

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building, Parham and Hungary Spring Roads, Beginning at 9:00 a.m. on March 24, 1998.

Members Present:                    Mr. C. W. Archer, C.P.C., Chairman (Fairfield)  
   Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairman  
   (Tuckahoe)  
   Mr. David A. Zehler, C.P.C. (Varina)  
   Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
   Mrs. Mary L. Wade (Three Chopt)  
   Mr. James B. Donati, Jr., Board of Supervisors  
   Representative, (Varina)

Others Present:                    Mr. Randall R. Silber, Secretary,  
   (Acting Director of Planning)  
   Mr. David D. O'Kelly, Jr., Principal Planner  
   Mr. James P. Strauss, CLA, County Planner  
   Mr. E. J. (Ted) McGarry, III, County Planner  
   Mr. Kevin D. Wilhite, C.P.C., County Planner  
   Mr. Mikel Whitney, County Planner  
   Mr. Leslie A. News, CLA, County Planner  
   Mr. R. Kirby Smith, Drafting Technician  
   Mr. Robert J. Eagle, Associates County Planner  
   Mr. L. Jerry Peay, Planning Technician  
   Mr. Todd Eure, Assistant Traffic Engineer  
   Ms. Diana B. Carver, Recording Secretary  
   Mrs. Ann B. Cleary, Office Assistant

Mr. Archer -                    Good morning. The Planning Commission will come to order. I'll ask the Secretary to call the roll.

Mr. Silber -                    Thank you, Mr. Chairman and member of the Commission. We do have a quorum and we have five of our six Planning Commission members here. We are missing Mr. Donati. I believe he will be here, and apparently he is running late. The first matter of business would be our request for deferrals and withdrawals. Mr. McGarry.

Mr. McGarry- Mr. Secretary and members of the Commission. Staff is aware of three requests for deferrals on your 9:00 a.m. agenda. There are several for the 10:30 a.m. agenda which will be announced at that time.

On page two of your agenda, there is POD-22-98, Oakton Apartments.

**PLAN OF DEVELOPMENT AND SPECIAL EXCEPTION (Deferred from the February 24, 1998 meeting)**

POD-22-98  
Oakton Apartments

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

Mr. McGarry -The applicant requests deferral until June 23, 1998.

Mr. Archer - Thank you, Mr. McGarry. Is there anyone here in opposition to the deferral of POD-22-98, Oakton Apartments, until June 23? No opposition. I will entertain a motion.

Mr. Zehler - Mr. Chairman, I move that POD-22-98, Oakton Apartments, be deferred until June 23, 1998, at the applicant's request.

Mr. Vanarsdall - Second.

Mr. Archer - OK. We have a motion by Mr. Zehler and a second by Mr. Vanarsdall. All in favor let it be known by saying aye and all opposed by saying no. The motion carries.

At the applicant's request, the Planning Commission deferred POD-22-98, Oakton Apartments, to its meeting on June 23, 1998.

Mr. McGarry -On Page seven of your agenda.

## PLAN OF DEVELOPMENT

POD-31-98

Winn-Dixie Marketplace at  
Springer Plaza Shopping  
Center  
Airport and Beal  
(POD-36-93 Rev.)

**E. D. Lewis and Associates for The Marsoby Company, Winn-Dixie Raleigh, Inc. and ARS Investment Corporation:** Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 49,800 square foot food store addition to an existing shopping center. The 9.933 acre site is located on the northeast corner of Airport Drive (State Route 156) and Beal Street on parcels 155-A-27 and 155-2-1-1A (part). The zoning is B-2, Business District. County water and sewer. (Varina)

Mr. McGarry -The applicant has requested deferral to your April 28, 1998 meeting.

Mr. Archer - Is anyone here in opposition to the deferral of POD-31-98, Winn Dixie Marketplace at Springer Plaza Shopping Center, until April 28, 1998? No opposition.

Mr. Zehler - Mr. Chairman, I move that POD-31-98, Winn-Dixie, be deferred until April 28, 1998, per the applicant's request.

Mr. Vanarsdall - Second.

Mr. Archer - We have a motion by Mr. Zehler and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

At the applicant's request, the Planning Commission deferred POD-31-98, Winn Dixie Marketplace at Springer Plaza Shopping Center, Airport and Beal, to its meeting on April 28, 1998.

Mr. McGarry -On page 12 of your agenda, we have a landscape and lighting plan.

## LANDSCAPE AND LIGHTING PLAN

LP/POD-33-98  
Rennie's Car Wash Addition –  
Airport Drive  
(POD-55-97 Revised)

**Garland Watkins:** Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106-2 of the Henrico County Code. The 1.99 acre site is located on the northeast corner of the Airport Drive (State Route 156) and Audubon Drive on parcel 163-A-21B. The zoning is B-3, Business District and ASO (Airport Safety Overlay District). (**Varina**)

Mr. McGarry - The applicant requests deferral to the Planning Commission's April 28 1998 meeting.

Mr. Archer - Is there any opposition to the deferment of LP/POD-33-98, Rennie's Car Wash Addition?

Mr. Zehler - Mr. Chairman, I move that LP/POD-33-98, landscape and lighting plan for Rennie's Car Wash Addition, Airport Drive, be deferred to April 28, 1998 per the applicant's request.

