrico,
4852 affordable housing. And, that family has recently moved out of the area because they felt
4853 through their network of folks that they could find more affordable housing elsewhere.

4854

4855 And that led me to get involved in this issue. And I've become involved in the Henrico
4856 Affordable Housing Partnerships to find out what is the situation with affordable housing in
4857 the County. And, I'm here, today, just to say that I'm concerned to learn that measures are
4858 being taken that may remove the flexibility of the non-profit and development community to
4859 develop low income or affordable housing in the future.

4860

4861 I know their zoning now will stay the way it is, but as the County continues to grow, I would
4862 like to see it be a place that will attract diversity, and have housing that meets those needs. I
4863 would like to see a study performed on how this amendment will affect the ability of the
4864 County to meet the housing needs of our community? And ensure that we will be able to

4865 continue to attract diversity in our community, with a regional housing market that meets the
4866 needs of everyone.

4867

4868 I know there's concerns about what the neighboring counties are doing. And that concerns me
4869 even more than all of the areas; all of the counties in this area may be taken steps, moving
4870 away from allowing affordable housing to be developed in the future. And I would like to see
4871 Henrico take a leadership role in seeing that the region, as a whole, is responsive, and
4872 certainly that Henrico County is as well. Thank you.

4873

4874 Mr. Vanarsdall - Mr. Watson, can I get the name of your organization again, Richmond
4875 what?

4876

4877 Mr. Watson - I'm a member of the Commission and Outreach Committee of River Road
4878 Presbyterian Church, and I'm a member of the Henrico Affordable Housing Partnerships.

4879

4880 Mr. Vanarsdall - Let me ask you this, if the family that had to move out of the area, did
4881 they only look for a house in Henrico County?

4882

4883 Mr. Watson - Did they only?

4884

4885 Mr. Vanarsdall - The family that you spoke about that had to move out of the area because
4886 they couldn't find a home, did they just look in Henrico County, or did they look in Richmond
4887 and all the surrounding counties?

4888

4889 Mr. Watson - They were primarily looking in the western Henrico area, because that's
4890 where they had settled and had their children in school and wanted to try to stay in this area.

4891

4892 Ms. Dwyer - Were they looking for a home to purchase? Is that what they couldn't
4893 find?

4894

4895 Mr. Watson - They were looking for purchase or rental property. Initially, rental would
4896 be the issue. We were subsidizing their rent through our committee to help them become
4897 established, and they felt they could move elsewhere, become independent more quickly.

4898

4899 Ms. Dwyer - I mean, I think the Commission certainly is interested in having a variety
4900 of housing, and a diversity of housing, and interested in having affordable housing, and an
4901 asset, because I participated with my Church also in the re-settling of a Kosovo family and we
4902 didn't have any trouble finding affordable rental housing in western Henrico County. So, I
4903 just wanted to add that...

4904

4905 Mr. Watson - Well, I wasn't involved in the actual search, but I just know the result of it
4906 was that, this family felt very strongly. You know, a lot of its perception that they could find
4907 more affordable housing elsewhere and decided to relocate. We were sorry to see them go,
4908 because we had been working with them for three years.

4909

4910 Ms. Dwyer - We need to make sure that we're grounded in facts, too.
4911

4912 Mr. Watson - I understand.
4913

4914 Ms. Dwyer - That's why I was asking Mr. Marlles what the data tells us. I mean, I
4915 think we need to avoid the perception that there is not, necessarily, enough affordable housing
4916 in Henrico if, in fact, there is.
4917

4918 Mr. Watson - I agree.
4919

4920 Mr. Vanarsdall - Thank you, Mr. Watson. Any one else like to speak? Yes sir.
4921

4922 Mr. Rob Shawbell - Good afternoon. Rob Shawbell. I'm a new resident in Henrico and also...
4923

4924 Mr. Vanarsdall - I didn't catch your name. You gave it to me too fast.
4925

4926 Mr. Shawbell - Rob Shawbell.
4927

4928 Mr. Vanarsdall - Thank you.
4929

4930 Mr. Shawbell - I'm also a new homebuyer, so I'm somewhat familiar with the prices of
4931 homes. And, first, just want to reiterate the concern that raising the lot size might eliminate
4932 access to new homebuyers.
4933

4934 As someone who is married to someone who has a good job, and make a good income, I know
4935 the concessions we had to make and decide what we can afford, and just did not end up buying
4936 an extravagant home. But just wonder what could someone on a lower income get. Would
4937 they be able to get something that's decent.
4938

4939 The second concern is, you hear lots of talk from members of the Commission on, "Here's
4940 what we're doing compared to Chesterfield and Hanover." And I know those should be
4941 benchmarks, but I haven't heard anybody say, what we're doing in response to the need.
4942 And, so would ask the Commission to make decisions also considering that, not just what
4943 others are doing.
4944

4945 And, I wanted to ask Ms. Dwyer, I guess it is, you said you participated in settling a family
4946 and did not have difficulty finding affordable housing?
4947

4948 Ms. Dwyer - Right.
4949

4950 Mr. Shawbell - Do you recall how much the rent was that they were going to pay for that
4951 family, or did they purchase a home, or what was it?
4952

4953 Ms. Dwyer - It was rental housing off of Quioccasin Road. It was on the bus line.
4954

4955 Mr. Shawbell - And do you recall the price range that they settled on?
4956

4957 Ms. Dwyer - I can't quote you that right now. If you call me, I can find out. I don't
4958 want to quote something I can't recall.

