

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government Center  
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, March 28, 2001.

4

5 Members Present:                    Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)  
6    Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairperson (Tuckahoe)  
7    Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
8    Mr. Allen Taylor, P. E., C.P.C. (Three Chopt)  
9    Mr. E. Ray Jernigan (Varina)  
10     Mr. David A. Kaechele, Board of Supervisors Representative  
11    (Three Chopt)

12

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

26

27 **Mr. David A. Kaechele, the Board of Supervisors Representative, abstains on all cases**  
28 **unless otherwise noted.**

29

30 Mr. Archer -                    The Planning Commission will come to order. Good morning everyone.  
31 Welcome to the March 28 edition of the Planning Commission meeting. Before we start I would  
32 like to recognize any members of the press that may be present. Is there anyone here from the  
33 press? Okay. If you are here and chose not to be recognized you are welcomed anyway. And,  
34 with that, I will turn the meeting over to our Secretary, Mr. John Marlles. Mr. Marlles.

35

36 Mr. Marlles -                    Good morning, Mr. Chairman, and members of the Commission. We do  
37 have a full quorum today so we can conduct business. The first item on the agenda is requests  
38 for deferrals and withdrawals, and that will be handled by Mr. Ted McGarry.

39

40 Mr. Archer -                    Good morning, Mr. McGarry.

41

42 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission, ladies and  
43 gentlemen. On page 9 of your agenda, and we have two, total of deferrals. The first one is on  
44 page 9, subdivision Stoney Run Estates (February 2001 Plan), the applicant is requesting a 30-  
45 day deferral to your April 25, 2001, meeting. This is located in Varina.

46

47 **SUBDIVISION (Deferred from the February 28, 2001, Meeting)**

48

Stoney Run Estates  
(February 2001 Plan)

**Engineering Design Associates for Barbara Bannister Estate and Glenwood Investments, LLC:** The 15.03 acre site is located at 3111 Creighton Road, approximately 1,450 feet south of Featherwood Way on part of parcel 140-A-45. The zoning is R-3AC, One-Family Residence District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina) 44 Lots**

49

50 Mr. Archer - Is there anyone here in opposition to this deferral, Stoney Run Estates?

51 No opposition. Mr. Jernigan.

52

53 Mr. Jernigan - Mr. Chairman, I would like to recommend deferral of Stoney Run Estates  
54 subdivision to April 25, 2001.

55

56 Mr. Vanarsdall - Second.

57

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

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

60

61 At the request of the applicant, the Planning Commission deferred subdivision Stoney Run  
62 Estates (February 2001 Plan) to its April 25, 2001, Planning Commission meeting.

63

64 Mr. McGarry - And the last deferral that staff is aware of is on page 23, POD-6-01, Short  
65 Pump Town Center. The applicant also requests deferral to the April 25, 2001, meeting.

66

67 **PLAN OF DEVELOPMENT (Deferred from the February 28, 2001, Meeting)**

68

POD-6-01  
Short Pump Town Center -  
W. Broad Street  
(POD-123-98 Revised)

**McKinney & Company for Short Pump Town Center LLC:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 1,300,000 square foot regional shopping center. The 147.19 acre site is located on the north line of W. Broad Street (U.S. Route 250), opposite its intersection with Lauderdale Drive on parcels 36-A-26, 27, 28, 29, 30, 31, 32, 34A, 35A, 36, 37, 38 and part of parcels 36-A-13 and 15. The zoning is B-3C, Business District (Conditional) and W.B.S.O. (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

69 Mr. Archer - Is there anyone here in opposition to this deferral, POD-6-01, Short Pump  
70 Town Center - W. Broad Street (POD-123-98 Revised)? No opposition. Mr. Taylor.

71

72 Mr. Taylor - Mr. Chairman, I move deferral of POD-6-01, Short Pump Town Center, to  
73 April 25, 2001.

74

75 Mr. Vanarsdall - I'll second, at the applicant's request.

76

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

79

80 At the request of the applicant, the Planning Commission deferred POD-6-01, Short Pump Town  
81 Center - W. Broad Street (POD-123-98 Revised) to its April 25, 2001, Planning Commission  
82 meeting.

83

84 Mr. Archer - Those are all of the deferrals and withdrawals.

85

86 Mr. Marlles - Mr. Chairman, we have a number of items that are requested on the  
87 Expedited Agenda. Again, that will be presented by Mr. McGarry.

88

89 Mr. McGarry - We have a total of nine items on the Expedited Agenda. The first one is  
90 on page 3.

91

92 **TRANSFER OF APPROVAL (Deferred from the February 28, 2001, Meeting)**

93

POD-86-96  
Blockbuster Square  
(POD-37-87 Revised)

**Theodore and Faye Kefalas for Marpisa LLC:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Brookside Property Associates L.P. to Marpisa LLC. The 1.8 acre site is located at the southwest corner of W. Broad Street (U.S. Route 250) and Tanelorn Drive on parcel 59-3-A-2A. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

94

95 Mr. McGarry - There is a revised recommendation on the addendum for this case.

96

97 Mr. Archer - Okay. Is there anyone here in opposition to this transfer request for POD-  
98 86-96, Blockbuster Square? No opposition. Mr. Taylor.

99

100 Mr. Taylor - Mr. Chairman, I move approval of POD-86-96, Blockbuster Square on the  
101 expedited agenda.

102

103 Mr. Vanarsdall - Second.

104

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

107 The Planning Commission approved the transfer of approval request for POD-86-96, Blockbuster  
108 Square (POD-37-87 Revised) from Brookside Property Associates L.P. to Marpisa LLC. The  
109 new owner accepts and agrees to be responsible for continued compliance with the conditions of  
110 the original approval and with the site deficiencies identified by the inspector being corrected.

111

## 112 **TRANSFER OF APPROVAL**

113

POD-47-96  
Mathews Automotive  
(POD-46-85 Revised)

**Tim Kessel for Fletcher's Enterprise:** Request for approval of  
a transfer of approval, as required by Chapter 24, Section 24-106  
of the Henrico County Code, from Mathews Automotive to  
Fletcher's Enterprises. The 0.761 acre site is located at 8631  
Sanford Road on parcel 61-03-B-6. The zoning is M-1 Light  
Industrial District. **(Brookland)**

114

115 Mr. Archer - Is there anyone here in opposition to this transfer request for POD-47-96,  
116 Mathews Automotive? No opposition. Mr. Vanarsdall.

117

118 Mr. Vanarsdall - I move POD-47-96, Mathews Automotive, be approved on the expedited  
119 agenda at the staff's request.

120

121 Mr. Taylor - Second.

122

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

125

126 The Planning Commission approved the transfer of approval request for POD-47-96, Mathews  
127 Automotive (POD-46-85 Revised) from Mathews Automotive to Fletcher's Enterprises. The new  
128 owner accepts and agrees to be responsible for continued compliance with the conditions of the  
129 original approval.

130

## 131 **SUBDIVISION (Deferred from the February 28, 2001, Meeting)**

132

Matnick Estates  
(February 2001 Plan)

**Engineering Design Associates for Nancy S. Kesler:** The  
25.63 acre site is located at 8461 Willis Church Road on the  
northeast corner of Willis Church Road and Hare Road on parcel  
253-A-21. The zoning is A-1, Agricultural District and ASO,  
Airport Safety Overlay District. Individual Well and septic  
tank/drainfield. **(Varina) 7 8 Lots**

133

134

135 Mr. Archer - Is there anyone here in opposition to Matnick Estates (February 2001  
136 Plan)? No opposition. Mr. Jernigan.

137

138 Mr. Jernigan - Mr. Chairman, I would like to recommend conditional approval for  
139 Matnick Estates subdivision.

140 Mr. Vanarsdall - Second.

141

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

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

144

145 The Planning Commission granted conditional approval to Matnick Estates subject to the  
146 standard conditions for subdivisions not served by public utilities, the annotations on the plan  
147 and the following additional conditions.

148

149 11. The detailed plant list and specifications for the landscaping to be provided within the 25-  
150 foot-wide planting strip easement on Lot 3 along Hare Road shall be submitted to the  
151 Planning Office for review and approval prior to recordation of the plat.

152 12. Each pair of lots shall provide a single shared driveway connecting to Willis Church and  
153 Hare Roads or as approved by the Director of Planning at time of final approval.

154 13. New dwellings on Lots 2, 4 and 5 shall be located a minimum of 200 feet from any private  
155 stable or enclosures located on Lot 8.

156

#### 157 **LIGHTING PLAN**

158

LP/POD-22-99

Four Mile Creek Commercial  
Center - Convenience Store

**Balzer & Associates for Essex Properties of VA, Inc.:** Request  
for approval of a lighting plan as required by Chapter 24, Section  
24-106 of the County Code. The 2.36 acre site is located along  
the south line of New Market Road (State Route 5), 1,600 feet  
east of its intersection with I-295 on parcel 249-A-51B. The  
zoning is B-3C, Business District (Conditional) and ASO,  
Airport Safety Overlay District. (**Varina**)

159

160 Mr. McGarry - There is an addendum item on this case that talks about an annotation on  
161 the plan, changing the wattage and the fixtures, and the applicant is in agreement.

162

163 Mr. Archer - Is there anyone in the audience in opposition to the lighting plan for  
164 LP/POD-22-99, Four Mile Creek Commercial Center Convenience Store? No opposition. Mr.  
165 Jernigan.

166

167 Mr. Jernigan - Mr. Chairman, I would like to recommend approval of LP/POD-22-99,  
168 Four Mile Creek Commercial Center, on approval of the annotated plan subject to the standard  
169 conditions for the lighting plan on the expedited agenda.

170

171 Mr. Vanarsdall - Second.

172

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

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

175

176 Mr. Vanarsdall - There is also something on the addendum.

177

178 Mr. Archer - Do you want to mention that in your motion, Mr. Jernigan, as an  
179 addendum item?

180

181 Mr. McGarry - The addendum actually just references... It's a changed recommendation.

182

183 Mr. Vanarsdall - Okay.

184

185 Mr. Archer - No problem. The motion was made by Mr. Jernigan and seconded by Mr.  
186 Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.

187

188 The Planning Commission approved the lighting plan for LP/POD-22-99, Four Mile Creek  
189 Commercial Center - Convenience Store, subject to the standard conditions for lighting plans and  
190 the annotations on the plan.

191

192 **PLAN OF DEVELOPMENT & MASTER PLAN (Deferred from the February 28, 2001,**  
193 **Meeting)**

194

POD-21-01

Mount Olive Baptist Church  
8775 Mount Olive Avenue  
off Mountain Road

**Michael E. Doczi & Associates, PLLC for Mount Olive Baptist Church:** Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 800 seat sanctuary church expansion. The 8.1966 acre site is located at 8775 Mount Olive Avenue on parcels 52-A-74A, 72 and part of 75. The zoning is R-3, One-Family Residence District and A-1, Agricultural District. County water and sewer. **(Fairfield)**

195

196

197 Mr. Archer - Is there anyone in the audience in opposition to POD-21-01, Mount Olive  
198 Baptist Church? Okay, we have opposition. I guess we will have to remove this from the  
199 expedited agenda.

200

201 Mr. Vanarsdall - He might just want to ask a question.

202

203 Mr. Archer - Pardon me sir, are you in total opposition to it or just a question that you  
204 have to ask about the case?

205

206 Mr. Davis - My question is about the waste, water, runoff.

207

208 Mr. Archer - Sir, would you come up to the mike please and identify yourself.

209

210 Mr. Davis - I am Matthew C. Davis and we own the adjoining property where Mt.  
211 Olive Baptist Church is going to be built. They have a plan that they are going to run some  
212 additional water into a creek that goes through our land. We are wondering why this particular  
213 creek can't be piped so as to hold the amount of water that is going to go into that creek, the  
214 additional water that's going into that creek from the building of the church. They are going to

215 build parking lots and, of course, the church. That takes away all of the land that would absorb  
216 the water now. But, they are going to put an additional amount of water through this creek which  
217 runs through our property.

218

219 Mr. Archer - Okay. Sir, I think we have a little bit more than we can handle in just a  
220 question and answer here. So, we are going to have to move this off the expedited agenda and  
221 the case will come at the end of the regular agenda.

222

223 Mr. Davis - All right.

224

225 Mr. Archer - Thank you, sir.

226

227 **TURN TO PAGE 29 OF THESE MINUTES FOR THE CONTINUATION OF THIS**  
228 **CASE.**

229

230 **PLAN OF DEVELOPMENT**

231

POD-22-01

Holly Glen at Twin Hickory

**E. D. Lewis for HHHunt Communities and Holly Glen Associates, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 68, two-story condominiums, three buildings each at 5,752 square feet and 14 buildings each at 5,891 square feet. The 13.8 acre site is located on the north side of Twin Hickory Lake Drive, 700 feet south of Old School Drive on part of parcel 27-A-5A, 9A, 8, 6, 31 and part of 26-A-31. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

232

233

234 Mr. McGarry - This case also has a change on the addendum.

235

236 Mr. Archer - Is there anyone here in opposition to POD-22-01, Holly Glen at Twin  
237 Hickory? No opposition. Mr. Taylor.

238

239 Mr. Taylor - Mr. Chairman, I'll move approval of POD-22-01, Holly Glen at Twin  
240 Hickory, with its addendum, and standard conditions for developments of this type, the  
241 annotations on the plan and additional conditions Nos. 23 through 38.

242

243 Mr. Vanarsdall - Second.

244

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

247

248 The Planning Commission approved POD-22-01, Holly Glen at Twin Hickory, subject to the  
249 standard conditions attached to these minutes for developments of this type, the annotations on  
250 the plans and the following additional conditions.

251

252 23. The right-of-way for widening of Twin Hickory Lake Drive as shown on approved plans  
253 shall be dedicated to the County prior to any occupancy permits being issued. The right-  
254 of-way dedication plat and any other required information shall be submitted to the  
255 County Real Property Agent at least sixty (60) days prior to requesting occupancy  
256 permits.

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

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

266 26. The developer shall provide fire hydrants as required by the Department of Public  
267 Utilities and Division of Fire.

268 27. A 25-foot planting strip to preclude ingress or egress along the west side of Twin Hickory  
269 Lake Drive shall be shown on the approved plans. The details shall be included with the  
270 required landscape plans for review and approval.

271 28. The proffers approved as a part of zoning case C-48C-98 shall be incorporated in this  
272 approval.

273 29. Prior to issuance of a building permit, the developer must furnish a letter from Dominion  
274 Virginia Power stating that this proposed development does not conflict with their  
275 facilities.

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

278 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
279 approved by the County Engineer prior to final approval of the construction plans by the  
280 Department of Public Works.

281 32. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
282 County standard and specifications. The developer shall post a defect bond for all  
283 pavement with the Planning Office - the exact type, amount and implementation shall be  
284 determined by the Director of Planning, to protect the interest of the members of the  
285 Homeowners Association. The bond shall become effective as of the date that the  
286 Homeowners Association assumes responsibility for the common areas.

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

289 34. Approval of the construction plans by the Department of Public Works does not establish  
290 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
291 elevations will be set by Henrico County.



292

293 35. The owners shall not begin clearing of the site until the following conditions have been  
294 met:

295

296 (a) The site engineer shall conspicuously illustrate on the plan of development or  
297 subdivision construction plan and the Erosion and Sediment Control Plan, the  
298 limits of the areas to be cleared and the methods of protecting the required buffer  
299 areas. The location of utility lines, drainage structures and easements shall be  
300 shown.

301 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
302 clearing or grading operations of the site, the owner shall have the limits of  
303 clearing delineated with approved methods such as flagging, silt fencing or  
304 temporary fencing.

305 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
306 have been staked in accordance with the approved plans. A copy of this letter  
307 shall be sent to the Planning Office and the Department of Public Works.

308 (d) The owner shall be responsible for the protection of the buffer areas and for  
309 replanting and/or supplemental planting and other necessary improvements to the  
310 buffer as may be appropriate or required to correct problems. The details shall be  
311 included on the landscape plans for approval.

312 36. The unit house numbers shall be visible from the parking areas and drives.

313 37. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
314 Regional Planning District Commission and such names shall be included on the  
315 construction plans prior to their approval. The standard street name signs shall be  
316 ordered from the County and installed prior to any occupancy permit approval.

317 38. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted  
318 to the Planning Office for review, prior to final approval. The proposed Homeowners  
319 Association for the project shall be responsible for the exterior maintenance of all  
320 buildings and grounds.

321

## 322 **LANDSCAPE PLAN**

323

LP/POD-77-99

Knowledge Beginnings

**Foster & Miller, P.C. for Circuit City Stores, Inc.:** Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2. The 2.2 acre site is located on the west line of Deep Rock Road, 900 feet south of W. Broad Street (U. S. Route 250) on parcel 48-4-A-48. The zoning is M-1C, Light Industrial District (Conditional). **(Three Chopt)**

324

325 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-77-99,  
326 Knowledge Beginnings, landscape plan? No opposition. Mr. Taylor.