Mr. Vanarsdall - Second.

Mr. Archer - We have a motion by Mr. Zehler and a second by Mr. Vanarsdall. All in favor let it be known by saying aye. All opposed say no. The motion carries.

At the applicant's request, the Planning Commission deferred LP/POD-33-98, Rennie's Car Wash Addition – Airport Drive, (POD-55-97 Revised) to its meeting on April 28, 1998.

Mr. Vanarsdall - Mr. Chairman, it looks like Mr. Zehler has a light morning. Mr. McGarry, do we have any for the 10:30 a.m. agenda?

Mr. McGarry - Yes, sir. There were two.

Mr. Vanarsdall - Sometimes we go ahead and announce that just in case somebody is waiting. Mr. Chairman, that is just a suggestion to you.

Mr. Archer - That will be fine with me, Mr. Vanarsdall.

Mr. McGarry - They will have to be called again after 10:30 a.m.

Mr. Silber - If you know what they are, Mr. McGarry, why don't you just go ahead and say what they are.

Mr. McGarry - Turn to page 14. This is the Spin Cycle on Laburnum Avenue, POD-23-98. The applicant is requesting a deferral to your April 28, 1998 meeting, and on page 21 of your agenda,

there is POD-30-98, North Court at Innsbrook. The applicant recommends deferral to April 28. And, if I may correct myself on the Spin Cycle. The Commission will be recommending deferral on that one.

Mr. Archer - Thank you, Ted.

Mr. Silber - The next item of business would be a public hearing on a zoning ordinance amendment, this being the Office Service/2 District. This is a new zoning ordinance district that is being established. We have had previous public hearings on this and I believe the Planning Commission deferred this to this meeting, not to hear testimony this morning, but to simply address some issues and bring up issues that were requested by the Planning Commission. The staff has done that and Ms. Gardner is here to present those final changes to the proposed ordinance.

Mr. Archer - Ms. Gardner.

Ms. Gardner - This is a continued public hearing and for that reason I will only focus on the changes since the last time we got together to talk about this. Primarily there were two concerns on the draft, which was presented last month; one was variation in the rear and side yard setbacks and one was the height of buildings. Since there are so very few changes, I will hit on each one of them. On page 2, we changed "should" to "shall" regarding retail uses and office service projects. part of that same item on the next page, on page 3, a grammatical change. Moving back to Page 5, under Item K another grammatical change, moving position of "material" in that item, and the first substantive change is in 24-50.34, Paragraph F, and again I am on page 5. This is permitted variation in rear yard and side yard

The required minimum side yards and rear yards may be eliminated and reduced except if that yard adjoins a public street or public street in any A and R Districts. So we will not be allowing any variations in the agricultural or Residentially Zoned property.

The second substantive change we made to respond to Planning Commission's concern and that is in regard to the height of buildings. Now we allow 45 feet by right and we bring it down to 30 feet by right and anything over that will have to go for special approval before the Planning Commission. That continues – it begins on the bottom of page 5 and continues onto page 6. You will see all of the underlining and overstrikes. I won't read it but perhaps you can see that was accomplished.

I will be happy to take any questions.

Mr. Archer - Thank you, Ms. Gardner. Are there any questions of Ms. Gardner?

Ms. Dwyer - Ms. Gardner, when this is forwarded to the Board, my understanding is that there could be some mention of the Commission's desire to change the name of this zoning.

Ms. Gardner - That is correct. There will be a full staff report with this highlighting that the Planning Commission recommends that this be MOS rather than OS-2.

Ms. Dwyer - And the reasoning for that name change suggestion as well?

Ms. Gardner - Yes.

Mr. Archer - Are there any further questions of Ms. Gardner? OK. Is a motion in order?

Mr. Silber - A motion is in order. If the Planning Commission forwards this on to the Board, the Board would then hold a work session or a series of work sessions and they will hold their public hearing and they will make the final decision. A recommendation from the Commission is necessary to forward this on to the Board.

Mr. Vanarsdall - I move that we forward it on to the Board as presented by staff.

Ms. Dwyer - Second.

Mr. Archer - We have a motion by Mr. Vanarsdall and second by Ms. Dwyer. All in favor say aye. All opposed say no. The motion carries and it will be forwarded to the Board.

Mr. Silber - Thank you very much. That is a lot of hard work and we are glad we can get this to the Board and hopefully soon we will have a new district. The next item of business would be the Extensions of Subdivision Approvals. These would be the extensions of approval and it looks like we have two and Mr. Wilhite will address this.

## **SUBDIVISION**

Subdivision	Magisterial District	Remaining Lots	Previous Extensions
Darbytown Meadows (Cluster Lot) (March 1994 Plan)	Varina	63	3
Harvest Crest (March 1996 Plan)	Fairfield	53	1

Mr. Wilhite - I recommend both subdivisions receive a one year extension of time.

Mr. Archer - OK. Is there a motion?

Mr. Zehler - Mr. Chairman, I move the approval of Subdivision Extensions of Conditional approval for 12 months.

Mrs. Wade - Second.

Mr. Archer - We have a motion by Mr. Zehler and a second by Mrs. Wade. All in favor let it be known by saying aye. All opposed say no. The motion passes.