4959

4960 Mr. Shawbell - I thought maybe you'd have a ballpark figure. Thank you.
4961

4962 Mr. Vanarsdall - Thank you. Any one else? Mr. Marlles, I think it would be in order for
4963 you to state what you stated in the beginning of this hearing as what our role in this today is.
4964

4965 Mr. Marlles - Mr. Chairman, I think the Resolution that Mr. Blankinship read as part of
4966 his presentation makes it clear that the Board of Supervisors feels strongly on this measure. I
4967 believe it sends a strong message to staff that we are to move forward on this proposal, and
4968 bring it to the Board as soon as possible. That's, at least, the way that staff interprets the
4969 directive.

4970

4971 Mr. Vanarsdall - Mr. Blankinship, is that your interpretation?
4972

4973 Mr. Blankinship - Yes sir.
4974

4975 Mr. Vanarsdall - All right. All right, then, we appreciate all the input and all the remarks.
4976 We'll need a motion now to forward this to the Board of Supervisors, and then you'll be
4977 notified when they will put this on their agenda. Is that right?
4978

4979 Mr. Archer - Mr. Chairman, before we move, I have mixed emotions about what it is
4980 we're being asked to do, because I can't help but concur with a lot of the things that have been
4981 said by many of the speakers who came up today. And, I want to make sure that they
4982 understand that we've been directed by the Board to move something forward that you all will
4983 at least have the opportunity to speak on again. We're not making this decision today. But,
4984 we're being asked to make a recommendation to the Board. This is probably, I guess, in my
4985 view, one of the toughest issues I've had to face since I've been on this Commission. And,
4986 you know, I lend a lot of credence to what Mr. West was saying about the fact, that a lot of
4987 our classes maybe anything has been around since the early 60's, I suppose, could be
4988 considered antiquated, to some degree. And, I don't know what the right approach to this is.
4989 This might be the right approach. I just don't know, to be honest with you.
4990

4991 But I think somewhere between now and the end of all of this, or, at least, I hope we can find
4992 a resolution that will be amenable to the Homebuilders and to everybody who spoke on this. I
4993 think this is an issue that's probably going to take a lot of compromise. And that compromise
4994 might have to come in the form of Homebuilders maybe having to lower their profit margins a
4995 little bit to try to make sure we look at this equitably from both sides.
4996

4997 This is one I think is going to be difficult, just snap your fingers and make it go away. And I
4998 don't know why I said all of that, except I felt like I had to say it.
4999

5000 Mr. Vanarsdall - I agree with you, Mr. Archer. And this does not mean because we're
5001 sending it to the Board does not mean the Board's not going to have a hearing and not going to
5002 change their mind, or change different things on it. It just means that we're sending it on for
5003 them to handle.

5004

5005 Mr. Archer - I think that's really what I was trying to convey.

5006

5007 Mr. Vanarsdall - The staff is not going to do any kind of work session for us, but I'm sure
5008 that y'all will be ask to do a work sessions for the Board. So, my role is very clear on what
5009 my instructions are.

5010

5011 Mr. Archer - I understand that, and I think what I'm trying to say is that, the speakers
5012 need to be aware that the meatiest portion of your presentation will have to be preserved for
5013 when the Board meets on this, because they'll be the ones to make the final decision. But, we
5014 have been given a mandate to pass this resolution. I just wanted to make sure everybody
5015 understands what the process is, as I understand it, now.

5016

5017 Mr. Vanarsdall - I appreciate your opinion and your comments, Mr. Archer.

5018

5019 Mrs. Quesinberry - I would just like to make another comment about, I really appreciate
5020 everybody we heard from today. I certainly understand the concerns. This Resolution is not
5021 all about affordable housing, or first time homebuyers, or any of those things. It's not aimed
5022 at them, or against them, either one. It's not about that.

5023

5024 I don't think we have seen or heard anything that would give us any reason to believe passing
5025 this Resolution to eliminate R-3A, R-4, and R-4A would prevent affordable housing in any
5026 way, shape or form. But, one thing that I believe to be true, is that, although it won't cure all
5027 the ills that we see in our Zoning Ordinance, it will, I think, improve the quality of what we're
5028 seeing in our housing development, and in our single-family housing. So, I think there's some
5029 merit there that needs to be pointed out.

5030

5031 Mr. Vanarsdall - All right. Thank you. Any one else? All right, then we'd like to vote on
5032 it. I'll need a motion and a second.

5033

5034 Mrs. Quesinberry - This is a motion to approve the resolution and to send it to the Board, Mr.
5035 Marlles? Is that the form of the motion?

5036

5037 Mr. Marlles - Yes. That's correct.

5038

5039 Mrs. Quesinberry - Okay. I'll make a motion to approve the resolution before us today to
5040 prohibit future approval of controlled density developments, and to prohibit the future rezoning
5041 of the R-3A, R-4, R-4A Districts, and pass this onto the Board.

5042

5043 Mr. Vanarsdall - Do I have a second? I'll second it to put it on the floor. Motion made by
5044 Mrs. Quesinberry, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed

5045 by saying nay. The vote is 4 to 1 (Mr. Archer voted nay, Mrs. O'Bannon abstained). Thank
5046 you very much. Thank all of y'all for coming. We'll see you later. Mr. Marlles, that about
5047 ends it, doesn't it?

5048

5049 Mr. Marlles - Yes sir. That was the last item of business.

5050

5051 On a motion by Mr. Taylor and seconded by Mrs. Quesinberry, the Planning Commission
5052 adjourned its meeting at 4:31 p.m.

5053

5054

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

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John R. Marlles, AICP, Secretary