327

328 Mr. Taylor - Mr. Chairman, I'll move approval of landscape plan LP/POD-77-99,  
329 Knowledge Beginnings, on the expedited agenda subject to the annotations on the plan and the  
330 standard conditions for landscaping plans.

331 Mr. Vanarsdall - Second.

332

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

335

336 The Planning Commission approved the landscape plan for LP/POD-77-99, Knowledge  
337 Beginnings, subject to the annotations on the plan and the standard conditions for landscape  
338 plans.

339

340 **SUBDIVISION**

341

Middle Quarter  
(March 2001 Plan)

**Grattan Associates, P.C. for Higgins Family Limited Partnership and CGS Properties, L.L.C.:** The 8.945 acre site is located approximately 700 feet north of S. Gaskins Road on Middle Quarter Lane on part of parcels 123-A-5, 8 and 10. The zoning is R-O, One-Family Residence District. County water and sewer. **(Tuckahoe) 5 Lots**

342

343 Mr. McGarry - On your addendum you have conditions Nos. 11 through 15 added to this  
344 subdivision.

345

346 Mr. Archer - All right. Is there anyone present in opposition to Middle Quarter  
347 subdivision? No opposition. Ms. Dwyer.

348

349 Ms. Dwyer - I move for the conditional approval of Middle Quarter Subdivision (March  
350 2001 Plan) subject to the annotations on the plans, the standard conditions for subdivisions  
351 served by public utilities and additional conditions Nos. 11 through 15 in our addendum.

352

353 Mr. Vanarsdall - Second.

354

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

357

358 The Planning Commission granted conditional approval to Middle Quarter (March 2001 Plan)  
359 subject to the standard conditions attached to these minutes for subdivisions served by public  
360 utilities, the annotations on the plans and the following additional conditions.

361

362 11. Prior to request for final approval the developer shall provide a buildable area plan  
363 showing information for each lot within the subdivision. Such plans shall be a part of the  
364 construction plans submitted for review and for signature. The buildable area plan shall  
365 be a minimum of 1" to 50' scale or larger and shall show the buildable area for the  
366 principal structure, all setback dimensions, the minimum lot width (front building line),  
367 and if applicable, the 100 year floodplain location and the area of each lot exclusive of  
368 floodplain.

369 12. Each lot shall contain at least 43,560 square feet exclusive of floodplain areas.

- 370 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
371 the plat and construction plans and labeled "Limits of 100-Year Floodplain." Dedicate  
372 floodplain as a "Variable Width Drainage & Utility Easement."  
373 14. The detailed plant list and specifications for the landscaping to be provided within the 25-  
374 foot-wide planting strip easement along Gaskins Road shall be submitted to the Planning  
375 Office for review and approval prior to recordation of the plat.  
376 15. Any necessary off-site drainage easements must be obtained prior to final approval of the  
377 construction plans by the Department of Public Works.

378

379 **PLAN OF DEVELOPMENT**

380

POD-16-01

Townes @ Shady Grove,  
Section 2 -  
Shady Grove Road

**Bay Design Group, P.C. for Wilton Real Estates & Development:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 33, two-story residential townhouse units for sale. The 5.39 acre site is located on the east line of Shady Grove Road, approximately 950 feet north of its intersection with Old Nuckols Road on parcel 10-A-21, and part of parcels 10-A-19, 20 and 22. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer.  
**(Three Chopt)**

381

382 Mr. McGarry - There is a revised recommendation on this case in your addendum, which  
383 recommends approval.

384

385 Mr. Archer - Is there opposition to POD-16-01, Townes @ Shady Grove? No  
386 opposition. Mr. Taylor.

387

388 Mr. Taylor - Mr. Chairman, I'll recommend approval of POD-16-01, Townes @ Shady  
389 Grove, subject to the annotations on the plan, the standard conditions for developments of this  
390 type and additional conditions Nos. 23 through 34 and the addendum.

391

392 Mr. Vanarsdall - Second.

393

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

396

397 The Planning Commission approved POD-16-01, Townes @ Shady Grove, Section 2 - Shady  
398 Grove Road, subject to the standard conditions attached to these minutes the annotations on the  
399 plan and the following additional conditions.

400

401 23. The unit house numbers shall be visible from the parking areas and drives.

402 24. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
403 Regional Planning District Commission and such names shall be included on the  
404 construction plans prior to their approval. The standard street name signs shall be

405 ordered from the County and installed prior to any occupancy permit approval.  
406 25. The subdivision plat for Townes at Shady Grove, Section 2 shall be recorded before any  
407 building permits are issued.  
408 26. The developer shall provide fire hydrants as required by the Department of Public  
409 Utilities and Division of Fire.  
410 27. A standard concrete sidewalk shall be provided along the east side of Shady Grove Road.  
411 28. The proffers approved as a part of zoning cases C-19C-00 and C-28C-99 shall be  
412 incorporated in this approval.  
413 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
414 form acceptable to the County Attorney prior to final approval of the construction plans.  
415 30. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
416 County standard and specifications. The developer shall post a defect bond for all  
417 pavement with the Planning Office - the exact type, amount and implementation shall be  
418 determined by the Director of Planning, to protect the interest of the members of the  
419 Homeowners Association. The bond shall become effective as of the date that the  
420 Homeowners Association assumes responsibility for the common areas.  
421 31. Approval of the construction plans by the Department of Public Works does not establish  
422 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
423 elevations will be set by Henrico County.  
424 32. Insurance Services Office (ISO) calculations must be included with the plans and  
425 approved by the Department of Public Utilities prior to the issuance of a building permit.  
426 33. An easement shall be granted to allow access to the existing cemetery and an annotation  
427 placed on the subdivision plat.  
428 34. Final subdivision approval shall be granted prior to Planning Office approval or the  
429 construction plans.  
430  
431 Mr. Archer - And that is the end of the expedited agenda.  
432  
433 Mr. Marlles - Mr. Chairman, the next item on the agenda is subdivision extensions of  
434 conditional approval. This information will be presented by Mr. Kevin Wilhite. And as the  
435 Commission is aware, this information is just being provided for informational purposes only.  
436  
437 Mr. Archer - There's no necessary action, correct?  
438  
439 Mr. Marlles - Correct.  
440

441 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**  
 442 **(FOR INFORMATIONAL PURPOSE ONLY)**

443

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Effinger Drive (June 1998 Plan) (A Ded. of a portion of Effinger Drive)</b>	<b>Fairfield</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1 Year 03/27/02</b>
<b>Oak Hill Manor (March 1999 Plan)</b>	<b>Fairfield</b>	<b>40</b>	<b>23</b>	<b>1</b>	<b>1 Year 03/27/02</b>

444

445 Mr. Archer - All right, Mr. Wilhite.

446

447 Mr. Wilhite - Mr. Chairman, I don't have anything to add, unless you have any  
 448 questions.

449

450 Mr. Archer - All right. Are there any questions by the Commission? No questions.  
 451 Let's continue on.

452

453 Mr. Marles - Mr. Chairman, the next two items on the agenda were rezoning requests  
 454 that were deferred from the Planning Commission's March 8, 2001, meeting. The first case is  
 455 case C-15C-01.

456

457 **TUCKAHOE:**

458 **Deferred from the March 8, 2001 Meeting:**

459 **C-15C-01 Andrew M. Condlin for Lucor:** Request to conditionally rezone from R-3 One  
 460 Family Residence District to O-1C Office District (Conditional), B-1C and B-2C Business  
 461 Districts (Conditional), Parcels 90-2-A-1 (Johnson Heights) and 90-A-19, 20 and 20A,  
 462 containing 5.106 acres, located on the south line of Quiocasin Road approximately 150 feet  
 463 west of Inez Road. A mixed-use development including office, retail and an automobile service  
 464 use is proposed. The use will be controlled by zoning ordinance regulations and proffered  
 465 conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density  
 466 per acre, and Office.

467

468 Mr. Archer - Is there anyone here in opposition to this case? No opposition. Mrs.  
 469 Hunter, good morning.

470

471 Mrs. Hunter - Good morning. This property is located on the south line of Quiocasin  
 472 Road approximately 150 feet west of Inez Road and it's currently zoned R-3. The subject request  
 473 is to rezone approximately a half acre located here (pointing to screen) to B-2, for a Jiffy Lube  
 474 facility; About two and a half acres in an "L" shape to B-1; and then about 2.19 acres of O-1  
 475 which would surround the residential uses. Currently the subject property has a vacant child care  
 476 center on the property and the applicant has indicated that this structure would be demolished to

477 make way for the new development. The 2010 Land Use Plan recommends office for the subject  
478 parcel. This request is only partially consistent with the recommendation of the Land Use Plan.  
479 However, staff does believe that there is merit to the zoning case because the applicant has  
480 included several parcels and will be redeveloping this area in a coordinated manner. The  
481 applicant has made several improvements to this case from its original submittal. They have  
482 submitted a conceptual plan and a landscape plan that addresses both staff concerns about  
483 additional buffering within the parking areas and adequate perimeter buffers to protect the  
484 residential areas. For the conceptual plan, the applicant has agreed to have shorter 20-foot in  
485 height buildings here (referring to slide) in the front with taller buildings to the rear. The  
486 applicant has also proffered architectural elevations to provide a coordinated development for  
487 this site. This is an example of what the retail office buildings along the front of the property  
488 along Quioccasin Road will look like (referring to rendering on the screen). These are the taller  
489 25-foot in height buildings along the rear. We have elevations for the office development and  
490 again for the Jiffy Lube, which is the B-2 portion. The applicant has also proffered a number of  
491 other elements to insure quality development on this site including quality building materials,  
492 residential scale lighting, decreased signage, HVAC screening and limited hours of operation and  
493 underground utilities. While the request is not fully consistent with the Land Use Plan, it goes a  
494 long way in redeveloping an abandoned and underutilized site. The case is well proffered and  
495 should provide for a quality development. Staff supports this request. I can go ahead and  
496 describe the PUP at the same time. If you like, Ms. Dwyer.

497

498 Ms. Dwyer - Okay.

499

500 Mrs. Hunter - This is P-2-01 and this application would allow the construction and  
501 operation of an automobile service facility on this half-acre site on Quioccasin Road. The  
502 business would be a Jiffy Lube and the case can only be approved if the companion rezoning case  
503 is approved. Approval of this request would permit construction and operation of an automobile  
504 service facility within a completely enclosed air conditioning building. The facility, as proposed  
505 is a 2,500 square foot building. Staff typically recommends, with a provisional use permit of this  
506 type, conditions that assist in mitigating the impacts of the proposed uses on the surrounding  
507 areas and such conditions aim to establish development standards to lessen the visual impacts on  
508 the traveling public and the surrounding community. In this case, these concerns have been  
509 addressed in the rezoning case through proffers. Therefore, staff recommends approval of this  
510 provisional use permit with only one condition that states "The service bay doors shall be  
511 adequately screened from view from the adjacent properties and roads." I'll be happy to answer  
512 any questions on the rezoning or provisional use permit.

513

514 Mr. Archer - Are there any question of Mrs. Hunter by the Commission?

515

516 Ms. Dwyer - I would like to make a few comments about this case, just because it has  
517 been going on for so long. Mr. Markow, who I see out in the audience, was the first person to  
518 call me six years ago, when I was appointed Planning Commissioner, and it was about this part  
519 of this particular site. And we have had various proposals off and on during that six years and  
520 none of which seemed to be right for the site mainly because they would take small pieces of this  
521 parcel that we are looking at today and develop them individually for commercial uses. And what

522 we thought would be better for the neighborhood would be to have a larger area that we were  
523 working with. A part of this property, as Jo Ann mentioned, includes an abandoned business that  
524 has been vacant for quite some time. And while we would like to see a viable use on this  
525 property, we did want to see that the smaller pieces are massed into a larger piece that we could  
526 develop in a coordinated way, and we thought that would benefit the neighborhood immensely.  
527 This particular applicant has been able to do that. I am not sure how many parcels, but I know  
528 that there are a number of parcels pieced together here, at least four. The applicant has presented  
529 a mixed-use development with some commercial. The office is closer to the residential area,  
530 which we view as a plus. The architectural features and the buffers that have been submitted, we  
531 think lessen the impact of the commercial development along this corridor. There is a substantial  
532 buffer along the property line that it shared with Farmington subdivision. We have 100-foot  
533 building setback that includes the setback for driveways and parking lots as well as buildings.  
534 And in addition to that a 40-foot landscape buffer. We have a 30-foot landscape buffer along  
535 Quioccasin, which would be irrigated. There are numerous proffers on the case to insure quality.  
536 I think there are 23 or 24 proffers. So, in short, although this doesn't meet the original plan for  
537 the whole section that we are looking at here to be office, we think that because we have massed  
538 so many smaller parcels, and we have a coordinated development, architectural quality and  
539 landscaping quality and other features that were enumerated by Mrs. Hunter, we think that this is  
540 a case that should go forward and will be a beneficial case for the neighborhood. So, in light of  
541 that, and if there are no questions, I would move that the Commission recommend for approval  
542 case C-15C-01, the Lucor case, subject to approval by the Board.

543

544 Mr. Vanarsdall - Second.

545

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

548

549 **REASON:** Acting on a motion by Mrs. Dwyer, seconded by Mr. Vanarsdall, the Planning  
550 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
551 request because the proffered conditions would provide for a higher quality of development than  
552 would otherwise be possible; and the proffered conditions should minimize the potential impacts  
553 on surrounding land uses.

554

555 **Deferred from the March 8, 2001 Meeting:**

556 **P-2-01 Andrew M. Condlin for Lucor:** Request for a provisional use permit under  
557 Sections 24-58.2(c) and 24-122.1 of Chapter 24 of the County Code in order to allow a 15,000  
558 square foot enclosed, air-conditioned three-bay auto service station on Part of Parcel 90-A-19,  
559 containing 0.431 acres, located on the south line of Quioccasin Road approximately 250 feet east  
560 of Pemberton Road. The existing zoning is R-3 One Family Residence District but is proposed  
561 for B-2C Business District (Conditional).

562

563 Mr. Archer - Is there anyone in opposition to this portion of the case? No opposition.  
564 Ms. Dwyer, do you have any more comments?

565

566 Ms. Dwyer - This provisional use permit, again, would allow the Jiffy Lube to conduct

567 its business on the B-2 portion of the property. There are sufficient safeguards as Mrs. Hunter  
568 mentioned in the proffers with the companion case. And, in light of those proffers, I move that  
569 the Commission recommend for approval case P-2-01, the Lucor case, subject to these additional  
570 condition regarding service bay doors.

571

572 Mr. Taylor - Second.

573

574 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All in  
575 favor say aye...all opposed say nay. The motion carries.

576

577 **REASON:** Acting on a motion by Mrs. Dwyer, seconded by Mr. Taylor, the Planning  
578 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant the**  
579 **requested revocable provisional use permit**, subject to the following condition:

580

581 1. Service bay doors (garage doors) shall be adequately screened from view from adjacent  
582 properties and roads.

583

584 The Planning Commission's recommendation was based on the fact that the proffered conditions  
585 should minimize the potential impacts on surrounding land uses; and it would not be expected to  
586 adversely affect public safety, health or general welfare.

587

#### 588 **LANDSCAPE PLAN**

589

LP/POD-51-00

Merchants Tire - Quioccasin  
Station Shopping Center  
(POD-87-85 and POD-31-96  
Revised)

#### **Meta Construction Inc. for TCC BTG Quioccasin Mt. Inc.:**

Request for approval of a landscape plan as required by Chapter  
24, Sections 24-106 and 24-106.2 of the County Code. The 1.20  
acre site is located in an existing shopping center, Quioccasin  
Station, located approximately 160 feet north of Quioccasin  
Road on the west line of Starling Drive on parcel 90-6-A-2 and  
part of 90-A-32B. The zoning is B-3C, Business District  
(Conditional) and B-2C, Business District (Conditional).  
**(Tuckahoe)**

590

591 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-51-00, Merchants  
592 Tire? No opposition. Good morning, Ms. News.

593

594 Ms. News - Good morning, Mr. Chairman, members of the Commission. A revised  
595 plan is being distributed which contains additional annotations. One annotation is a clarification  
596 indicating that all shrubs will be in continuously mulch beds within the grassed islands. The  
597 second annotation is to adjust the spacing of the Red Maples and shrubs along Starling Drive and  
598 the third is to substitute an American Holly or three Nellie Stephens hollies for the Red Maple in  
599 the center island along Starling Drive. The annotations have been agreed to by the applicant and  
600 project owners. The applicant has also submitted a letter to the Planning Office indicating that  
601 awnings required by the POD to be installed over the bay doors have been ordered and will be  
602 installed in accordance with the approved architectural. Therefore, staff recommends approval



603 of the revised plan No. 2 subject to the standard conditions for landscape plans, and I'll be happy  
604 to answer any questions.