The Planning Commission voted to approve the extension of conditional approval for 12 months until March 23, 1999, for Darbytown Meadows (Cluster Lot) (March 1994 Plan) and Harvest Crest (March 1996 Plan).

Mr. Silber - The next item of business is a Transfer of Approval.

## **TRANSFER OF APPROVAL**

POD-81-97  
Glenwood Crossing  
Shopping Center

**Pemberton Place, Inc. and Pemberton Development Company, L.C.C.:** Request for approval of a transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code from Pemberton Place, Inc. The site is located on the southeast corner of Laburnum Avenue and Mechanicsville Turnpike (U.S. Route 360) on parcels 118-19-3-1 thru 22. The zoning is B-2, Business District.

Ms Archer- Is there anyone here in opposition to this transfer of approval, POD-81-97? Seeing none, I move that we accept transfer of approval for POD-81-97, Glenwood Crossing Shopping Center.

Mr. Zehler - Second.

Mr. Archer - We have a motion by Archer and a second by Mr. Zehler. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved Transfer of Approval for POD-81-97, Glenwood Crossing Shopping Center.

## **PLAN OF DEVELOPMENT (Deferred from the February 24, 1998 meeting)**

POD-18-98  
Raintree Office Village

Foster and Miller, P.C for Billingsgate Realty Ventures and Virginia Classic Homes: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 11,305 square foot office building. The 1.6 acre site is located 600 feet south of Falconbridge Drive on the east line of Raintree Drive on parcel 78-A-19D. The zoning is B-1, Business District. County water

and sewer. (Tuckahoe)

Mr. Archer - Is there anyone here in opposition to POD-18-98. No opposition. Mr. Strauss.

Mr. Strauss - Thank you, Mr. Chairman. As you may recall, staff recommended approval of this project at our last meeting and the project was deferred to allow the applicant time to meet with the adjacent property owners. It is staff's understanding this meeting has taken place and there was no substantive disagreements with the applicant. Staff can recommend approval per the annotated plans and in accordance with conditions Nos. 23 through 27.

Mr. Archer - OK. Are there any questions?

Ms. Dwyer - Mr. Strauss, in the packet we received, I think, the old elevations, and I think we had decided they were incorrect, as far as the rear elevations are concerned. I know we have the correct ones in the file. I just wanted to make a note of that for the record.

Mr. Strauss - That is true. We did hand out the corrected rear elevation at the last meeting and we will make sure that that becomes a part of the approval.

Mrs. Wade - And I assume that the landscape and lighting plan will come back?

Ms. Dwyer - We met with the neighbors and I would like to thank the applicant for all of his efforts, and we met in the cold for about an hour and a half one day, and walked the property with all of the surrounding neighbors. Obviously, no one is here today. There were a number of folks here last time and they seem to be fairly happy with what is being proposed and I think they are pleased that it is an office building and not a business venture or business zoning. So, we do want to bring back No. 9 and 11 Amended, though, to take a look at the landscape and lighting when the time is appropriate because the building is fairly close to some of the single family homes on Raintree Commons, and I believe the applicant is agreeable to that. So, if there aren't any questions, I will go ahead and make a motion.

Mr. Archer - All right.

Ms. Dwyer - I move that POD-18-98, Raintree Office Village, be approved subject to the annotations on the plans and standard conditions for developments of this type including additional conditions Nos. 23 through 27 and No. 9 and No. 11 Amended.

Mr. Vanarsdall - Second.

Mr. Archer - We have a motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All in favor, let it be known by saying aye. All opposed say no. The motion passes.

The Planning Commission approved POD-18-98, Raintree Office Village, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issues.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. Outside storage shall not be permitted.
26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
27. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right of way. The elevations will be set by Henrico County.

## PLAN OF DEVELOPMENT

POD-28-98  
Tuckahoe YMCA Gym  
Addition  
(POD-60-96 Rev.)

**TIMMONS for Tuckahoe Family YMCA:** 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, 5,630 square foot gymnasium addition. The 0.2 acre site is located at 9211 Patterson Avenue (State Route 6) on part of parcel 100-A-10. The zoning is R-5, General Residence District. County water and sewer. **(Tuckahoe)**

Mr. Archer - Is there anyone here in opposition to POD-28-98, Tuckahoe YMCA Gym Addition? We have opposition. We will be with you in a moment, sir. Anyone else? Ms. News.

Ms. News - The proposed gym addition matches the materials of the existing building. The area shown as future addition has been removed from this application by the applicant and is not part of the approval. Additional parking to meet existing deficiencies on this site, as well as to meet the requirements of this addition, has been previously approved by a Provisional Use Permit for 50 substitute parking spaces at Welbourne United Methodist Church. Two conditions have been prepared to address completion of the project approved on this site under a previous POD. Condition No. 29 requires removal of existing gravel parking in the rear of the building by April 1. There is a revised condition No. 29 in your addendum which allows the Y to keep the gravel maintenance

access road. Condition No. 30 addresses completion of the BMP along Patterson Avenue. Staff can recommend approval of the plan with the annotations and added conditions.

Mr. Archer - OK. Thank you, Ms. News. Are there any questions of Ms. News?