605

606 Mr. Archer - Are there any questions of Ms. News from the Commission?

607

608 Ms. Dwyer - I saw them working on the awnings yesterday.

609

610 Ms. News - Well, that's great. They said they would hope to start yesterday.

611

612 Mr. Archer - All right. Are there any further questions? There was no opposition, Ms.

613 Dwyer.

614

615 Ms. Dwyer - I move approval of landscape plan LP/POD-51-00, Merchants Tire at  
616 Quioccasin Station, and we are looking at the staff plan revised No. 2 subject to the standard  
617 conditions for landscape plans.

618

619 Mr. Vanarsdall - Second.

620

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

623

624 The Planning Commission approved the landscape plan for LP/POD-51-00, Merchants Tire -  
625 Quioccasin Station Shopping Center (POD-87-85 and POD-31-96 Revised), subject to the  
626 standard conditions for landscape plans and the annotations on the plan.

627

628 **PLAN OF DEVELOPMENT (Deferred from the January 24, 2001, Meeting)**

629

POD-95-00 Superstar, Inc. Service Center - 9999 Brook Road (POD-3-96 Revised)	<b>Foster &amp; Miller, P.C. for Superstar, Inc.:</b> 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, 969 square foot service bay addition. The 1.316 acre site is located at 9999 Brook Road at the southeast corner of Brook Road (U.S. Route 1) and J.E.B. Stuart Parkway on parcel 33-A- 3C. The zoning is B-3C, Business District (Conditional). County water and sewer. <b>(Fairfield)</b>
--	--

630

631 Mr. Archer - Is there anyone in the audience in opposition to POD-95-00, Superstar,  
632 Inc.? We have opposition. Mr. McGarry.

633

634 Mr. McGarry - I understand that the graphics are not working, so they won't be shown.  
635 The applicant has requested a deferral in order to work out two issues. The first one is with  
636 Virginia Center. He is a part of a business association that has to approve any architectural  
637 changes to the site plan. And, secondly, the neighborhood has some concerns about his proposal.  
638 As of this morning there are still neighbors who are in opposition and the business association  
639 has is not in agreement with his proposed changes to his site. The plan does meet the County

640 requirements under the Code. So, staff can't find a reason to not recommend approval.

641 Mr. Archer - Thank you, Mr. McGarry. Are there any questions of Mr. McGarry by the  
642 Commission? All right. Mr. Secretary.

643

644 Mr. Marlles - Mr. Chairman, it is the policy of the Commission when there is opposition  
645 to a case to impose time limits. The applicant or the applicant's representative is allowed 10  
646 minutes to present testimony. Some of that 10 minutes may be saved for rebuttal of opposition  
647 statements. Time to answer questions from the Commission members will not be included in the  
648 applicant's allotted time. Following the applicant's presentation, the opposition is allowed a total  
649 of 10 minutes to present testimony. This time is best used if the opposition appoints a  
650 spokesperson or spokespersons and it is also wise to avoid repetition to make the best use of the  
651 10 minutes. The applicant or representative may elect to reserve some time for rebuttal of his 10  
652 minutes. Would you like to perhaps reserve 2 minutes, sir, for rebuttal?

653

654 Mr. Pradhan - Yes, sir.

655

656 Mr. Archer - Thank you, Mr. Secretary. Sir, would you please come up and clearly state  
657 your name for the record?

658

659 Mr. Pradhan - My name is Harry Pradhan. The only thing we are doing in this project is  
660 putting two garage doors on both sides of the eastern canopy and putting a wall in there.  
661 Everything else is existing there. It will be minor repair service bays. There will be no major  
662 work done in there and our operating hours will be whatever the neighborhood would allow us to  
663 do. We are willing to go with their suggestions and any kind of offers they give we will put that  
664 in there. Any kind of color coordination they need, we could put that. Whatever door style they  
665 want we could put that in there and we are willing to accommodate anybody who has  
666 constructive criticism. Thank you.

667

668 Mr. Archer - Mr. Pradhan, what essentially will you be doing in this bay? Will you be  
669 changing oil or any tire work?

670

671 Mr. Pradhan - Minor tune up, air condition service, transmission oil change, things like  
672 that.

673

674 Mr. Archer - No tire work?

675

676 Mr. Pradhan - No tire work.

677

678 Mr. Archer - And, based on what you plan on having at the site, how many automobiles  
679 do you anticipate working on during the day?

680

681 Mr. Pradhan - Two.

682

683 Mr. Archer - Only two all day?

684

685 Mr. Pradhan - All day, probably about 10.  
686 Mr. Archer - But you can do two at a time, is that what you are saying?  
687  
688 Mr. Pradhan - Two at a time, yes.  
689  
690 Mr. Archer - Okay. Are there any other questions by the Commission? I have one more  
691 question, sir. Have you determined, based on the type of work that you plan to do, how many  
692 would you have to do a day in order to make this venture profitable?  
693  
694 Mr. Pradhan - About six to seven a day.  
695  
696 Mr. Archer - So, then, you would have to have mechanics who are trained for  
697 transmission work and motor work and....  
698  
699 Mr. Pradhan - No, not transmission work. We are just doing oil changes, air condition  
700 service and tune ups. Wheel balancing maybe if they require. And we are also planning to do  
701 inspection if somebody comes in and does the inspection, he has a license for that, we can do  
702 inspections in there. So, we can have one car service and one car inspection there.  
703  
704 Mr. Archer - So, in doing your wheel balancing you will have air compressed ratchets  
705 for removing tires?  
706  
707 Mr. Pradhan - Inside the building. It will be inside the canopy building, enclosed  
708 building.  
709  
710 Mr. Archer - The building will remain closed at all times?  
711  
712 Mr. Pradhan - Yes, sir.  
713  
714 Mr. Archer - That's all I have, anybody else? Thank you, sir. All right, we will hear  
715 from the opposition.  
716  
717 Ms. Shifflett - Good morning, Mr. Chairman and members of the Commission. My name  
718 is Daphne Shifflett and I'm here today as president of the Virginia Center West Owners  
719 Association. I'm here on behalf of the current owners in Virginia Center. Mainly, Technology  
720 Park and its tenants and building owner, Bergen Brunswig, Maintenance Warehouse, Spring Hill  
721 Suites by Marriott, who is our newest tenant, and a new 200,000 square foot office building  
722 named One Colonial Place. If I could take a moment I would like to explain my role here this  
723 morning as it relates to this POD before you. I work for STI Properties who is declarant under  
724 protective covenants that we established for the Virginia Center Development. My role as  
725 declarant is to approve and disapprove those improvements that come into the Virginia Center  
726 project. Currently there are 200 acres in that association within the park of which the subject site  
727 is an owner and is governed by those protected covenants. Each of the property owners that  
728 purchased land know that they are buying the property subject to these protected covenants and  
729 these covenants have guidelines and requirements regarding development within the park. One

730 of those guidelines and requirements is that all initial buildings as well as subsequent buildings  
731 must be approved by the declarant prior to any submission to governmental agencies. And our  
732 approval is above the requirement of the Commission.

733

734 I became aware of this application by reviewing the Commission's agenda for upcoming  
735 meetings, purely by accident. I was not approached by Superstar prior to them filing this  
736 application nor was the association approached. This is in direct contrast to the action of Mr.  
737 Pradhan for his initial POD. He worked very closely with us provided plans and specification so  
738 that we could review and comment for that initial POD. Upon learning about the plans to add the  
739 service bays I called Mr. Pradhan and requested a meeting. I suggested to him that he should also  
740 have a meeting with the local neighborhood Holly Glen as well as any adjoining commercial  
741 owners. I also reminded him of the covenant documents and his obligation to adhere to those  
742 and also suggested that he spend no further money pursuing this until we have reached a  
743 decision. As I stated earlier, the covenants do require that any initial improvements, as well as  
744 subsequent improvements to a property site at Virginia Center, be approved by the declarant prior  
745 to any submission.

746

747 I guess my concern is, had this POD come to us initially with a service bay, we would not have  
748 approved it. We would not have approved it because of our concern about this size of this site  
749 being a very small site for what he wanted to do. He has a very large gas and convenience store  
750 on that site. It was also a part of our concern as to the overall image we were looking for  
751 Virginia Center, and we were told that we were getting a gas and convenience store. We  
752 actually, in the initial POD were concerned about the car wash because we felt that that really  
753 wasn't something that we might want on the site and we worked very closely with Mr. Pradhan to  
754 make sure that the location of the site of the car was did not conflict with any of any adjacent  
755 agencies etc. In October of last year STI Properties did send a letter to Mr. Pradhan denying his  
756 request for approvals. And our decision for that is based on several factors, and I will go through  
757 those. First. The adequacy of the site dimensions. Again, this is relating to the position of the  
758 work bays on the site as it relates to the public right-of-ways and to adjacent landowners. And  
759 also the possibility for traffic congestion as it relates to those public right-of-ways and there is  
760 also a common entrance from this site to the neighboring commercial site, which is Bank of  
761 Essex. There is a road that goes from J.E.B. Stuart through the Texaco site into the Bank of  
762 Essex. That road was a requirement, I believe, of the County to prevent, to try to alleviate traffic  
763 congestion from Route 1 into the Bank of Essex site as well as the Texaco site and allow for  
764 circulation out to J.E.B. Stuart Parkway. A second issue we were concerned about was,  
765 obviously, a potential for unsightliness and for excessive noise. There have been concerns that  
766 I've heard from the community that the car wash does create a lot of noise already. We are  
767 obviously concerned about the work that will be done. I do not believe this is going to be an air-  
768 conditioned facility so I'm not sure how he's going to work with the doors closed in July and  
769 August. The third concern, again, was the location of the public right-of-ways and really the  
770 inability to adequately screen those service bays. What he is proposing, the service bays would  
771 face directly onto J.E.B. Stuart. This site is elevated quite a bit above J.E.B. Stuart and I don't  
772 believe that there would be an affective way to really screen those service bay doors. Again,  
773 traffic congestion I think is a major concern. Again, the access easement that's shared with the  
774 Bank of Essex, there is already some concerns with cars backing up into that entrance when there

775 is excess car washing going on after a snow storm, rain storm or what have you. This would only  
776 add to that. There is a concern of the parking on this site, and having insufficient parking for...  
777 and staging area for the vehicles that would be scheduled for work. I think all of us have gone to  
778 a Jiffy Lube or Merchant Tire and waited for our work. There's no lounge proposed for this site.  
779 So, our concern was that pedestrians would come there drop off their car and maybe walk across  
780 Route 1 to get to the local restaurants or cross J.E.B. Stuart to the mall or to the restaurants that  
781 we are concerned about pedestrians traffic getting across those public right-of-ways.

782

783 In that letter of October 23 and again in March of this year, we requested that he withdraw his  
784 application. We believe that it did not adhere to our standards under the covenants, but more  
785 importantly there are very specify issues which we feel are concerns to the general public, not  
786 just that he didn't adhere to our covenant requirements to get prior approval, but our review is  
787 part of not only architectural harmony and compatibility, but does this work for the general  
788 community and are there issues here that we all should be concerned about. We are respectfully  
789 requesting that you deny this, not on the grounds that he didn't follow the protocol to get approval  
790 prior to coming before you, but there are issues that I have outlined, traffic, lack of lounge area,  
791 potential parking problems that you should take into consideration. Thank you.

792

793 Mr. Archer - Thank you, Ms. Shifflett. Let me make a couple of comments if I might.  
794 How many groups that you named that you represent?

795

796 Ms. Shifflett - There are currently 11 owners in the association that this site is governed  
797 by.

798

799 Mr. Archer - But, you named some other groups that you are here representing today.

800

801 Ms. Shifflett - The owners, Bergen Brunswig, Maintenance Warehouse....

802

803 Mr. Archer - Best Homeowners and so forth?

804

805 Ms. Shifflett - Yes.

806

807 Mr. Archer - Have you all met as a group with Mr. Pradhan to discuss this?

808

809 Ms. Shifflett - I have met with him twice. I have not had any more communication from  
810 him since our last meeting, which I think was probably January. I had a commercial/owners  
811 association meeting back in January. Unfortunately, many of those owners were out of town,  
812 corporate owners. Tech Park had their local representative, as did Colonial Place. I've met with  
813 Gail Hubbard with Bank of Essex who is here today and told them of the plans and asked them  
814 for their comments and this is a collection of their comments.

815

816 Mr. Archer - But have all of you, as one group, met with Mr. Pradhan?

817

818 Ms. Shifflett - No. And I'm not sure if he has met with the neighborhood or not.

819

820 Mr. Archer - Mr. Secretary, also, would you outline for us what standing the covenants  
821 have as they pertain to the POD approval?

822 Mr. Marlles - Mr. Archer, the County is not responsible for enforcing private covenants.  
823 The standards that are used in reviewing and approving plans of development are conformance  
824 with the zoning ordinance requirements as well as other standards that Public Works and other  
825 agencies might have here. So, I would say that on the basis... If the issue is that the plan does  
826 not conform to the restrictive covenants that would not be a basis for the Planning Commission,  
827 for example, denying this POD application.

828

829 Mr. Archer - Ms. Shifflett, do you understand how that process works?

830

831 Ms. Shifflett - Right. And that's exactly what I was saying. I'm not asking you to deny it  
832 because he did not adhere to the approval process under the covenants. I'm saying that we  
833 believe that there are.... Our responsibility as declarant is not just to have a popularity contest  
834 and just say, we like you and don't like you. We look at the plan as it relates to the overall  
835 project. We also look at it as site specific. The site specific issues, we believe are of major  
836 concern. We have heard from the neighborhood. We have heard from Bank of Essex. The Bank  
837 of Essex as a commercial owner will seriously be harmed if their customers can't get in and out  
838 because there are cars parked in the common access drive. It is a private drive but it was a  
839 private drive that the County required to alleviate traffic congestion onto Route 1 and to J.E.B.  
840 Stuart. Those are valid concerns.

841

842 Mr. Archer - Ms. Shifflett, I suppose you understand why the staff did not recommend  
843 to not approve this POD.

844

845 Ms. Shifflett - Absolutely.

846

847 Mr. Archer - And it is my thought that there has to be some condition under which we  
848 can try to solve these differences although I really don't know what they are, especially in the  
849 light of the fact that Mr. Pradhan and the group that you represent has not had a sit down meeting  
850 to try to work these things out. And in talking with staff, there are indications that there are some  
851 things that can be done that might make this workable. So, with that I need to ask Mr. Pradhan a  
852 question. Mr. Pradhan are you willing to defer this case once more? You do need to meet with  
853 this group and discuss what their concerns are as a group. I visited this site yesterday and it's an  
854 awfully tight site. So, we can't deny the things that they are saying. It was tight when the car  
855 wash was done, but even so, there are things in this POD that staff has not much choice but to  
856 recommend, in view of the zoning that is, in place. But, you do need to meet with this group and  
857 see if you can resolve some of these issues.

858

859 Mr. Pradhan - I would like to do that. And I met with Essex Bank's vice president and  
860 the other officers in Essex Bank and showed them what we are doing and what kind of plan we  
861 have. As far as traffic is concern, the traffic department of the County has already evaluated the  
862 whole site.

863

864 Mr. Archer - Sir, I understand that in terms of what the traffic can accommodate but

865 sometimes those are at the bare minimum. And so that we don't have to discuss this any further  
866 this morning, because I don't think we will get anywhere with it. Ms. Shifflett, would you be  
867 kind enough to assemble a meeting of the group that you represent and Mr. Pradhan and let me  
868 know when and where it's going to be and I'll see if I can attend also?

869

870 Ms. Shifflett - We will do that.

871

872 Mr. Pradhan - We are willing to take any constructive criticism.

873

874 Mr. Kaechele - May I ask you another question, Ms. Shifflett? What other options  
875 does the association have in protection of these covenants? Can you go to the court of law?

876

877 Ms. Shifflett - We would be required to... If it is approved and he proceeds, we will get  
878 an injunction and we will take it to a court of law. It is imperative that these covenants be  
879 maintained otherwise all of the hard work we have done at Virginia Center would be for nothing.

880

881 Mr. Kaechele - Which is all the more reason to negotiate. Thank you.

882

883 Ms. Shifflett - We will proceed.

884

885 Mr. Archer - Mr. Pradhan, is one or two months okay?

886

887 Mr. Pradhan - Yes. I have something else to show you. Can I show these pictures (the  
888 pictures are displayed on the screen)?

889

890 Mr. Vanarsdall - Mr. Chairman, may I ask a question while he is doing that?

891

892 Mr. Archer - Go ahead.

893

894 Mr. Vanarsdall - It says that he was supposed to have a meeting before this meeting, did he  
895 have a meeting with anybody?

896

897 Mr. Archer - Apparently, he did but he did it individually and not with all of these other  
898 groups and I think that they all need to be sitting down at one time. All right, Mr. Pradhan, what  
899 are we looking at, sir?

900

901 Mr. Pradhan - On this slide you can see the structure on the top, that's our gas station.  
902 Across the street on the right-hand side, top column, you see the Foot Locker Store. That is all  
903 flat wall, non-construction design or anything out there. Across the street on the other side on the  
904 left, you see the restaurant building, it's all flat wall with the bricks there is no architectural  
905 design anywhere. We are the only property who built, six years ago, with all this design and  
906 architectural façade to accommodate and set the standards for the location. Since then, every  
907 building and every store that's open is a flat wall. And the only thing we are doing in here is  
908 putting a bay door with tinted glass and whatever they require, any kind of good suggestions they  
909 have, we are willing to go with that and we will put it there. It's not going to look ugly because

910 we already have several sites that look worse than ours. They have already approved all those  
911 sites in the construction.

912 Mr. Archer - I don't want to get into a beauty contest on the buildings, Mr. Pradhan.  
913 How much of a deferment would you like to request, sir, one month or two months?

914

915 Mr. Pradhan - Two months is fine.

916

917 Mr. Archer - Two months is fine?

918

919 Mr. Pradhan - Yes. So, that we can talk to all of the people who have concerns and  
920 accommodate their needs.

921

922 Mr. Archer - All right. Is that all right with you, Ms. Shifflett (she nods from the  
923 audience)? When is our May meeting?

924

925 Mr. Vanarsdall - The 23<sup>rd</sup>.

926

927 Mr. Archer - Okay. With that, Mr. Secretary and Commission members, I will move  
928 that deferral of POD-95-00, Superstar Inc. Service Center, to the May 23 meeting at the request  
929 of the applicant.

930

931 Mr. Vanarsdall - Second.

932

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

935

936 At the request of the applicant, the Planning Commission deferred POD-95-00, Superstar, Inc.  
937 Service Center - 9999 Brook Road (POD-3-96 Revised), to its May 23, 2001, meeting.

938

### 939 **PLAN OF DEVELOPMENT**

940

POD-25-01  
McDonalds at Staples Mill  
and Parham Roads

**CEGG Associates, L.C. for Third Generation, L. P., Eric Markowski and Jerry L. Campbell, Trustee:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 4,154 square foot restaurant with drive-thru. The 1.59 acre site is located at 8800 Staples Mill Road at the northwest corner of Staples Mill Road (U.S. Route 33) and E. Parham Road on parcel 61-A-29, 30 and 31. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

941

942 Mr. Archer - Is there anyone in the audience in opposition to POD-25-01, McDonalds at  
943 Staples Mill and Parham Roads. No opposition. Mr. McGarry.

944

945 Mr. McGarry - Mr. Chairman, the revised plan review is now complete and there are no



946 issues. Staff can recommend approval of this with the standard conditions plus No. 9 amended  
947 and Nos. 23 through 33.

948 Mr. Archer - No issues. That's very refreshing.

949

950 Mr. Vanarsdall - I don't see Ms. Freye. Is she not going to be here?

951

952 Mr. McGarry - The representative from McDonald's is here.

953

954 Mr. Vanarsdall - Oh. I have a couple of questions. One came up recently.

955

956 Mr. Archer - Would the applicant come forward please.

957

958 Mr. Markowski - I'm Eric Markowski with McDonald's Corporation.

959

960 Mr. Vanarsdall - Eric, let me ask you a question. Do you know where the electrical boxes  
961 are going to be on this building?

962

963 Mr. Markowski - They will be on the north side typically on the very rear of the building.  
964 That would be a stainless steel CT cabinet with one of those round glass meter boxes that you  
965 typically see.

966

967 Mr. Vanarsdall - Would it be screened in any way?

968

969 Mr. Markowski - Yes, sir, we intend to heavily landscape this site.

970

971 Mr. Vanarsdall - And on the screening of the dumpster do you know what the doors are  
972 made of?

973

974 Mr. Markowski - They are wooden doors on steel big steel brackets and then it would be a  
975 brick six-foot-high trash enclosure to match the building.

976

977 Mr. Vanarsdall - Those are all of the questions that I have unless someone else have a  
978 question.

979

980 Mr. Archer - All right, thank you, Mr. Vanarsdall.

981

982 Mr. Vanarsdall - I understand they made a change on the outdoor eating, outdoor dining.

983

984 Mr. Markowski - Yes, sir. What the operator of the store wanted to do was have the ability  
985 to put some brick pavers out in front of the store on the building pad so that she could put some  
986 outside dining tables out there in the event that she has a very heavy lunch crowd. She feels that  
987 from this municipal area here that hopefully a lot people will come there for lunch and would like  
988 to enjoy dining outdoors.

989

990 Mr. Vanarsdall - I heard some of the other McDonald's are doing that.

991

992 Mr. Markowski - It's rare.

993 Mr. Vanarsdall - I know that they used to have them. Thank you.

994

995 Mr. Archer - Mr. Secretary, do you have a question?

996

997 Mr. Marlles - Yes, sir. I just want to remind the applicant and Mr. Vanarsdall that  
998 outdoor dining does require a provisional use permit in that zone, which is also approved by this  
999 Board and by the Board of Supervisors. So, staff can talk to you about that later, but I just  
1000 wanted to make you aware of that.

1001

1002 Mr. Vanarsdall - I knew that but I wasn't in on this when we were gone. That's the reason  
1003 why I'm asking the questions. I understand from Ted that there were.... Well I probably don't  
1004 understand what he did tell me. It seems like they were just going to reduce the building a bit....

1005

1006 Mr. Markowski - The building had initially been proposed to be 12 feet longer than it is.  
1007 The operator, Sue (Durlick?), had decided that she felt like that was too large and that we would  
1008 go ahead and reduce the dining area, the inside dining by 12 feet. And we had approached the  
1009 Planning Department with perhaps putting this outside dining on the front and they told us to go  
1010 back to the Supervisor and ask if that was acceptable with him and he gave us a verbal okay and  
1011 we presented that to the Planning Department.

1012

1013 Mr. Vanarsdall - Mr. Marlles, do you think this needs a regular use permit for outdoor  
1014 dining?

1015

1016 Mr. Marlles - Well, outdoor dining, and this is the first that I've heard about that, Mr.  
1017 Vanarsdall. It is my understanding that it does require a PUP in this district.

1018

1019 Mr. Vanarsdall - That's what I thought every other time but I really wasn't up on this either.  
1020 So, should I hold this up?

1021

1022 Mr. Marlles - I don't think it is necessary to hold this POD up but it is something that is a  
1023 procedure that you will have to go through... It doesn't sound like there would be a problem with  
1024 the approval but it is something that is required in this district.

1025

1026 Mr. Markowski - With this POD we are simply showing the impervious area out in front  
1027 that would need to be there in order to have outside dining, but we are not asking permission to  
1028 do that at this time. We simply want to have the provision there in the event she determines she  
1029 will do this in the future.

1030

1031 Mr. Vanarsdall - So, you know now that when she does plan to do that she will need a  
1032 provisional use permit?

1033

1034 Mr. Markowski - Yes, sir.

1035

1036 Mr. Kaechele - As I recall, during the rezoning of this property there was  
1037 discussion of a children play area also. Has that been eliminated from this plan?  
1038 Mr. Markowski - It's never been proposed.  
1039  
1040 Mr. Kaechele - It has not?  
1041  
1042 Mr. Markowski - No, sir.  
1043  
1044 Mr. Kaechele - Inside?  
1045  
1046 Mr. Markowski - No, sir.  
1047  
1048 Ms. Dwyer - What kind of canopy would be over the patio? Would that be a permanent  
1049 one?  
1050  
1051 Mr. Markowski - No canopy. I think she was just planning to have something upscale,  
1052 you've seen the umbrellas.  
1053  
1054 Ms. Dwyer - The plan says proposed canopy for patio.  
1055  
1056 Mr. Markowski - There is what would almost look like a vestibule out there that's proposed  
1057 on the architectural plan but it's not for the outdoor dining. It's simply to give an architectural  
1058 affect.  
1059  
1060 Ms. Dwyer - So when it says proposed canopy and patio for outdoor dining that's...  
1061  
1062 Mr. Markowski - If it says outdoor canopy for the dining then that's an error. We would not  
1063 propose a canopy.  
1064  
1065 Ms. Dwyer - Okay. But, it might be nice.  
1066  
1067 Mr. Markowski - When she comes in with the request for the exterior dining, we will attack  
1068 it then.  
1069  
1070 Mr. Archer - All right. Are there any further questions?  
1071  
1072 Mr. Vanarsdall - Thank you.  
1073  
1074 Mr. Markowski - Thank you.  
1075  
1076 Ms. Dwyer - Do you want to eliminate that comment on the plan about the canopy?  
1077  
1078 Mr. Vanarsdall - Yes, that should be deleted.  
1079  
1080 Mr. Marlles - Mr. Vanarsdall, Mr. Silber, just mentioned that to Mr. McGarry that that

1081 plan should be annotated regarding the canopy. That will be taking care of on the plan.

1082

1083 Mr. Vanarsdall - All right. I move that POD-25-01, McDonalds at Staples Mill and Parham  
1084 Roads, be approved with the annotations on the plan, the standard conditions for developments  
1085 of this type, No. 9 amended and added conditions Nos. 23 through 33 and I would like to delete  
1086 on the plan the annotation that says "Proposed canopy and patio for outdoor seating" which  
1087 means we are not approving a patio or anything about it or outdoor dining or the canopy on this  
1088 POD. And also I want to make a notation that the applicant stated that the electrical boxes will  
1089 be screened and I'm assuming it will be an addition to landscaping. And also the doors on the  
1090 dumpster are opaque. That's the end of my motion.

1091

1092 Ms. Dwyer - Second.

1093

1094 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All  
1095 in favor say aye...all opposed say nay. The motion carries.

1096

1097 The Planning Commission approved POD-25-01, McDonalds at Staples Mill and Parham Roads,  
1098 subject to the standard conditions attached to these minutes for developments of this type, the  
1099 annotations on the plans and the following additional conditions.

1100

1101 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1102 review and Planning Commission approval prior to the issuance of any occupancy permits

1103 23. The developer shall provide fire hydrants as required by the Department of Public  
1104 Utilities and Division of Fire.

1105 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1106 form acceptable to the County Attorney prior to final approval of the construction plans.

1107 25. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1108 approved by the County Engineer prior to final approval of the construction plans by the  
1109 Department of Public Works.

1110 26. Insurance Services Office (ISO) calculations must be included with the plans and  
1111 approved by the Department of Public Utilities prior to the issuance of a building permit.

1112 27. Approval of the construction plans by the Department of Public Works does not establish  
1113 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1114 elevations will be set by Henrico County.

1115 28. Approval of the construction plans by the Department of Public Works does not establish  
1116 the curb and gutter elevations along the Virginia Department of Transportation  
1117 maintained right-of-way. The elevations will be set by the contractor and approved by the  
1118 Virginia Department of Transportation.

1119 29. The right-of-way for widening of E. Parham Road as shown on approved plans shall be  
1120 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1121 dedication plat and any other required information shall be submitted to the County Real  
1122 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1123 30. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) shall be  
1124 approved by the Virginia Department of Transportation and the County.

1125 31. A notice of completion form, certifying that the requirements of the Virginia Department

1126 of Transportation entrances permit have been completed, shall be submitted to the  
1127 Planning Office prior to any occupancy permits being issued.

1128 32. The proffers approved as a part of zoning case C-36C-00 shall be incorporated in this  
1129 approval.

1130 33. In the event of any traffic backup which blocks the public right-of-way as a result of  
1131 congestion caused by the drive-up delivery facilities, the owner/occupant shall close the  
1132 drive-up delivery facilities until a solution can be designed to prevent traffic backup.

1133

1134 Mr. Archer - To the members of the audience, I think I may have erroneously stated that  
1135 the Mount Olive case would be moved to the end of the agenda, I meant to say that it would be  
1136 moved to its regular spot on the agenda. So, Mr. Secretary.

1137

1138 **CONTINUATION FROM PAGE 7**

1139

1140 **PLAN OF DEVELOPMENT & MASTER PLAN (Deferred from the February 28, 2001,**  
1141 **Meeting)**

1142

POD-21-01 Mount Olive Baptist Church 8775 Mount Olive Avenue off Mountain Road	<b>Michael E. Doczi &amp; Associates, PLLC for Mount Olive Baptist Church:</b> Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 800 seat sanctuary church expansion. The 8.1966 acre site is located at 8775 Mount Olive Avenue on parcels 52-A-74A, 72 and part of 75. The zoning is R-3, One-Family Residence District and A-1, Agricultural District. County water and sewer. <b>(Fairfield)</b>
---	--

1143

1144 Mr. Marles - Mr. Chairman, before Mr. McGarry updates us on the outstanding issue  
1145 regarding drainage, I would just like to remind the Commission that this is an item that is  
1146 handled by the Public Works Department as part of the approval of the more detailed  
1147 construction plans. So, Mr. McGarry is available for the staff report.

1148

1149 Mr. McGarry - The opposition is still out in the hallway and I don't know if that is good or  
1150 bad. The staff has reviewed the revised plan and that is complete and there are no outstanding  
1151 issues on this either. Staff can recommend approval subject to the standard conditions for  
1152 developments of this type and conditions Nos. 23 through 28.

1153

1154 Mr. Archer - Mr. McGarry, are you aware of Mr. Davis' opposition, exactly what he was  
1155 referring to?

1156

1157 Mr. McGarry - He was looking for assurance that the development of the site was not  
1158 going to increase the runoff onto his property. And there is a detention pond for 50/10 detention  
1159 that will hold the water back so that it would release across into a normal channel at the pre-  
1160 construction rate. So, he should be protected. I think he needed to be convinced of that.

1161

1162 Mr. Archer - But in any event, just so that everybody would be clear on what we are

1163 saying, Mr. Secretary. You are saying then that of Public Utilities or Works?  
1164  
1165 Mr. Marlles - Public Works.  
1166  
1167 Mr. Archer - Public Works has the responsibility for seeing that that does not occur.  
1168  
1169 Mr. Marlles - Yes, sir. And Mr. McGarry just recited what the drainage standard was.  
1170  
1171 Mr. Archer- Okay. So, then if that standard is met then Mr. Davis should be protected,  
1172 correct?  
1173  
1174 Mr. Marlles - Yes, sir.  
1175  
1176 Ms. Dwyer - Did we explain the standard? You said 50/10. Could you explain what  
1177 that means?  
1178  
1179 Mr. McGarry - I think I can do it. The Public Works standard is designed to take up to a  
1180 50-year storm and release the water off the site at a 10-year storm rate, nothing more significant  
1181 than a 10-year rate.  
1182  
1183 Ms. Dwyer - So, when we say 50 or more we mean the biggest storm that one would  
1184 expect over a 50-year period, which would be a large storm.  
1185  
1186 Mr. McGarry - A very large storm should release at a 10-year rate, which is a typical  
1187 thunderstorm rate.  
1188  
1189 Ms. Dwyer - And a 10-year storm would be a much smaller storm so you are designing  
1190 it so that the pond will hold the water from a large storm....  
1191  
1192 Mr. McGarry - Hold the water from a storm and release it through a small pipe, which is  
1193 what the controlling factor is to prevent the water running across Mr. Davis' property.  
1194  
1195 Ms. Dwyer - As if it were a small storm?  
1196  
1197 Mr. McGarry - That's correct.  
1198  
1199 Mr. Archer - Mr. McGarry, Mr. Davis just came in. Sir, did you hear the explanation  
1200 that we just gave of our answer to your concern?  
1201  
1202 Mr. Davis - We were outside and we resolved the issues, and I have no opposition to it  
1203 any more.  
1204  
1205 Mr. McGarry - Thank you, Mr. Davis.  
1206  
1207 Mr. Archer - Thank you, sir.

1208

1209 Mr. Davis - Thank you.

1210 Mr. Archer - All right. Are there any further questions? Being none, I move approval  
1211 of POD-21-01, Mount Olive Baptist Church, subject to the staff recommendation, the standard  
1212 conditions for developments of this type, and the additional conditions Nos. 23 through 28.

1213

1214 Mr. Vanarsdall - Second.

1215

1216 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All  
1217 in favor say aye...all opposed say nay. The motion carries.

1218

1219 The Planning Commission approved POD-21-01 Mount Olive Baptist Church - 8775 Mount  
1220 Olive Avenue off Mountain Road, subject to the standard conditions attached to these minutes  
1221 for developments of this type, the annotations on the plan and the following additional  
1222 conditions.

1223

1224 23. The developer shall provide fire hydrants as required by the Department of Public  
1225 Utilities and Division of Fire.

1226 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1227 form acceptable to the County Attorney prior to final approval of the construction plans.

1228 25. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1229 approved by the County Engineer prior to final approval of the construction plans by the  
1230 Department of Public Works.

1231 26. Insurance Services Office (ISO) calculations must be included with the plans and  
1232 approved by the Department of Public Utilities prior to the issuance of a building permit.

1233 27. Approval of the construction plans by the Department of Public Works does not establish  
1234 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1235 elevations will be set by Henrico County.

1236 28. The conceptual master plan, as submitted with this application, is for planning and  
1237 information purposes only. All subsequent detailed plans of development and  
1238 construction plans needed to implement this conceptual plan may be administratively  
1239 reviewed and approved and shall be subject to all regulations in effect at the time such  
1240 subsequent plans are submitted for review/approval.