Ms. Dwyer - Is the removal of the future addition, is that an annotation on the plan that you had added, or...

Ms. News - I will add it.

Ms. Dwyer - I don't have any questions. Thank you.

Mr. Hofheimer - I am president of the Waterford Rhye Townhouse Owners Association. We are right across the street from the YMCA. We do not have any valid opposition, however, whenever construction is conducted at the YMCA we have a silting problem. The silt flows down into our lake where the water drainoff is. All we want is some protection from the silting so that is taken care of during construction and we don't have a silting overload.

Ms. Dwyer - Have you had more or less of a silting problem since the BMP has been installed at the property? It is supposed to take care of some of this.

Mr Hofheimer - Not particularly any more. We have not particularly had any more silting. The main thing we have had it in the past and we have had to get the lake totally dredged out. We don't want to run into that problem again.

Mrs. Wade - You know, I wasn't clear whether you had less silting before the pond was put in or about the same.

Mr. Hofheimer - I think the pond has definitely been a big help.

Ms. Dwyer - Part of this plan also will be to provide some screening around that pond so that it is not quite as visible, but I am glad to hear that the pond is helping out with the silting problem across the road. This addition is fairly small and quite a bit removed from the Patterson Avenue...

Mr. Hofheimer - It is back in the back. I realize that.

Ms. Dwyer - Thank you very much.

Mr. Archer - I realize that we usually hear from the applicant. Is the applicant here? Would you come down sir. Thank you.

Mr. Hostetler - My name is Steve Hostetler and Scott Bortz is with me, as well, representing TIMMONS, representing the applicant. Simply put, we will provide adequate control measures as coordinated with County staff to prevent any further siltation from leaving the development area

even, and it shouldn't be at all.

Ms. Dwyer - What measures, can you give us an example of what measures, will you be taking to prevent further erosion?

Mr. Hostetler - Primarily a silt fence around the perimeter. It is going to completely enclose, it is a very small building footprint and so we will have perimeter control all of the way around the construction area.

Mr. Silber - Mr. Hostetler, this has been a problem downstream before and I am sure you are aware of that. There has always been sensitivity to the ponds downstream and whatever you can do to assure the problem wouldn't be any worse and making sure that the siltation fences are maintained, etc.

Mr. Hostetler - Yes, that can be written into the contract for the project and it will be enforced by the County Inspector as well as by ourselves on our site visits.

Mr. Archer - OK. Thank you. Mr. Hofheimer, does that alleviate things a little bit?

Mr. Hostetler - That would be a big help to get the guarantee by TIMMONS, that would be a bigger help.

Mr. Archer - They said they would write it into the contract. Thank you, sir. Ms. Dwyer.

Ms. Dwyer - This is a fairly small gym addition, an adventure gym, I believe. It will be interesting to see how that turns out, they climb the walls and things there. At any rate, it appears to conform to the County requirements for parking, which we took care of at the last meeting with the parking at Welbourne Church. I am looking forward to landscaping on the BMP. That promises to improve the visual quality of the BMP particularly along Patterson Avenue and that is additional condition No. 30. So, I move approval of POD-28-98, Tuckahoe YMCA Gym Addition, subject to the annotations on the plans and standard conditions for developments of this type including additional conditions Nos. 23 through 30, and No. 29, of course, is amended to what has been written on our POD addendum for today.

Mr. Vanarsdall - Second.

Mr. Archer - We have a motion by Ms. Dwyer and a second by Mr. Vanarsdall. All in favor of the motion let it be known by saying aye, and those opposed by saying no. The motion is approved. Mr. Zehler was absent and did not vote.

The Planning Commission approved POD-28-98, Tuckahoe YMCA Gym Addition (POD-60-96 Revised), subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
29. **AMENDED** - The gravel parking area at the rear of the property shall be removed and the area restored and reseeded by April 1, 1998. **An eight-foot wide gravel access road to the maintenance area shall be permitted if a gate or chain is provided to prohibit public access.**
30. The BMP along Patterson Avenue, including construction, seeding and landscaping in accordance with approved plans, shall be certified complete by the design engineer by June 1, 1998.

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

POD-14-98  
 Grove Avenue Baptist  
 Church  
 Addition  
 (POD-49-78 Rev.)

**Anderson and Associates, Inc. for Grove Avenue Baptist Church:** Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-story, 52,110 square foot education wing, a two-story, 14,322 square foot administration addition and a one-story 3,462 square foot play space addition to an existing church. The 9.69 acre site is located on the corner of Parham and Ridge Roads on parcels 100-A-52 and 100-A-51. The zoning is A-1, Agricultural District and R-3, One-Family Residence District. County water and sewer. **(Tuckahoe)**

Mr. Archer - Is there anyone here in opposition to POD-14-98, Grove Avenue Baptist Church? I believe we have a couple of people. Thank you. Mr. Wilhite.