1241

1242 **PLAN OF DEVELOPMENT (Deferred from the February 28, 2001, Meeting)**

1243

POD-10-01  
First Citizens Bank -  
W. Broad Street

**Kimley-Horn & Associates, Inc. for Bon Secours - Richmond Health System and First Citizens Bank:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, ~~18,846~~ 18,789 square foot bank with drive thru facilities and offices. The 3.69 acre site is located on the south line of W. Broad Street (U.S. Route 250), approximately 200 feet west of Lauderdale Drive on part of parcel 36-A-49. The zoning is B-2C, Business District (Conditional) and WBSO (West Broad Street Overlay)

District. County water and sewer. (Three Chopt)

1244

1245

1246 Mr. Wilhite - This case was deferred last month by the applicant in order to give them  
1247 more time to respond to the comments that staff had provided them. Primarily, they wanted to  
1248 address the items that came from the CPTED planner in the Police Division because this is a  
1249 bank facility and the planner did give quite a few comments on this. We do have revised  
1250 architectural plans that are being handed out to you currently. They address many of the  
1251 comments that Police provided to the applicant. This results in a slight drop in the building size  
1252 and a footprint change from 18,846 to 18,789 square feet. Our largest visible change on the  
1253 elevation is the elimination of the covered porch at the entrance on the west side of the building.  
1254 This was requested by Police to give greater visibility to the entrance there. Also there was a  
1255 removal of the exterior doors on the stairwells that face W. Broad Street. There were additional  
1256 comments generated by Police on the revised architectural plans that have been forwarded back  
1257 to the applicant. Most of these additional comments deal with the interior of the building and the  
1258 applicant has indicated a willingness to work with Police up until the time of building permit  
1259 approval. There are color renderings up on the screen available. I also have a sample board of  
1260 materials that I can pass around. This building does represent the first structure being proposed  
1261 on the west side of Lauderdale Drive within this development and with the proffers and  
1262 guidelines under the Bon Secours project there would be a relationship with the future  
1263 development to this building here. Also in your packet there is a revised site plan that addresses  
1264 most of the staff concerns, concerning the parking layout. There is still some on-going  
1265 discussion about the width of the drive isles through the canopy and also around the canopy for  
1266 fire access. Both staff and the applicant are confident that this will be worked out by the time the  
1267 construction plans have been signed. A specific Planning Commission approval will be  
1268 necessary to allow for a drainage easement to be located within the 50-foot proffered buffer along  
1269 W. Broad Street. And, also, for the aluminum column covers between the windows on the  
1270 second floor of this structure. With that staff can recommend approval of these revised plan with  
1271 the annotations on them, also the standard conditions and the additional conditions listed on your  
1272 agenda. I'll be happy to answer any questions you would have.

1273

1274 Mr. Archer - Thank you, Mr. Wilhite. Are there any questions of Mr. Wilhite from the  
1275 Commission?

1276

1277 Ms. Dwyer - It looks like the loop road is stubbing into the O-3 property. Is that  
1278 correct?

1279

1280 Mr. Wilhite - The property to the south? The loop road was approved last month under  
1281 POD-8-01.

1282

1283 Ms. Dwyer - I'm looking at the loop road, I guess, on the western side of Broad Street,  
1284 on the other side.

1285

1286 Mr. Wilhite - You can see on your map that it will continue along the southern edge of  
1287 this parcel and curve around and then eventually intersect back with Lauderdale Drive at its



1288 intersection with Three Chopt Road.

1289 Ms. Dwyer But does it also go straight along the, what looks like, the property line  
1290 there?  
1291

1292 Mr. Wilhite - It would follow the zoning line with the case. The zoning line is centered  
1293 over the, the zoning change from B-2C to the O-3C.  
1294

1295 Ms. Dwyer - At the top of the graphic here it look likes there a road that goes from  
1296 Broad Street, straight back to the O-3 without curving.  
1297

1298 Mr. Wilhite - On the west side of the building?  
1299

1300 Ms. Dwyer - Yes.  
1301

1302 Mr. Wilhite - Yes, once again, that was approved with the last POD last month.  
1303

1304 Ms. Dwyer - And does that stub into the O-3 and that will connect to the O-3 property?  
1305

1306 Mr. Wilhite - Yes. That would be a continuation of the loop road around what would be  
1307 the main Bon Secours' building, the main building on the project.  
1308

1309 Ms. Dwyer - Will that be the main access for the O-3 parcel to Broad or will Lauderdale  
1310 be....  
1311

1312 Mr. Pike - My name is Charlie Pike and I'm with TIMMONS and we represent Bon  
1313 Secours in the development of the property. So, to answer your question. It lines up on Broad  
1314 Street with a crossover. That's the main reason it's on that end of the property to line up with the  
1315 crossover. And it would be the access to the O-3 property from Broad Street. The main access  
1316 to the project is anticipated to occur at the intersection of Three Chopt, back at the stop light,  
1317 down Lauderdale Drive. That would be the focus of the main entrance into the property. But,  
1318 this would be the Broad Street access.  
1319

1320 Ms. Dwyer - Okay. How large is that O-3 piece? How many acres is that?  
1321

1322 Mr. Pike - I can't answer that off the top of my head, Ms. Dwyer. I don't remember.  
1323

1324 Ms. Dwyer - In any event, that's probably not going to be the main entrance to Three  
1325 Chopt and Lauderdale and then out to Broad.  
1326

1327 Mr. Pike - Three Chopt and Lauderdale is anticipated to be the main entrance. That's  
1328 where a stop light will be. There won't be a stop light here, or it is not anticipated at this time.  
1329

1330 Ms. Dwyer - I was just wondering about the flow of traffic whether there would be a lot  
1331 of traffic from the O-3 into this piece of Broad Street. It looks like it is too close to Lauderdale  
1332 to have a light but did have the crossover.  
1333

1334 Mr. Pike - Exactly. We don't anticipate there being a light there but it's basically part  
1335 of a ring-road if you want to think about it as a ring-road that runs around what would be the  
1336 hospital site for Bon Secours and then there are other uses on the peripheral outside edge of it.  
1337 But the inside of that O-3 ring-road is anticipated to be parking lot and the hospital. At this point  
1338 in time that's the master plan. It's about 30-35 acres, in that range.

1339

1340 Mr. Archer - Thank you, Mr. Pike. Are there any further questions from the  
1341 Commission for Mr. Wilhite?

1342

1343 Mr. Kaechele - I have just one question. All of this site has similar architectural  
1344 treatment from the master plan?

1345

1346 Mr. Wilhite - Yes. It is covered by proffered conditions. There was a proffered  
1347 rendering with the zoning case for the main Bon Secours building. There has been quite a bit of  
1348 construction on the east side of Lauderdale Drive, and we have been working to make sure that's  
1349 coordinated development. This is the first building on the west side of Lauderdale.

1350

1351 Mr. Kaechele - Okay. Looking at your materials here, where will this coated  
1352 stainless steel show up on the building?

1353

1354 Mr. Wilhite - That will be on the roof. That's a standing seam roof.

1355

1356 Mr. Kaechele - Okay. Now it is painted....

1357

1358 Mr. Wilhite - From what I understand from the architect that is a coating that keep the  
1359 roof from oxidizing. It would end up being a light gray, which is the same type of color that's  
1360 being used on the other side, on the roofs.

1361

1362 Mr. Kaechele - Will it change color over time? The whole roof is a stainless type?

1363

1364 Mr. Wilhite - That is what I understand from the architect, yes.

1365

1366 Mr. Kaechele - That's it. Can you go back to the architectural view on the screen?

1367

1368 Mr. Wilhite - Sure.

1369

1370 Mr. Kaechele - I was just concerned that there might be some reflectivity off of  
1371 those.

1372

1373 Mr. Archer - Anyone else?

1374

1375 Mr. Taylor - I have one question, Mr. Chairman, for Mr. Wilhite. And that is with  
1376 regard to the aluminum columns and the drainage conditions. Are those items Nos. 33 and 34 or  
1377 is there a separate addendum for those?

1378

1379 Mr. Wilhite - I'm sorry what was your question again, sir?  
1380 Mr. Taylor - For the aluminum columns and the drainage condition, is there a separate  
1381 addendum for those?  
1382  
1383 Mr. Wilhite - The revised plan has been annotated to show those specific approvals  
1384 being required for both the drainage easement within the buffer and also the architectural plans  
1385 for the aluminum columns covers. Those are on the hand out plans.  
1386  
1387 Mr. Archer - All right. Are there any further questions of Mr. Wilhite? Do you have  
1388 anything else, Mr. Taylor?  
1389  
1390 Mr. Taylor - No, sir. I just wanted to clarify those last two provisions.  
1391  
1392 Mr. Archer - Do you need to hear from anybody else?  
1393  
1394 Mr. Taylor - No, I don't believe so, unless anyone wants to make some comments, Mr.  
1395 Chairman.  
1396  
1397 Mr. Archer - Okay. Then I think we are ready for a motion.  
1398  
1399 Mr. Taylor - Then I will move approval of POD-10-01, First Citizens Bank on W.  
1400 Broad Street, subject to the standard conditions for developments of this type....  
1401  
1402 Mr. Archer - Mr. Taylor, hold on for one second. Is there opposition on this case? You  
1403 do have opposition, sir?  
1404  
1405 Mr. McDonough - It's not opposition as much as it is a question.  
1406  
1407 Mr. Archer - I apologize. Would you come down please and state your name for the  
1408 record? Thank you, Mr. Silber, for reminding me.  
1409  
1410 Mr. McDonough - Good morning, my name is Mike McDonough and I live at 12067 Foxfield  
1411 Circle. This is the property to the south of what would be the Bon Secours property. Just two  
1412 items that I had a question on. The gentleman from TIMMONS mentioned Bon Secours in terms  
1413 of a hospital. Our homeowners association had the understanding that it would be more of an  
1414 assisted care living center. Is that not the case? And the loop road off of Broad, as it enters the  
1415 access lane on the site plan appears to be awful short in terms of how that road would go through  
1416 the property. And, again, it's not opposition it's just a question in my mind, and I also represent  
1417 the board members of the Foxfield Association at Wellesley.  
1418  
1419 Mr. Archer - Thank you, sir. Are there any questions for this gentleman before he takes  
1420 his seat? Thank you.  
1421  
1422 Mr. McDonough - Thank you, sir.  
1423

1424 Mr. Taylor - I just want to make sure that that was handled. Mr. Chairman, there being  
1425 no further opposition that I see....

1426

1427 Ms. Dwyer - Do we need to answer his questions any further?

1428

1429 Mr. Archer - Mr. Pike, can you try to answer his questions?

1430

1431 Mr. Pike - In answer to the gentleman's question concerning the land uses projected  
1432 onto the O-3 being excess of 30 acres, there are a number of uses, if you look at the master plan  
1433 that was submitted. One was the assisted living is one of the issues. There are some medical  
1434 office buildings projected to be built and a hospital. So, there will be a number of uses that were  
1435 projected with the master plan that the Commission has seen during the zoning case and these  
1436 types of things. So, yes, there is an extending living type of facility but there is also a hospital  
1437 and some medical office buildings.

1438

1439 Mr. Vanarsdall - But, don't they intend to put the hospital out there anyway?

1440

1441 Mr. Pike - There is an intention to build a hospital in the future there. It's certainly  
1442 set up for that, the master plan in the zoning is set up for that, yes. I have no idea when, but the  
1443 master plan projected it at the zoning case did indicate that.

1444

1445 Ms. Dwyer - And with regard to the loop road, maybe it should be clarified that this is  
1446 only a portion of the loop road that's shown here.

1447

1448 Mr. Pike - Yes, it's the first piece of the loop road that comes down. The anticipation  
1449 now with the master plan is that everything south of that road would be parking lot and other  
1450 uses associated with the hospital at this point on the north side of it.

1451

1452 Mr. Taylor - Mr. Pike, what is the total area of this site, when it's fully developed,  
1453 roughly?

1454

1455 Mr. Pike - I believe, Mr. Taylor, it's got in excess of 40 acres on it, somewhere  
1456 around 42 if I remember correctly.

1457

1458 Mr. Taylor - Do you have with you today any kind of a master plan?

1459

1460 Mr. Pike - I don't, maybe Mr. Wilhite has a copy of that.

1461

1462 Mr. Wilhite - Not with us here. The master plan was shown with POD-8-01, that was  
1463 approved last month, but we do not have that currently here at the meeting.

1464

1465 Ms. Dwyer - It's a separate case, in any event.

1466

1467 Mr. Pike - I'll be glad to take the gentleman's name and address and try to get him a  
1468 copy of it if that would be appropriate.

1469

1470 Mr. Taylor - I think that would be a good idea.

1471

1472 Mr. Pike - Sir, if you would give me your address I will be glad to get that to you.

1473

1474 Mr. McDonough - And let me say, again, I'm not sharing opposition. It was simply our  
1475 understanding on that and I didn't realize that I'm probably behind the curb on the master plan for  
1476 O-3C so that's not the question. My question on the loop road as it applies to Broad Street is, you  
1477 had indicated that there would be a crossover there and I assume it's been approved and it works,  
1478 it just looks like a short distance, that's all I'm saying.

1479

1480 Mr. Taylor - I believe the crossover has been approved to the west, as I remember.

1481

1482 Mr. McDonough - Do you have any idea the approximate distance between where the loop  
1483 road comes off into the First Citizens property versus where the access road goes to Lauderdale?  
1484 Is that 200 or 300 feet?

1485

1486 Mr. Pike - From here back (making reference to the map)?

1487

1488 Mr. McDonough - Yes.

1489

1490 Mr. Pike - Oh, it's probably in excess of 400 to 600. That access does line up with an  
1491 existing crossover, to my understanding.

1492

1493 Mr. McDonough - Yes, that answers my question. Thank you, very much, again.

1494

1495 Mr. Wilhite - Mr. Chairman, if the Commission wishes to, we can get the master plan  
1496 from the Planning Office and have it back here in a few minutes, if you wish to see that.

1497

1498 Mr. Archer - Do you think we need it Mr. Taylor?

1499

1500 Mr. Taylor - Mr. Chairman, it might be a good idea if we get that just to share their  
1501 common information with everyone here before we go ahead with this, if that doesn't hold up the  
1502 procedure.

1503

1504 Ms. Dwyer - I don't think it is a concern of the Commission, I think it was just a  
1505 curiosity question by the citizen. Wouldn't it be easier if he would just go up to the Planning  
1506 Office?

1507

1508 Mr. Taylor - Right. It might be easier if Mr. Pike shares that directly with him. All  
1509 right then lets go ahead with this project. Then, I think, Mr. Chairman, we are ready for a  
1510 motion.

1511

1512 Mr. Archer - Okay. We are ready.

1513

1514 Mr. Taylor - So, Mr. Chairman, I would remove approval of POD-10-01, First Citizens  
1515 Bank on W. Broad Street, subject to the standard conditions for developments of this type, the  
1516 annotations on the plan and that annotation is to include the specific areas for the easement  
1517 through the buffer as shown on the plans and for the aluminum columns and conditions Nos. 23  
1518 through 32.

1519

1520 Mr. Vanarsdall - Second.

1521

1522 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All  
1523 in favor say aye...all opposed say nay. The motion carries.

1524

1525 The Planning Commission approved POD-10-01, First Citizens Bank - W. Broad Street, subject  
1526 to the standard conditions attached to these minutes for developments of this type, the  
1527 annotations on the plan and the following additional conditions.

1528

1529 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1530 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1531 being issued. The easement plats and any other required information shall be submitted  
1532 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1533 permits.

1534 24. The developer shall provide fire hydrants as required by the Department of Public  
1535 Utilities and Division of Fire.

1536 25. The proffers approved as a part of zoning case C-68C-95 shall be incorporated in this  
1537 approval.

1538 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1539 form acceptable to the County Attorney prior to final approval of the construction plans.

1540 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1541 approved by the County Engineer prior to final approval of the construction plans by the  
1542 Department of Public Works.

1543 28. In the event of any traffic backup which blocks the public right-of-way as a result of  
1544 congestion caused by the drive-up teller facilities, the owner/occupant shall close the  
1545 drive-up teller facilities until a solution can be designed to prevent traffic backup.

1546 29. Insurance Services Office (ISO) calculations must be included with the plans and  
1547 approved by the Department of Public Utilities prior to the issuance of a building permit.

1548 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1549 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1550 development.

1551 31. The conceptual master plan, as submitted with this application, is for planning and  
1552 information purposes only.

1553 32. The access drive serving this project (submitted and approved under a separate plan of  
1554 development) shall be completed prior to the issuance of a certificate of occupancy.