Mr. Wilhite - Mr. Chairman, this case was deferred from your meeting of February 24 to allow the applicant time to meet with the residents in the adjacent neighborhoods. The primary

concerns are about traffic in this area and parking in relation to the church services. Apparently a number of cars are parking on County-owned property across the street and on adjacent streets in the neighborhood. Actual seating as shown by the church shows 1,200 seats, but it is staff's understanding that as many as 1,700 people can attend these services. Even though what they propose shows the loss of 30 existing parking spaces on site, it appears that there is sufficient parking provided on site to meet the requirements of the County ordinance. Going out there this past Sunday, I observed 65 parking spaces that were empty during the service although I did observe a number of cars parked across the street and on the side streets in the neighborhood. Condition No. 28 on your agenda is to address parking in the neighborhood and on the adjacent County property and it requires that the church notify their staff and congregation that parking shall be done on site. The church is also going to repair the existing dumpster out the gates, and there are also concerns about landscaping. Staff's research into this project showed that the parking lot addition approved in 1981 along Ridge Road was required to have a landscaping plan come in for approval and that was never done and that landscaping should be incorporated into the approval for this area. Also, a condition on your addendum, Condition No. 29, is offered to address construction traffic and it restricts it to the use of Parham Road and Ridge Road and they cannot use nearby residential streets as a short cut. With that, staff can recommend approval of this plan with those annotations and conditions.

Mr. Archer - Thank you, Mr. Wilhite. Are there questions by Commission members of Mr. Wilhite?

Ms. Dwyer - Mr. Wilhite, what sort of written notification are you requesting that the church provide to indicate that they have encouraged their staff and congregation to park on the church property? I asked Mr. Wilhite what type of notification he is looking for from the church to indicate that the church has encouraged its staff and congregation to park on the church property. That is one of the conditions that Mr. Wilhite has recommended for this case.

Mr. Wilhite- We would just prefer that it be in the form of a letter, a confirmation that a letter to the congregation has been sent out.

Ms. Dwyer - So a copy of the letter that the church has sent out or a copy of something...

Mr. Wilhite - Prior to Planning Office's signature on the construction plans.

Ms. Dwyer - And having reviewed the case, the church is in compliance with all of the requirements of the County Code and will be able to construct this building. Is that correct?

Mr. Wilhite - Yes, ma'am. I counted on the plan over 500 parking spaces shown, which under the County Code requirements would accommodate up to 2,000 plus people.

Ms. Dwyer - And you are recommending No. 9 Amended, which would bring the landscaping plan back to the Commission for another public hearing when that time is appropriate? Thank you.

Mrs. Wade - Mr. Wilhite, is there no limit in this zoning category regarding how many parking places you can have in a row without an island?

Mr. Wilhite - Under today's Code requirement, there is 19, but there are a number of rows that have more than 19, but those are existing parking spaces that are non-conforming and in considering the question of parking and the availability, staff did not recommend any additional landscaping islands.

Ms. Dwyer - And the new parking they have added does comply?

Mr. Wilhite - In the new parking, there are no violations of that Code.

Mrs. Wade - What kind of basin are they going to have on the site they buffer on the Parham Road side? Do you know?

Mr. Wilhite - Excuse me.

Mrs. Wade - There are two things on here that say basin, one on Parham that appears to be in the setbacks...

Mr. Wilhite - Yes. There is a small retention basin along Parham Road very close to the right of way. That is an area that would be heavily landscaped and would include red maples there and that is acceptable to the County staff.

Mrs. Wade - And the basin down on the south side?

Ms. Dwyer - That is existing.

Mr. Wilhite - There is an existing one on the plan proposed - some enlargement of that basin - and landscaping can be addressed at a later time.

Mrs. Wade - As I recall, some years ago there was concern from the neighbors down the hill about the drainage. Thank you.

Ms. Dwyer - That is one complaint that I haven't heard this time.

Mr. Archer - OK. Are there further questions for Mr. Wilhite?

Ms. Dwyer - Mr. Wilhite, one more question. The dumpster correction. Will that be a part of the landscape plan, or is that an annotation on this POD?

Mr. Wilhite - This can be incorporated into the POD. The annotation covers that and the applicant is in agreement with bringing this up to repair, so unless you would like to address it at landscape time, as well, it can be done with the POD plans.

Ms. Dwyer - Thank you.

Mr. Archer - OK. Thank you, Mr. Wilhite. Ms. Dwyer, would you like to hear from the applicant?

Ms. Dwyer - Yes, I think we need to hear from the applicant and also I think from the opposition.

Mr. Archer - Is the applicant present? Is everyone in the back having a problem hearing us? Let me mention this while I am at it, because nobody knows unless we say it. I believe, if there is anyone here who has a hearing problem, we have some portable application devices that can be used, so if anyone needs one, don't be ashamed to ask for one. We have them.

Person in the Audience - I don't have a hearing problem. I just think if you all speak clearly and into the mike, it sounds like you are mumbling.

Ms. Dwyer - Fancy new sound system.

Mr. Vanarsdall - The Reverend is used to people telling him they can't hear. I see him shaking his head, now.

Mr. Horner - My name is Chris Horner and I work for Anderson and Associates, and I represent the owner. I just wanted to mention that the site we are adding to the building is a new administrative building and educational wing, and as far as parking capacity is concerned, the seating capacity of the church is not being increased any. So, as far as the parking lot itself, we are not reducing spaces. The concern of the parking is primarily the existing problems they have with parking on the other roads, and I believe that the church, I know the church is going to address that pretty soon. It has been addressed already and will be addressed again. As far as the bio retention facilities, the choice of the bio retention facilities were made so as to be as aesthetic as possible. These are heavily landscaped areas and they really should become more of a future site and improve the look of the site rather than take away from it like a traditional BMP facility.