1555

1556 **THE PLANNING COMMISSION TOOK A BREAK AT THIS TIME**

1557

1558 Mr. Archer - All right the Commission will reconvene. Mr. Secretary, where are we?





1560 **PLAN OF DEVELOPMENT (Deferred from the February 28, 2001, Meeting)**

1561

POD-14-01  
Mayland and Parham Office  
Building - Parham Road

**TIMMONS for Mayland Investors, L.C. and Maypar Associates, L.P.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 103,000 square foot office building. The 12.15 acre site is located approximately 60 feet from the northeast corner of the intersection of Parham Road and Mayland Drive and fronting 211 feet on Parham Road and 1,234 feet on Mayland Drive on parcel 69-A-78A. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

1562

1563 Mr. Archer - Is there anyone in the audience in opposition to POD14-01, Mayland and  
1564 Parham Office Building? We have opposition. We will be with you in a moment. All right.

1565 Ms. Goggin.

1566

1567 Ms. Goggin - The staff received a revised plan dated March 23, 2001, which is in your  
1568 revised staff packet. The applicant has worked with Public Works, Public Utilities and the  
1569 Planning staff to address the plan of development requirements and neighboring citizens  
1570 concerns. There were two critical issues that concerned the staff at the original plan submission.  
1571 The first was the possibility of the only new access for the site will be located on Mayland Drive  
1572 and the second dealt with improvements along Mayland such as pavement widening, curb and  
1573 gutter, and sidewalk installation. In your revised packet is a letter from an additional adjacent  
1574 property owner. The applicant and staff has worked with this citizen as well as the others who  
1575 have contacted this office about this plan of development to help facilitate traffic flow and  
1576 minimize neighborhood impact. Staff believes that the applicant should try to share an existing  
1577 entrance with the Parham 64 building located north of the site. This is shown as  
1578 "Alternative Two" on the revised staff plan. I can also turn on the overhead for another view. If  
1579 a shared entrance is not possible they should have an entrance on Parham Road as shown as  
1580 "Alternative One," thus the only access points that would be approved with this plan of  
1581 development are the existing entrance on Mayland Drive and a new one on Parham Road. An  
1582 additional access onto Mayland across from Lawland Drive is proposed for the future. Revised  
1583 condition No. 23 has been added to the conditions for approval to address both the need of the  
1584 entrance and to allow for future public participation and input. I will be glad to try to address any  
1585 questions the Commission may have about this project. Todd Eure from Traffic Engineering  
1586 Design and Charlie Pike from TIMMONS is also here as well to answer questions.

1587

1588 Mr. Archer - Thank you, Ms. Goggin. Are there any question of Ms. Goggin from the  
1589 Commission?

1590

1591 Mr. Taylor - Ms. Goggin, one thing we wanted to review here as to whether or not the  
1592 neighbor to the Parham 64 was notified of this. Have they been contacted at all about the  
1593 proposals by Mr. Pike?

1594

1595 Ms. Goggin - Mr. Pike.

1596 Mr. Pike - I know the developer of this particular parcel of the POD that we are doing  
1597 today has had a relationship with the adjacent property. They are out of state, the ownership is  
1598 out of state, it's a real estate investment by an out of state company. And I do know that they are  
1599 in the process of trying to talk to them about the issue of the entrance and those issues I can't  
1600 report to you today of the exact disposition of that conversation.

1601

1602 Mr. Taylor - That would be Alternative B?

1603

1604 Mr. Pike - Yes, sir.

1605

1606 Mr. Taylor - This is Alternative A basically.

1607

1608 Mr. Pike - Yes, sir. And we understand that it is the County's desire and we will  
1609 certainly follow up with our commitment to try to negotiate that with the adjacent property  
1610 owner.

1611

1612 Mr. Taylor - Thank you.

1613

1614 Mr. Archer - Are there any further questions?

1615

1616 Mr. Taylor - I think, Mr. Chairman, we have some opposition.

1617

1618 Mr. Archer - Yes, we do have opposition. Mr. Secretary, do you want to briefly go over  
1619 the time limit policy?

1620

1621 Mr. Marlles - Yes, sir. The opposition on the case has 10 minutes to present any  
1622 concerns or issues you might have. That time does not include time answering questions from  
1623 the Commission.

1624

1625 Mr. Waldron - This isn't strict opposition this is just a concern that I have. My name is  
1626 Ted Waldron. I'm the property owner directly behind to the east, I believe, of the property. My  
1627 concern is with, I have two concerns, and one is the storm water condition. It has been explained  
1628 to me that the storm water runoff has been design for, the system has been designed for the  
1629 50/10. Is that correct? And I'm satisfied with that explanation. The only concern that I have left  
1630 is currently the rain water is not controlled as the stromwater runs through the Mayland  
1631 intersection or the Mayland culvert. That is a concern that I've got to bring to the County's  
1632 interest. The number two concern I have here is with the access to the property. Currently, we  
1633 are looking at one access near the intersection of Parham and Mayland, which is an existing  
1634 access. I'm okay with that but my problem is we are going to back up people back toward that  
1635 intersection and force this additional intersection down at Lawland to be implemented in the near  
1636 future, more likely the near future than the distant future. That brings up my complete concern  
1637 here which is the traffic through this area through Mayland and Comet, which are consent cut-  
1638 through traffic areas is not being handled by the County officers. It's not being handled through  
1639 any traffic controls in that area. As a property owner there I found that... just this morning I  
1640 almost got run over by somebody running about 50 mph down through Comet Drive. It's not

1641 being controlled presently, it's a headache, and if we put 520 more vehicles through there in the  
1642 morning and in the evening, we will have a problem. And I would just like that issue addressed.  
1643 I would like to see the entrance drive that they are proposing from Lawland to be moved up  
1644 closer to Trimmer Drive, which would be more centralized to the site and allow more flow from  
1645 the Parham/Mayland intersection and less traffic to be diverted back toward the residential  
1646 neighborhood.

1647

1648 Ms. Dwyer - It looks as though people have access directly to Parham, so if they want to  
1649 turn right on Parham they don't need to get on Mayland at all.

1650

1651 Mr. Waldron - Right, but when they turn left on Parham and when they want to go back  
1652 toward Skipwith and.... The big intersection here in the neighborhood is the Skipwith and  
1653 Hungary Spring intersection, which feeds this area tremendously. And they come through Comet  
1654 and they come through Mayland and they come down Dancer and all the other participating  
1655 roadways in that area. That's my concern. It's far beyond this issue but it's something that the  
1656 County needs to take into account.

1657

1658 Mr. Taylor - Mr. Waldron, we have had a few meetings with the staff and transportation  
1659 particularly on this issue. And, if you might, we have Mr. Eure here from highways who is with  
1660 us today and he can address the traffic.

1661

1662 Mr. Eure - Good morning, Mr. Chairman and members of the Commission, my name  
1663 is Todd Eure, assistant traffic engineer. As far as the issues with traffic, we recognize and are  
1664 aware of the existing concerns with the traffic in that area, the neighborhood. In fact, last month  
1665 after this case first came to us, we did go out there to do some counts. These numbers you will  
1666 find are a little bit eschewed because, if you recall, at the time, the County contractor was out on  
1667 Parham Road, pretty much right in the intersection of Mayland, doing some median repairs and  
1668 replacement and that will undoubtedly increase some cut-through traffic through the  
1669 neighborhood, but, certainly, under normal conditions, there is a cut-through traffic issue on a  
1670 number of these streets, back behind this proposed site. In order to address this existing  
1671 condition with the additional traffic that will be generated by this proposed site, we did look very  
1672 carefully where the entrances could go and would go, and in order to address the majority of the  
1673 neighborhood concerns that were fed back to us were that we did have issues with at least  
1674 initially providing another direct access onto Mayland Drive further back to the east, particularly  
1675 as the proposed lining up with Lawland Drive, because at that point that could potentially  
1676 increase cut-through traffic accessing this site, in addition to what is already there. Our  
1677 requirements, therefore, we focused on allowing additional access onto Parham. We prefer it to  
1678 be as far to the north as possible, and that is one of the things that precipitated the request for the  
1679 developer to contact the adjacent property owner and see if a shared entrance could be worked  
1680 out. What that would do would provide us further separation at the intersection of Mayland and  
1681 also provide a longer light-turn stacking, but even if we are forced to accept an entrance on  
1682 Parham, closer to Mayland, we still can provide a right-turn lane of about 190 feet in length,  
1683 which should be adequate to handle the volume of traffic this will generate, and that also would  
1684 be in addition to the existing access onto Mayland as it exists now. As far as the intersection of  
1685 Mayland and Parham, that is probably one of our more congested intersections in the County,

1686 particularly Doran. At afternoon rush hours, we have a very heavy weave coming off of I-64,  
1687 trying to get into the left-turn lane to make a left-turn into Mayland to access the apartments and  
1688 townhouses to the west of Parham. There are several things that hold some promise to that  
1689 intersection in the foreseeable future. The extension of Mayland Drive to Pemberton Road, we  
1690 anticipate it to be done within the next several years. That was one of the bond referendum items  
1691 that was approved by the voters in Henrico last year, and I think it is a fairly simple project, as far  
1692 as once we get final funding and design on it. It should go pretty quick and what that is going to  
1693 allow is a lot of that traffic that is currently feeding through this one intersection will be able to  
1694 divert to I-64 and Gaskins come up directly to Mayland and come in from the west, and what that  
1695 will do as far as the east side of Mayland is allow us to improve the efficiency of the intersection,  
1696 particularly by changing the timing and since we don't have to accommodate that heavy left-turn  
1697 movement quite to the degree that we do today, that will relieve some of the backup we have on  
1698 Mayland going westbound to east of Parham. The other thing that we did as part of this median  
1699 replacement project, we did lengthen the left-turn lane southbound on Parham at Mayland to  
1700 provide a wider stack and longer storage for traffic making a left-turn into this neighborhood and  
1701 provide additional stacking for this site as well, for the left-turn movement in.

1702

1703 As Christina mentioned, we do have provisions for a future access at the rear of the site, the  
1704 eastern side of the site to line with Lawland and if it is determined it is needed from a traffic  
1705 safety standpoint, there is nothing that makes us insist on that exact alignment. It is worked out  
1706 from a developer's standpoint and our standpoint, and the neighborhood standpoint to bring it,  
1707 maybe a little bit further, to the west to line up with Trimmer. Certainly, that would be a  
1708 consideration. We still have plenty of separation between that intersection and Parham. Based  
1709 on our observations we have done out there the past month, and again, this is a little bit  
1710 eschewed, because of the construction going on out there, which in this case is a worst-case  
1711 scenario, we did notice that during morning rush hours that typically we do not get any backup  
1712 from the intersection of Parham all the way back past this existing site entrance, which would be  
1713 the main contributing factor to basically restrict left-turns in and backing them back out to  
1714 Parham, which would be one of the things we would want to avoid at all costs. That would be  
1715 one of the things that we would want to encourage, an additional entrance to the east, but at least  
1716 with traffic conditions we see out there now, we feel that this existing entrance on Mayland  
1717 should suffice and again, with the extension on Mayland, that will hopefully provide us  
1718 additional capacity in this area for the foreseeable future. If anybody has any questions, I will be  
1719 glad to answer them.

1720

1721 Mr. Archer - Thank you, Mr. Eure. Any questions of Mr. Eure from the Commission?

1722

1723 Mr. Taylor - Thank you. A job well done.

1724

1725 Ms. Dwyer - Mr. Eure, other than making improvements in the median of Parham and  
1726 extending Mayland, is there anything else that can be done to alleviate cut-through traffic for the  
1727 neighborhood?

1728

1729 Mr. Eure - Well, certainly one of the things that has been mentioned is an  
1730 enforcement issue. We can't, there are no signs we can legally post to prohibit cut-through

1731 traffic. Even if we were to post that sign, it would be very difficult for the police to enforce it.  
1732 They can't tell who lives in the neighborhood and who does not, just by looking at a vehicle, but  
1733 certainly enforcement. That is something we can work with the Police and get additional  
1734 enforcement both on Mayland and on Comet. As far as any other method of reducing cut-  
1735 through traffic and controlling speed, we don't have anything we can legally do right now in  
1736 terms of four-way stop signs or any type of other road closures or diverters, or anything like that,  
1737 which would generally be referred to as traffic calming. That is a program that the County is  
1738 looking into as far what options may be appropriate in the future, and certainly this would be a  
1739 neighborhood that if we do implement a program, we could certainly look at doing something.

1740

1741 Mr. Vanarsdall - I understand you are studying speed bumps, the pros and cons of that.

1742

1743 Mr. Eure - Speed bumps is one of the techniques that is used and can be used in some  
1744 areas. I won't get into the pros and cons of all this unless you want to hear them right now. We  
1745 have documents that state that.

1746

1747 Mr. Archer - Are speed bumps allowed on the public right of way though?

1748

1749 Mr. Eure - No sir, at this time it is prohibited in the County Code to install speed  
1750 bumps anywhere on County right-of-way.

1751

1752 Ms. Dwyer - Is that likely to change?

1753

1754 Mr. Eure - That would be up to the Board of Supervisors.

1755

1756 Mr. Vanarsdall - Also, the traffic, this doesn't make it any better, but the traffic problem  
1757 and speeding through neighborhoods is universal. It is from one end of the County to the other.  
1758 It doesn't matter whether the sign is 25, 35 or 50, they are going to exceed it.

1759

1760 Mr. Eure - Absolutely, and some of our more established neighborhoods, such as the  
1761 one we are talking about here may be a little bit more susceptible to cut-through and speeding  
1762 problems because they were designed years ago with basically not a lot of consideration to what  
1763 problems would ultimately result with cut-through traffic, because we didn't have enough traffic  
1764 to worry about those kinds of things, and now with our newer subdivisions, we are kind of  
1765 building in some design standards that discourage that, but as far as the existing neighborhoods,  
1766 it is certainly a challenge. You are right. This is not a unique area with respect to that.

1767

1768 Mr. Vanarsdall - I have always wanted to find some senator or representative that would  
1769 take on what we'd call "No short-cut law" and run it through Congress, but never found anybody  
1770 that was brave enough to do that. I think I will ask Eric Cantor to do that.

1771

1772 Mr. Kaechele - You will have to redefine public roads then.

1773

1774 Mr. Vanarsdall - No, as long as they pay taxes.

1775

1776 Mr. Kaechele - These are recent counts on Mayland then?  
1777

1778 Mr. Eure - Yes, sir. We did those earlier this month.  
1779

1780 Mr. Kaechele - Have you got some longer-term counts? Is that traffic going up,  
1781 particularly in the area closer to Skipwith? Do we have counts from years back? Do we know  
1782 what is happening there?  
1783

1784 Mr. Eure - We don't have any historical count for Mayland towards Skipwith. It is  
1785 not one of our normal count locations. We did a special for this. We do count yearly the counts,  
1786 you see the 5812 up towards Parham. We do count that every year, and looking back through  
1787 past years, it has grown a little bit, but not by huge margins. The drawing you see on Parham,  
1788 just to the south of there, 55,779, that is – the last time we checked through – the state count  
1789 book for statewide accounts for February, that was one of the highest volume we saw for a four-  
1790 lane road anywhere in the state of Virginia, that one section of Parham. It is kind of a dubious  
1791 distinction, but we compared very favorably with some northern Virginia localities as far as this  
1792 one section of Parham.  
1793

1794 Mr. Kaechele - Is that a 24-hour count in both directions?  
1795

1796 Mr. Eure - Yes, sir.  
1797

1798 Mr. Taylor - Mr. Eure, the 3,667 cars, that is only the traffic at Mayland at Lawland?  
1799

1800 Mr. Eure - Yes, sir, that was actually measured in between Trimmer and Lawland,  
1801 that is a total of a 24-hour count for both directions, and maybe one thing that this map might  
1802 help represent a little bit is, if you see the drop-off if you go from west to east from 5,800 on  
1803 towards Parham, that is to the west of the site entrance or this proposed site as well as the bank  
1804 and the Parham and I-64 Building, and then that drops off by 200 vehicles between there and  
1805 Lawland, so what that indicates to us is that a lot of the traffic, it is accessing this existing  
1806 entrance on Mayland. It is coming directly from Parham as opposed to through the  
1807 neighborhood, and we certainly acknowledge that there is a cut-through issue in the  
1808 neighborhood, but I don't think the majority of that traffic is necessarily accessing this existing  
1809 entrance. I think they are going on through to Parham.  
1810

1811 Mr. Taylor - But that number really would be the number to cross the bridge, the  
1812 number that are crossing into the Skipwith-Comet Road here?  
1813

1814 Mr. Eure - Correct. You will certainly lose maybe 700 of those cars when they get to  
1815 Lawland, but the majority of that traffic is continuing on to the intersection and either going right  
1816 or going left, and continuing up Mayland, which you can see we have 2,400 down Mayland until  
1817 you get to Skipwith, and then on the low end of Comet we have 900. We did not do a count up  
1818 on the northern end of Comet going back up towards Fortune, but it will probably be in the 700  
1819 to 800 to 900 range, as well.

1820 Mr. Taylor - Do you have any indication of what the forecast will be when Mayland is  
1821 opened up the west as to what the growth in that Mayland Drive section between Comet Road  
1822 and Skipwith will be?

1823

1824 Mr. Eure - No, sir, I don't think we've done any projections as far as redistribution of  
1825 traffic. I think we can comfortably say that there would be a noticeable reduction for traffic on  
1826 the other side of Mayland as well as us using that intersection of Parham and Mayland now, but  
1827 whether that would have any impact on cut-through traffic on the east side of Parham, that is  
1828 difficult to say.

1829

1830 Mr. Taylor - Of course, some of the concerns that Mr. Waldron has will be ameliorated  
1831 somewhat by removal of that rear entrance from the site, and the sites out on North Parham Road  
1832 and North Parham Road with Alternative A, which would be working with Parham and 64 and  
1833 getting an adjoining entrance versus going with just the current one for the Mayland and Parham  
1834 Office Building. Our hope would be that the adjoining one would absorb more traffic than a  
1835 single-one alone, and better conservation and better design.

1836

1837 Mr. Eure - That is correct, plus the existing entrance on Parham Road for the Parham  
1838 and I-64 Building does not have a right-turn lane. We did try to go through and see if there was  
1839 an accident history at that intersection as a result of not having a right-turn lane but we were not  
1840 really able to distinguish that, based on the accident records we had at our access, but certainly  
1841 you can use the argument that the right in and right out access with a right-turn lane is much safer  
1842 than an entrance on a road with this amount of volume without a right turn lane.

1843

1844 Mr. Taylor - But in either case, whether it would be a case of both a shared entrance or  
1845 a single entrance for both, we do, we will improve somewhat if we are able to get the joint  
1846 entrance, and our hope is that Mr. Pike continues to negotiate with the Parham and I-64 people  
1847 and see what we can do to ask them to open up that entrance. I guess I am correct in that  
1848 assumption. Has there been any success at all in contacting the 64 owners?

1849

1850 Mr. Pike - I don't know. I am not personally doing it. It is the owner that is doing it  
1851 and I don't know exactly where that stands.

1852

1853 Mr. Taylor - What do you expect would be the time frame before we had some response  
1854 from the owner?

1855

1856 Mr. Pike - Well, we are going on the assumption that the Commission approves our  
1857 case today, we are going to move directly forward with trying to get the plans signed by staff as  
1858 quickly as we can, and we anticipate trying to start construction this early summer, if all goes  
1859 well, and to that end we will certainly have had to have resolved that issue before we come back  
1860 to staff with the plans for them to sign. And we are going to be glad to furnish them copies of  
1861 letters that we write and any response that we get and those types of things, to officially  
1862 document our efforts for you.

1863 Mr. Taylor - OK, thank you. Thank you very much, Mr. Pike. What I wanted Mr.  
1864 Waldron, if I could just discuss this back entrance, because depending on what state of the plans  
1865 or what addition to the plan you are talking about, that one entrance off of Lawland is really  
1866 something that we don't foresee at this time.

1867

1868 Mr. Waldron - Not at this time, but if the conditions persist, the traffic counts that you  
1869 have right there now; you are looking at pulling 500 cars in from somewhere; 250 cars in  
1870 between the hours of 8 and 8:30 and 9:00, and 500 cars coming in that entrance at Parham and  
1871 Mayland – that is going to be a lot of cars backed up in there whether they are coming straight  
1872 across Mayland or whether they are coming straight up Parham. Coming off of 64, you have got  
1873 a lot of area that is going to back up, and the next obvious place to start is with Skipwith, and a  
1874 lot of traffic coming back through Skipwith. We are going to start pulling traffic back in through  
1875 Comet and Mayland and backing traffic up again at that Mayland jog. If you place that line, or if  
1876 you place that new drive at Lawland Drive, if we pulled it up closer to Trimmer, we've got more  
1877 room for backup area, more room for a turning lane, more room for a real entrance into that  
1878 property.

1879

1880 Mr. Taylor - In either case, however, this decision as to whether or not to open an  
1881 entrance on that side and whether to operate it at Trimmer or Mayland is something far in the  
1882 future.

1883

1884 Mr. Waldron - That is true, but I don't foresee it as being too far, though, once we find  
1885 out what is actually going to happen here. That is a personal opinion.

1886

1887 Mr. Taylor - Thank you very much.

1888

1889 Mr. Archer - All right, any further questions? From anybody?

1890

1891 Ms. Dwyer - Would it satisfy to annotate the plan to show an entrance in the future at  
1892 either Lawland or Trimmer, depending on...

1893

1894 Ms. Goggin - Staff has no opposition to that. As previously stated, with the conditions  
1895 of approval, we would have to come back and revisit this, and the conditions could be different  
1896 and that may make the Trimmer Drive more desirable or make Lawland Drive more desirable,  
1897 especially with the extension of Mayland to the west, and that would be drawn on there.

1898

1899 Mr. Taylor - Could we make that an additional condition, #35, that at some future time  
1900 we could study this in the event that an entrance is needed in both, in either, in any case, and  
1901 evaluate whether Trimmer or Lawland would be the appropriate spot? Is that possible to do?

1902

1903 Ms. Goggin - I was going to say that Revised Condition No.23 sort of addresses that and  
1904 we can put some language in there that goes either across from Lawland or Trimmer. Right now,  
1905 we have...

1906

1907 Mr. Taylor - Lawland or Trimmer?



1908

1909 Ms. Goggin - Yes, right now we have southeast corner, but we can put southern property  
1910 line.

1911

1912 Mr. Taylor - Let's just amend No.23 that way.  
1913

1914 Mr. Pike - Mr. Taylor, could we say that there may be an additional road between  
1915 Lawland and Trimmer rather than locking it in to those two positions?  
1916

1917 Ms. Dwyer - I think the proposal is just to say there will be an ingress and egress on the  
1918 southern property line and it does not just specify any location.  
1919

1920 Ms. Goggin - And that leaves it open.  
1921

1922 Mr. Taylor - Study where between Trimmer and Lawland is the most efficient place and  
1923 the most efficient arrangement.  
1924

1925 Ms. Dwyer - So, when will the stub decision be made then? If it could be anywhere,  
1926 then we have to know where it is going to be stubbed. Would that be a POD?  
1927

1928 Ms. Goggin - Yes, ma'am. We would have to do traffic studies to determine which  
1929 would be best, which would be the most efficient, which would keep traffic flowing, and then we  
1930 would go back to the POD. It would come to the Planning Commission and adjacent property  
1931 owner notices would be sent out, so we would get public input again on this.  
1932

1933 Mr. Vanarsdall - Would that study be done by the County, by Todd and his people, by  
1934 Traffic or would that be an outside consultant? It makes a difference which way it comes out.  
1935

1936 Mr. Eure - It would probably be done in conjunction with us as well as their engineer  
1937 and their traffic consultant and then if it was their traffic consultant, we would have final  
1938 approval and say on what the outcome was.  
1939

1940 Mr. Vanarsdall - You'd be in on it, too.  
1941

1942 Mr. Marlles - Ms. Goggin, while you are at the podium, I believe on Condition No. 35,  
1943 the date of that plan should probably reflect today's date and not March 23, 2001.  
1944

1945 Ms. Goggin - Yes, sir. I put down the date I received the plan.  
1946

1947 Mr. Marlles - That should be March 28, members of the Commission, on Condition No.  
1948 35.  
1949

1950 Ms. Goggin - Yes, sir.  
1951

1952 Mr. Archer - All right, is there further discussion?

1953

1954 Ms. Goggin - To tell you the truth, I honestly don't know if this made it in, but staff does  
1955 suggest Nos. 9 and 11 Amended, per previous discussions to insure that the lighting and  
1956 landscaping does come back in front of the Planning Commission, and proper public notice sent  
1957 out for public input.

1958

1959 Mr. Archer - Thank you, Ms. Goggin.

1960

1961 Mr. Taylor - I will add that, Mr. Chairman. Mr. Chairman, if I may, I just want to thank  
1962 Mr. Eure and the entire staff for their hard work on this project. Looking at it, I realize the traffic  
1963 is going to be a key factor in any development, and it seems obvious that trying to work some  
1964 kind of arrangement on Parham Road between I-64 and this project is the best long-term  
1965 alternative with the right stack lane if we are able to do it, and in any case, we know that  
1966 Mayland, an exit on Mayland, whether Lawland or Trimmer, will require further study, and we  
1967 will make that a condition of the approval, so I would move then approval of POD-14-01,  
1968 Mayland and Parham Office Building, with the standard conditions for development of this type,  
1969 the annotations on the plans and conditions Nos. 9 and 11 Amended and 23, 29, 35, 36 and 37.

1970

1971 Mr. Vanarsdall - You have something on the Addendum.

1972

1973 Mr. Taylor - Those are on there, I think. Are they not?

1974

1975 Mr. Vanarsdall - Nos. 23 Revised and so is 29 on the Addendum.

1976

1977 Mr. Archer - You've also got 24, 25, 26, 27 and 28.

1978

1979 Mr. Taylor - OK. Well, let me redo the numbers again, Nos. 9 and 11 Amended, 23  
1980 Revised, 29 Revised on the Agenda, 26, 27, 28, 29 and 30.

1981

1982 Mr. Vanarsdall - No. 29 is revised.

1983

1984 Mr. Taylor - No. 29 revised.

1985

1986 Mr. Vanarsdall - And it goes up to No. 37. You've got 35, 36 and 37.

1987

1988 Mr. Taylor - And No. 35, 36 and 37.

1989

1990 Mr. Archer - Is there a second?

1991

1992 Mr. Vanarsdall - I will second it.

1993

1994 Mr. Archer - All right. Motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
1995 favor of the motion, please signify by saying aye. All opposed say no. The ayes have it.

1996 The Planning Commission approved POD-14-01, Mayland and Parham Office Building –  
1997 Parham Road, subject to the annotations on the plans, the standard conditions attached to these  
1998 minutes for developments of this type and the following additional conditions:

1999

2000 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2001 review and Planning Commission approval prior to the issuance of any occupancy  
2002 permits.

2003 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of  
2004 the site lighting equipment, a plan including depictions of light spread and intensity  
2005 diagrams, and fixture specifications and mounting height details shall be submitted for  
2006 Planning Office review and Planning Commission approval.

2007 23. The future proposed 30-foot ingress and egress on the southern property line will be  
2008 stubbed and used as parking and will not be constructed to Mayland Drive until the  
2009 following:

2010 (a) Proper traffic studies have been performed to determine that the ingress and  
2011 egress is necessary to relieve traffic congestion at the intersection of Parham Road  
2012 and Mayland Drive and will improve site traffic circulation.

2013 (b) The applicant shall submit a revised Plan of Development for review and approval  
2014 by the Planning Commission to construct the future ingress and egress.

2015 24. The right-of-way for widening of Mayland Drive as shown on approved plans shall be  
2016 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
2017 dedication plat and any other required information shall be submitted to the County Real  
2018 Property Agent at least sixty (60) days prior to requesting occupancy permits.

2019 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
2020 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2021 being issued. The easement plats and any other required information shall be submitted  
2022 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
2023 permits.

2024 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on  
2025 the plan “Limits of 100 Year Floodplain.” In addition, the delineated 100-year floodplain  
2026 must be labeled “Variable Width Drainage and Utility Easement.” The easement shall be  
2027 granted to the County prior to the issuance of any occupancy permits.

2028 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
2029 form acceptable to the County Attorney prior to final approval of the construction plans.

2030 28. The developer shall provide fire hydrants as required by the Department of Public  
2031 Utilities and Division of Fire.

2032 29. A sidewalk shall be provided along the north side of Mayland Drive. The exact location  
2033 of construction shall be determined at the time of landscape plan approval.

2034 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2035 approved by the County Engineer prior to final approval of the construction plans by the  
2036 Department of Public Works.

2037 31. Insurance Services Office (ISO) calculations must be included with the plans and  
2038 approved by the Department of Public Utilities prior to the issuance of a building permit.

2039 32. Approval of the construction plans by the Department of Public Works does not establish  
2040 the curb and gutter elevations along the Henrico County maintained right-of-way. The

2041 elevations will be set by Henrico County.  
2042 33. The owners shall not begin clearing of the site until the following conditions have been  
2043 met:  
2044  
2045 (a) The site engineer shall conspicuously illustrate on the plan of development or  
2046 subdivision construction plan and the Erosion and Sediment Control Plan, the limits  
2047 of the areas to be cleared and the methods of protecting the required buffer areas. The  
2048 location of utility lines, drainage structures and easements shall be shown.  
2049 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
2050 clearing or grading operations of the site, the owner shall have the limits of clearing  
2051 delineated with approved methods such as flagging, silt fencing or temporary fencing.  
2052 (c) The site engineer shall certify in writing to the owner that the limits of clearing have  
2053 been staked in accordance with the approved plans. A copy of this letter shall be sent  
2054 to the Planning Office and the Department of Public Works.  
2055 (d) The owner shall be responsible for the protection of the buffer areas and for  
2056 replanting and/or supplemental planting and other necessary improvements to the  
2057 buffer as may be appropriate or required to correct problems. The details shall be  
2058 included on the landscape plans for approval.  
2059 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
2060 Planning Office and approved prior to issuance of a certificate of occupancy for this  
2061 development.  
2062 35. The applicant will, to the best of their efforts, pursue a cross access easement to build  
2063 entrance alternative 2 as shown on the revised plan dated March 28, 2001, prior to  
2064 issuance of a Certificate of occupancy.  
2065 36. Hours of refuse collection will be limited to 7:00 a.m. to 7:00 p.m., Monday through  
2066 Friday.  
2067 37. A no left turn sign will be constructed and maintained at the existing entrance onto  
2068 Mayland Drive prior to issuance of a Certificate of Occupancy.  
2069  
2070 Mr. Vanarsdall - Do you want to knock the minutes out before we get to Ben?  
2071  
2072 Mr. Archer - Yes, I was getting ready to suggest that, Mr. Vanarsdall.  
2073  
2074 Mr. Vanarsdall - Good minds run together. That is what you call that.  
2075  
2076 Mr. Archer - Is everything all right, Mr. Secretary, with the minutes?  
2077  
2078 Mr. Marlles - Yes, sir.  
2079  
2080 Mr. Archer - All right. Is there a motion for approval of the minutes? Are there any  
2081 corrections?  
2082  
2083 Mr. Vanarsdall - I move we approve the minutes of February 28, 2001, as written and as  
2084 corrected, if there aren't any questions.  
2085

2086 Mr. Jernigan - Second.  
2087 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor say  
2088 aye. All opposed say no. The ayes have it. The minutes are approved.  
2089  
2090 The Planning Commission approved the minutes for the February 28, 2001, Planning  
2091 Commission minutes, as corrected.  
2092  
2093 Mr. Archer - I believe we have a Work Session.

2094 **WORK SESSION: A briefing on proposed zoning ordinance amendment**  
2095 **pertaining to private kennels. (Staff Presentation by Ben Blankinship)**

2096

2097 Mr. Marles - Yes, sir, Mr. Chairman, the next item on the Agenda is a Work Session.  
2098 This is a briefing on a proposed zoning ordinance amendment pertaining to private kennels. The  
2099 staff presentation will be given by Mr. Blankinship. I would note that copies of the draft  
2100 ordinance have been sent out to the Commission previously for your use.

2101

2102 Mr. Blankinship - Good morning, Mr. Chairman, madam and gentlemen. I am pleased to  
2103 meet you Mr. Jernigan. I don't believe we have met. I am Ben Blankinship. I am Principal  
2104 Planner for the Code Administration Division.

2105

2106 Mr. Jernigan - It is nice meeting you, sir.

2107

2108 Mr. Blankinship - I am here before you this morning to suggest a change to the Ordinance in  
2109 the way we allow and regulate kennels. In the past, we distinguished in both the Agricultural  
2110 Zoning District and the One-Family Residence Districts based on whether the property was in a  
2111 recorded subdivision. For any property in a recorded subdivision, a conditional use permit is  
2112 required for a kennel. If the property is not in a recorded subdivision, it is permitted by right. In  
2113 the past, I think that served us fairly well, but now, as we have seen more development,  
2114 especially in the west end of the County, we have several small parcels that are caught between  
2115 two subdivisions, but are not themselves within a subdivision. Even if they are zoned R-4, a  
2116 kennel is allowed by right. We had a case come up early this year where we received some  
2117 complaints of a kennel in a situation just like that: a one-acre lot that was fairly narrow and deep,  
2118 and had subdivisions on both sides of it, where a person was keeping about 20 dogs. We  
2119 managed to work through that situation and get compliance with the Code and ease through that,  
2120 but we realized that it would be a good thing if we could amend the Code and prevent this  
2121 situation from arising in the future. After considerable discussion, I think the staff's consensus  
2122 was to leave well enough alone in the Agricultural District. It is not a perfect solution, but no  
2123 solution is perfect and it has been working so far in that setting. But, in the One-Family  
2124 Residence Districts we recommend changing the Code to require a conditional use permit for a  
2125 kennel on any property, irrespective of whether it is in a subdivision or not. Now, because of the  
2126 way the Ordinance is structured in the Agricultural District, the permitted and conditional uses  
2127 from the Residence Districts are brought forward, so if we are going to change them in the  
2128 Residence Districts, we need to make some clarification in the Agricultural Districts, too.