Ms. Dwyer - The bio retention facility - can you describe in detail what that will look like?

Mr. Horner - Sure. A bio retention facility is to replicate a forest type area. What it is, I believe it is about 50 feet by 30 feet, and it is a mix of planting soil that drains - is well drained. Then, there is a depression in the ground. It is only about a foot deep. The filters in and then filters down through this facility through the soil. There are a large number of plants, we are talking about 15 trees in the range of 40 shrubs and ground cover in this area. If you have had a chance to look at the landscaping area, there is really no space left to plant anything else. It is that heavily planted. The idea of the plants themselves is to uptake the nutrients from the runoff, treat the runoff and at the same time reduce the quantity of flow coming from off of the site.

Ms. Dwyer - I know this a relatively new concept in Henrico. We haven't seen too many of these, we've seen a few. In other words, you won't have the big gaping mud hole that we have grown sort of accustomed to.

Mr. Horner - No.

Ms. Dwyer - It is a planted area, fully planted.

Mr. Horner - There is about a one foot depression. That is all. Really, if you did not know what you were looking for, you should not know that this is a facility.

Ms. Dwyer - Has this been looked at by the County, by the Department of Public Works?

Mr. Horner - Yes, actually we worked with the staff, Scott Jackson, in coming up with the design of it. It is included in the County's water quality regulations and I don't think there were any detailed drawings, and I know this is pretty new, but we have done several of these. Smith Mountain Lake State Park, we have worked on them there, and they are widely used up in Prince George County, Maryland in other areas up in northern Virginia where there are space restrictions because they can also satisfy landscaping requirements as well as storm water requirements.

Mrs. Wade - What about some kind of garden? Is it water retention?

Mr. Horner - I think it is. It is called a rain garden. Yes, ma'am.

Mrs. Wade - There is one at Confederate Hills and we approved another one somewhere.

Ms. Dwyer - Apparently they are being used somewhat in Chesterfield.

Mr. Horner - Chesterfield is in the study phase. What they have done, they have constructed several of them and they are going to be studying them over the next few years to try to come up with some kind of standard for calculations for them.

Ms. Dwyer - Thank you. You may want to stand by because we may need some kind of responses to the opposition.

Mr. Archer - Are there any further questions for the applicant? Could you come up, ma'am.

Ms. Brown - My name is Paula Brown. I am a resident of Riverlawn. I live on Glendale Drive and I feel like I am sort of representing quite a few people in my neighborhood because of the hour of the meeting. Quite a few of my neighbors are not able to attend because of their work schedule not being flexible to come to a morning meeting, but we were concerned about the three-story educational building. What times of day would that be in use? I didn't know if this would be used everyday of the week type of thing, and I think everyone is aware of the immense traffic load

that is on the corner of Parham and Patterson and our neighborhood is directly impacted with that. There have been many times when we have met with representative Pat O'Bannon and other people, and I know there is a study that is long-range about a cloverleaf in our area. It is severely overloaded and as mother of children who are getting on school buses and that type of thing, it is a huge concern in our area, and the traffic. Anytime something is changed from one-family residential, you know, it has this kind of huge three-story building, and I feel sure that would not be used just on Sunday. It is a huge concern and the gentleman who said the people would be encouraged to use Parham or Ridge and not cut through. It is just not going to happen. That is of no value at all to us as residents. My question was, how many days a week will this be used? Thank you.

Mr. Horner - I don't have all of the answers to that. I may ask the church to help me with that, but I believe that the education wing is for use at least five days a week with school age children through grade 12. Times, I believe we are talking normal school times, so it would be similar to other schools, standard public schools. You would have your 7:30-8:00 a.m. rush and then you would have your between 3:00 and 4:30 or so people leaving and picking up students.

Mr. Archer - Thank you, sir. Yes, sir.

Mr. Bill Stetgar - My name is Bill Stegar. I live at 715 Glendale Drive which is a block away from the property that we are discussing. I have lived there since 1959. And every since the church has been there and the only way I can get out of my house to go west on Patterson Avenue is to go to Ridge to a stop light on Parham and a then a stop light, it is impossible to make a left-hand turn from Glendale Drive onto Patterson, at least a safe left-hand turn from Glendale Drive onto Patterson. All of the years that I have been driving through cars parked on both sides of the street in Henrico and on Academy and the pickets, we've been picketing a couple of years from Ridge and on Parham, and so I speak in opposition to this request. Also, I want to ask where are the, I understand they are expecting to expand the congregants by 500 families. Where are these 500 families? Where are these families going to come from? Not from our neighborhood, because those people who live in our neighborhood already belong to the church, so the only place where they would come from would be the entire Richmond area including Chesterfield County. And, I don't see why we should be subjected to anymore parking problems and parking between Ridge and Parham Road, so I hope that it will be a pleasure to deny this request. Thank you. Are there any questions?

Mr. Archer - Thank you, sir.