2129

2130 So, if you will look in the draft that is before you, the first change, paragraph 1, would change  
2131 Section 24-12, those are the conditional uses permitted in the One-Family Residence Districts,  
2132 and you see the language has been struck toward the end of that paragraph E, "This provision  
2133 shall be applicable only in those areas within the confines of a duly platted and recorded  
2134 residential subdivision." By striking that, we would be requiring a conditional use permit for  
2135 every case in the One-Family Residence Districts. Then, in paragraph 2, Section 24-52, are the  
2136 conditional uses permitted by Special Exception. Now, again it brings forward all of them, "any  
2137 conditional use permitted and regulated in the R Districts." We would except non-commercial  
2138 kennels from that and refer to paragraph 3, which I will get to in a moment. Still under

2139 paragraph 2, the conditional uses in A-1, use M, paragraph M, we would add the sentence “The  
2140 requirement for a conditional use permit shall be applicable only to those parcels within a  
2141 recorded residential subdivision.” So, that would essentially leave the A-1 the way that it is  
2142 today; because we have made the change in the R-O, we had to make the change here. This  
2143 would say that a conditional use permit is required for any kennel if the property is in a recorded  
2144 subdivision. And then paragraph 3, 24-53, are the accessory uses permitted in the A-1 District  
2145 and there we would allow non-commercial kennels. This provision shall be applicable only to  
2146 parcels that are not within a recorded residential subdivision. So, if you have a large agricultural  
2147 parcel that is not in a subdivision, not necessarily large, any agricultural parcel that is not in a  
2148 subdivision, kennels would be allowed as an accessory use. If it is agricultural, and it is in a  
2149 recorded subdivision, you would need a conditional use permit, and if it is zoned R-0 through R-  
2150 4A, whether it is in a subdivision or not, a conditional use permit would be required. Are there  
2151 any questions?

2152

2153 Ms. Dwyer - What is the difference between a commercial and non-commercial kennel?

2154

2155 Mr. Blankinship - That is actually the point on which we settled that earlier case. A non-  
2156 commercial kennel essentially is a kennel where there is no money changing hands. Our  
2157 Ordinance has defined the kennel as any place where four or more dogs, cats or other animals are  
2158 kept. So, if a person just has four pet dogs, or two dogs and two cats, that constitutes a kennel,  
2159 but it is clearly not a commercial kennel. That is what we are trying to address with this  
2160 amendment. Commercial kennels where you are boarding or breeding for a fee are permitted in  
2161 B Districts or require a conditional use permit in the A District.

2162

2163 Ms. Dwyer - You’ve been breeding if you are just breeding an animal?

2164

2165 Mr. Blankinship - If you are breeding for sale, yes.

2166

2167 Mr. Archer - And they have to be licensed, too, don’t they, Mr. Blankinship?

2168

2169 Mr. Blankinship - Yes, that is correct. All of them have to be licensed.

2170

2171 Mr. Archer - What happens in the event that someone takes, when you are trying to  
2172 describe commercial as opposed to non-commercial, takes their dog to a person who has a kennel  
2173 and says, “Keep my dog for a week and I’ll give you \$50 or whatever.” It would be hard to  
2174 detect that, for one thing.

2175

2176 Mr. Blankinship - Right. In enforcement, we always run into gray areas like that. In these  
2177 cases, like anything, enforcement is based primarily on complaint, so if it gets to the point where  
2178 the neighbors are complaining, we would try to find out what is going on. If we find that there is  
2179 compensation involved, even if it is among friends, I think we would call that a commercial  
2180 kennel.

2181

2182 Mr. Archer - And this gives us the power to enforce that? It does not take it away from  
2183 us?

2184

2185 Mr. Blankinship - Right.

2186

2187 Mr. Vanarsdall - You said, "Four or more dogs in a neighborhood?"

2188

2189 Mr. Blankinship - Yes.

2190

2191 Mr. Vanarsdall - Are we just talking about dogs?

2192

2193 Mr. Blankinship - No. No. We are not just talking about dogs. Let me read to you the  
2194 definition of kennel. "Kennel or animal boarding place. Any building and/or premises used,  
2195 designed or arranged for the boarding, breeding or care of four or more dogs, cats, pets, fowl or  
2196 domestic animals of at least four months of age." So, if you have a litter of puppies, you have  
2197 four months to get rid of them.

2198

2199 Mr. Vanarsdall - Are pigs included in that?

2200

2201 Mr. Blankinship - If they are domestic animals, yes, sir.

2202

2203 Mr. Kaechele - Would that include the residence itself? They need to have a  
2204 kennel permit?

2205

2206 Mr. Blankinship - Yes, sir. A lot of these cases come from a person who has quite a few  
2207 pets. We had one in a townhouse a couple of months ago. Someone was keeping 20 cats in a  
2208 townhouse and driving the neighbors crazy, so they brought them before the Board of Zoning  
2209 Appeals, and the conditional use permit was approved for that, but there were conditions placed  
2210 on it to mitigate the impact on the neighbors.

2211

2212 Mr. Jernigan - So a conditional use permit for breeding is nothing new?

2213

2214 Mr. Blankinship - No. That is required now. We are not making any change to commercial  
2215 kennels.

2216

2217 Mr. Marlles - Mr. Blankinship, the current Ordinance requirement, we assume was  
2218 enacted at a time when the County was much more densely developed, and as you described,  
2219 what has happened is that as new residential subdivisions have been occurring, they are getting  
2220 closer to these parcels of land, so we feel additional control is needed to look at these requests on  
2221 a case by case basis, which, of course, gives the Board of Zoning Appeals the opportunity to  
2222 impose any conditions they feel are reasonable. It is not saying that it is not possible to have a  
2223 private kennel, but it does allow for the Board to look at it and make sure, minimize the impact  
2224 on the surrounding residential subdivision.

2225

2226 Mr. Blankinship - Yes, sir.

2227



2228 Mr. Kaechele - I presume that there are a lot of residents in the County that are  
2229 operating a non-commercial kennel, in the fact that they have four or more animals, but that is  
2230 not a problem unless neighbors are concerned about it, and then they can go through this process  
2231 and get a permit.

2232

2233 Mr. Blankinship - Yes, sir. That is right. We occasionally get calls from people moving to  
2234 the County from other jurisdictions that have similar regulations, so we do, sometimes, have at  
2235 least a conversation with people before a complaint comes in.

2236

2237 Mr. Kaechele - Well, it is needed. It has always been understood you can have  
2238 three animals, and many people have more, so they need a way to get that approved if they want  
2239 that.

2240

2241 Mr. Archer - Mr. Blankinship, just out of curiosity, do we have a definition for domestic  
2242 animals? Are there animals that are prohibited in the County, like snakes and alligators?

2243

2244 Mr. Vanarsdall - You don't have the hoofs on there, do you? What kind of hoof it has?

2245

2246 Mr. Blankinship - The Zoning Ordinance does not define domestic animals, so we would just  
2247 go back to the dictionary definition. I think we would distinguish between livestock, but if you  
2248 get into the Vietnamese Pot Bellied Pig and things like that, that are kept as pets, kept in doors,  
2249 and people put sweaters on them. I guess if you put a sweater on it, it is domestic. If you eat it, it  
2250 is not. And if it goes on a biscuit it is not domestic. We have determined that is not a pet.

2251

2252 Mr. Taylor - May I ask one more question? In some of these kennels there has occurred  
2253 the use of electrified fences, is there a provision against electrified fences in residential areas?

2254

2255 Mr. Blankinship - No, sir, not that I am aware of. More people are using the invisible  
2256 fencing. I don't know of anyone who uses the literal electrified fence. I have not come across  
2257 any in the applications we have heard, but they may be out there.

2258

2259 Mr. Taylor - To tell a story sometime ago, I did, the hard way. It is something that has  
2260 worried me since then, because fortunately I don't wear a pacemaker or any type of life-  
2261 sustaining device, but it occurred to me that at the voltage some of those fences operate at, and I  
2262 understand they are quite high to get the attention of a recalcitrant bull, I will tell you from  
2263 personal experience, I went flat down. I was happy with the result and I was able to get back up,  
2264 but it worried me that if somebody wearing a pacemaker in a residential area or a small child,  
2265 that that may pose a safety hazard, and to this day, I have not been able to find out whether that is  
2266 a bona fide safety and health issue, or if it is just something that we tolerate. I would actually  
2267 invite some review of that, because if we are going to allow these kennels, there may be a  
2268 tendency toward electrifying fences, and I would think that in a residential area where there was a  
2269 conditional use permit, there were a number, that I would like to make sure that there if there are  
2270 those kinds of fences provided that they are safe for small children who might just not know it is  
2271 electrified and might reach out and touch it, or somebody who might have a pacemaker or some  
2272 other mechanical life-sustaining device.

2273

2274 Mr. Blankinship - That is a good question that should be before the Board when they  
2275 consider these.

2276

2277 Mr. Marlles - Mr. Taylor, I am not sure that that would normally be something that we  
2278 would regulate in the Zoning Ordinance; however, I think it is a good question, Mr. Blankinship,  
2279 to follow up with the Building Inspections Office to find out if there are any building code  
2280 requirements regarding electrified fences, and I think as you have just pointed out, it is something  
2281 that certainly the Board of Zoning Appeals could consider in reviewing an application or  
2282 imposing conditions. For example, in an enclosure with a residential subdivision with children, I  
2283 would think that that would be a consideration that they would take into account, but if you could  
2284 follow up with that, with the Building Inspections Office, and let Mr. Taylor know, that would  
2285 help.

2286

2287 Ms. Dwyer - Do we need a work session for this?

2288

2289 Mr. Marlles - Actually, this was intended to be a work session. We think it is a fairly  
2290 straightforward amendment. Unless there are additional questions or concerns by the  
2291 Commission, we would ask that you schedule a public hearing on this item. Staff is  
2292 recommending that a public hearing be scheduled approximately one month from today, on April  
2293 25. That is your POD meeting.

2294

2295 Ms. Dwyer - So moved.

2296

2297 Mr. Vanarsdall - I second that.

2298

2299 Mr. Archer - We have a motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All in  
2300 favor of the motion say aye. All opposed say no. The motion passes. The 25<sup>th</sup> of April at the  
2301 end of the regular agenda?

2302

2303 Mr. Marlles - That will be fine.

2304

2305 Mr. Vanarsdall - April 25<sup>th</sup>.

2306

2307 Mr. Blankinship - Thank you very much.

2308

2309 Mr. Vanarsdall - Mr. Chairman, I have something to bring to the attention of the  
2310 Commission since everything else is finished, and I know the cafeteria just opened, so I will be  
2311 short. Day before yesterday I was over at a meeting, and when I left I went down Hooper Road,  
2312 which all of you know is not far from here, and on the brand new building down there next to  
2313 Rite Aid was 1, 2, 3, 4, 5, 6, 7, 8, 9 electrical boxes up against a solid wall that we had tried,  
2314 Leslie News had met over in that building several times. We gave the owner permission to  
2315 change the roof one time and there was a lot of landscaping, and I took some pictures last night  
2316 of it, and it seems that we are back to the green box thing, that we never did do anything, and that  
2317 petered out or we put it under cover or something, and I just wondered if there is anything. I

2318 want Leslie to tell you the end of the story. I called Leslie back and said, “Can you pull the plans  
2319 on that building because I don’t remember seeing anything on there.” She pulled them. She said  
2320 she didn’t either. Leslie, would you like to tell the Commission the rest of the story?

2321

2322 Ms. News - Sure. I actually went back to the building permit to see if any of these  
2323 meters or boxes were shown on the building permit itself, and the electrical drawings, and they  
2324 were not shown, and my understanding from speaking with the Building Inspections Department  
2325 is that on buildings of this size, these smaller buildings, they don’t specify where they go. That is  
2326 something that is worked out directly with Dominion Power and where the supply source comes  
2327 into the building. So, there is no way we knew that it was there. We actually approved the  
2328 landscape plan when the building was pretty far along, but these electrical connections were not  
2329 there and we did not know that we had this issue with screening. The owner has, on this  
2330 particular case, agreed to go back to his landscaper and see if he can revise his landscape plan to  
2331 screen it, because he is unhappy with the appearance, also. He also mentioned that it was  
2332 difficult on this particular building, because typically these things are put on the back and this  
2333 building does not have necessarily a back. It faces two public roads, the inside of a shopping  
2334 center and then an entrance into the shopping center.

2335

2336 Mr. Vanarsdall - There are also a lot of windows in the building.

2337

2338 Ms. Dwyer - The problem - there is a building on Broad Street – is it Hollywood  
2339 Video? They are very prominent. I mean it is almost as though the back of the building is facing  
2340 Broad, and the front of the building faces the interior of the parking lot.

2341

2342 Mr. Vanarsdall - It is funny that you mentioned that, because that is when it first surfaced  
2343 and we had the same thing, and the only one I was able to catch since then was the ice cream  
2344 parlor, the one on Staples Mill, and they have screened that, so I guess what we are saying is that  
2345 we don’t think there is anyway we can control Dominion Power, but there ought to be some kind  
2346 of a screening note, rather than to have to wait several years for the landscaping to grow up.

2347

2348 Ms. Dwyer - Is it even painted the same color as the old building?

2349

2350 Ms. News - I did talk with Building Inspections and they said it is possible to paint  
2351 those boxes, except for some small patches, and you can’t paint over the glass meter portion.  
2352 That particular one has, I think, three or four different color cabinets there, a stainless steel and a  
2353 white one and a couple of gray ones, and it is particularly bad looking. In that case it was good,  
2354 because we had some tall evergreen plant material. We knew it was a blank wall anyway and we  
2355 asked them to put some plant material in that area, so we have something to work with.

2356

2357 Ms. Dwyer - There should be something on our checklist since we have PODs and we  
2358 have these kinds of buildings that are surrounded on all four sides.

2359

2360 Mr. Vanarsdall - That is the reason I asked the McDonald’s man this morning. But, also,  
2361 she called the owner of the building who has worked with us so good to make it nice, and he was  
2362 upset because he had already seen the boxes over there, too. I guess what we are trying to find

2363 out is what we can screen them with, and I would not recommend a stockade-fence type thing,  
2364 because they are empty boxes after two years, so if we can come up with something.

2365 Mr. Mariles - Mr. Vanarsdall, I think there are probably two questions here. One is, as  
2366 you pointed out, these utility boxes very well indeed could be similar to the situation with green  
2367 boxes, and we are not clear whether we have the authority to regulate them. I think that is a  
2368 question that we do need to pursue with the County Attorney's office, but beyond that, I think  
2369 there probably are a couple of options for assuring that we at least get these things screened the  
2370 way we'd like to see them screened, and whether that can be handled as a standard condition or  
2371 some other way, I think it is something we will pursue. I think we need to look at it a little bit  
2372 closer and come back to the Commission with it.

2373

2374 Mr. Vanarsdall - Well, I just wanted everybody to be aware of it.

2375

2376 Mr. Taylor - Mr. Director, one thing that I think you could use to resolve the issue in  
2377 just about every case would be to require painting those boxes, exterior painting, to match the  
2378 building surface, at the very least. That is something that can be done, is quite effective, and it  
2379 would obviously screen the difference in color and variety of colors, and depending on what.

2380

2381 Mr. Vanarsdall - To me that is trying to disguise an elephant.

2382

2383 Mr. Taylor - It truly is, but even if you disguise an elephant and it looks like a mouse, it  
2384 is not so bad, and if you get it down to a mouse, we can put a box around it and you wouldn't  
2385 even see it. Put some trees in front of it, so I wouldn't use that as a substitute for trees. I would  
2386 put a brick wall – substitute trees whenever – but if they, in a case where we have that, we know  
2387 of that, one thing that the County might be able to impose is that where there are those boxes they  
2388 must at least be painted a compatible color and matching the building surfaces.

2389

2390 Ms. News - Right, and I would also mention that we have similar problems with  
2391 people putting in air conditioning units. Sometimes we have conditions to screen that and  
2392 sometimes we don't, so we may be able to come up with some wording that would address  
2393 screening all mechanical HVAC utility equipment in some manner that is acceptable.

2394

2395 Mr. Vanarsdall - OK. Thank you for your input.

2396

2397 Mr. Archer - Thank you, Mr. Vanarsdall and Ms. News for that revealing observation.

2398

2399 Mr. Vanarsdall - If somebody makes a motion, I will second it to adjourn.

2400

2401 Mr. Taylor - I move adjournment.

2402

2403 Mr. Vanarsdall - Second.

2404

2405 Mr. Archer - Motion for adjournment by Mr. Taylor and seconded by Mr. Vanarsdall.

2406 All in favor say aye. All opposed say no. The motion passes.

2407

2408 On a motion by Mr. Taylor and seconded by Mr. Vanarsdall, the Planning Commission  
2409 adjourned its March 28, 2001, meeting at 11:30 a.m.

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C. W. Archer, C.P.C., Chairperson

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John R. Marlles, AICP, Secretary

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