Mr. Harwell - Good morning. My name is Tom Harwell and I live on Rivermont Drive which is a couple of blocks from the church. I don't necessarily speak in opposition to the church's plans to expand or to grow their educational facilities, but what I would like to speak in reference to is that the Commission be aware of what great a burden of traffic it is going to put on our neighborhood. At present, we count approximately 160 to 200 cars every morning between the hours of 7:30 and 9:30 a.m. coming down our street and many of those people speed. They go beyond the speed limit. Last week a Henrico County officer was out in our neighborhood and stopped somebody with radar. That is what we see, and as a parent who takes his son out to the school bus stop every morning, the traffic problem seems to be increasing more and more since I have been there. The addition of 500

students to a private school is going to increase the traffic burden greatly. My understanding is that Grove Avenue Baptist would not provide busing for their students, or at least I have not seen it, and to add many more students coming in via car to that intersection is going to increase the traffic flow through the surrounding neighborhoods, Oakcroft, Henrico, Academy, Julian, Rivermont and Glendale, and I don't ever believe that the street system there could support much more of a traffic load. I don't believe the streets were intended for the use that they are receiving now. I have family that lives in northern Virginia and I will be more than happy to work with Grove Avenue Baptist and anybody in the Planning Commission to help further a study of what we could do to help slow down the traffic. Maybe put something in, in Northern Virginia they are going to put in speed bumps on some residential streets where there is a problem where children live out in those areas or reducing the speed limit to 15 miles per hour or 20 miles per hour, and making people aware that as they come through the neighborhood to be respectful of the residents. I am very happy that Grove Avenue has the opportunity to expand but I do believe the Planning Commission needs to understand that the burden of traffic is going to be much greater.

Mr. Archer - Thank you, sir.

Mr. Vanarsdall - I want to ask you, where are the cars, you say cars come by your house every morning.

Mr. Harwell - I live on a one-block stretch of road between Ridge Road and Glendale, and they typically, because they can't get to the intersection like Patterson or Parham, they cut up Oakcroft which is right behind Grove Avenue and they come out at Ridge Road and filter down through the neighborhood on Glendale and out Patterson Avenue. They typically come from Willey Bridge or across Willey Bridge area and are going through to West Richmond or even the western part of the County.

Mr. Vanarsdall - There must be a backup that they are avoiding?

Mr. Harwell - Oh, there is a backup every morning because of a traffic light at Parham and Patterson Avenue and Ridge Road.

Ms. Dwyer - You have heard me speak of Parham and Patterson, haven't you?

Mrs. Wade - I know the people in that neighborhood have been to the County many times.

Mr. Vanarsdall - I know how popular the Willey Bridge was when it was built.

Mr. Harwell - The university is Rivermont Drive. It is a very small street, but it takes a lot of traffic every morning.

Mrs. Wade - I know you all have talked about that problem a long time and it is getting worse instead of getting better, unfortunately. The people aren't considerate through other neighborhoods, because almost every month we have people from a neighborhood coming to tell us.

What the answer is, we are not sure.

Mr. Archer - I know there is other opposition here. Are there other points of view that need to be expressed and we want to hear from everybody, but we don't want to be repetitious. Are there other points of view to be expressed now?

Ms. Kathleen Karnes - My name is Kathleen Karnes and I, too, live on Rivermont, and I think people are making a short cut through the street which has no sidewalks. The cars frequently come 40 to 45 miles an hour on that one block stretch. There is a school bus stop on the corner of Glendale and Rivermont where children are picked up at approximately 10:30. Cars are coming down the street. They cut the corners on both ends of the street and I am just concerned that children are going to be hit. We are concerned about the school children who are going to Grove Avenue Baptist Church. We want them to have a nice school, but we would like our children to be able to get to their school. They are children assigned to our bus stop who do not come down to Rivermont to get to the bus stop because cars are going wildly down the street. There are children who have to come across Ridge Road who do not come to the bus stop because people are in such a hurry. I have been passed by cars on our little street there by people who were hurrying. I am doing 20 miles an hour and they breeze right on by. Now exactly where they are coming from I don't know. They could be coming from Grove Avenue, but we can't take the increased traffic the way it is. I live on a sleepy little street and most of the day nobody comes down that street. It is a nice street. We would not have purchased on that street if we had known what the traffic was like. We need to be concerned about the safety of those kids getting on the school bus, and if there is no busing for Grove Avenue Baptist Church for these additional students, then I would have to say that I oppose.

Mr. Archer - Is there anyone else who has a different point of view to express?

Ms. Martha Harwood - I am Martha Harwood. I live two doors off of Ridge Road on Academy Road. I have lived there 43 years and loved it. I am certainly not opposed to expansion of anybody's church. I congratulate Grove Avenue Baptist on expanding their membership. I am vitally concerned about the increase in the enrollment of the school by 500. I understand they presently have just under 300 students there and that if they increased to 500 like they are proposing to do, that would put us just under 1,000 students going down our little street, down Rivermont, Academy and Henrico. There is a cut-through from Willey Bridge traffic on Parham Road to get down Patterson Avenue, and it just as these people have testified. It is almost impossible to get out of the driveway between the hours of 7:00 and 9:30 a.m. It is just a steady stream. We appreciate so much your deferring this to this meeting. We did not know anything about the expansion until, I think it was two days before your last meeting, and we appreciated, Mr. Boswell, the minister of the church, brought a letter around, I understand personally himself, and put it in our doorways which we are very grateful to him for doing that. That was very caring, but we did not have time to hear what the plan of development or see what the expansion would be. The first thing that was told me was our woods, which we treasure, because there are two very large water towers on those woods, and the County owns this property. We were told those woods would go and a parking lot or deck would be constructed. That really set us off. I understand now and Ms. Dwyer has been good enough to meet with us twice and she said Sunday when we last met that this had been laid to rest.

I am delighted to hear that. But if Ms. Dwyer is ever laid to rest, who is coming afterwards? Who is going to want to come in there and take that wooded away which does buffer those ugly hideous water towers. And we need the towers. God knows we like showers and running water, but to take the trees down would be absolutely a crime and I hope that perhaps, I don't know the legalities of it, but if we could have something in writing would it worth the paper it is written on? If we had an agreement with Grove Avenue Baptist Church that in no way would they expand across Ridge Road into the woods, I don't know if that is feasible. But, if it is, we would love it. I think I had another point. Oh, Mr. Wilhite was good enough to meet with us and I never did hear because we were told by the County staff, the Planning staff, that the plan was 30 parking spaces shy to conform with the POD. Is that correct? You probably addressed this, but I didn't hear you. Is that correct?

Mr. Wilhite - Just to clarify, this proposed development removes 30 parking spaces on site, but they are in compliance with parking requirements under the ordinance.

Ms. Harwood - They are? Thank you. I think they were my concerns, I covered what everybody in my block wanted me to cover. Thank you very much for your time.

Mr. Archer - Thank you, Ms. Harwood.

Mrs. Wade - Does the church own several of the houses here on Parham Road? You don't own any.

Ms. Dwyer - Is there anymore opposition?

Mr. Archer - Is there anyone who has a different point of view to offer in terms of opposition?

Ms. Dwyer - I wonder if I could call on Mr. Eure to speak to the traffic issue. I will say for the record, and my friends here on the Commission, my colleagues here, have heard me talk about Parham and Patterson and I know Pat O'Bannon has met with many of you. She has been very active in trying to do what can be done now to at least reduce, at any rate, we are trying to reduce the traffic burden that we know these neighborhoods have at the present time. Oakcroft and Henrico, Julian, Glendale, Academy, Rivermont, all of those streets are subjected now to some severe traffic burdens that they, of course, were not designed to carry. All of this goes back for many years, I guess, to originally, Mr. Eure can correct me, but the County had planned for 288 to go along the John Rolfe Corridor and when that was eliminated by the State our plans to draw some of the traffic that now streams across the Willey Bridge was taken away. So now we are left with the Willey Bridge, no bridge going across the river from the John Rolfe Corridor to take some of that traffic burden off of Willey Bridge and the Parham Road Corridor. So, we are, quite frankly, stuck with a serious traffic problem and we are doing the best that we can to add Band-Aids as opportunities arise to do that. Pat, I know as you are aware of, has worked very hard to try to get a new intersection at Parham and Patterson to eliminate the light so the traffic will flow more smoothly through that intersection and perhaps eliminate some of the desire that commuters have to cut through your neighborhoods and that has been moved up on the County's Priority List from, I think, No. 15 to No. 2 and it is

second now on the County and I understand that just happened last week. We are taking as many steps as we can. We have removed truck traffic from Derbyshire and River Road, because those roads have also been experiencing a lot of the traffic stream that comes across the Willey Bridge, so, we have a tremendous problem and everyone in the County recognizes that, and the Commission recognizes it. The Board recognizes it and we are doing what we can given the fact that 288 was taken off of the Thoroughfare Plan. Mr. Eure, would you like to add anything to that review of the traffic situation and how, physically how, this development will affect the traffic situation.

Mr. Eure - Good morning. I am Todd Eure, Traffic Engineer. You covered that very well, by the way, Ms. Dwyer. With respect to the cut-through traffic in your neighborhood, it is an issue that the County has been well aware of for many years and it has been getting worse and worse. I think the solution that everybody feels is going to have the most impact is going to be the improvement of the intersection of Patterson and Parham Road. That is part of the reason people are cutting through, just to avoid sitting at that intersection. I know, as you mentioned, that Ms. O'Bannon has a very strong interest in this issue and currently the County, as well as VDOT, are reviewing six different proposals as far as the way to address that intersection. Everything from a grade separated intersection with (unintelligible) ramps, what is called a urban interchange for any type of movement, and that would be the best way to give a free flow means of travel for the through movements which would best increase the means of capacity for the intersection. That, assuming the intersection is functioning as it should, that should help reduce if not eliminate most of the cut-through traffic in the neighborhood. As the one gentleman mentioned, there is a number of measure that can be done with the neighborhoods to address particularly speeding traffic. Currently, all of the roads in question that are taking the cut-through traffic are posted at 25 miles an hour which is the lowest speed that can be posted in the County, and they are posted for enforcement. A lot of it comes down to getting the police officers out there on a current basis to address the issues and enforcement from an enforcement standpoint. They are other measures that are again referred to, usually traffic calming measures that, I think you mentioned that being done in northern Virginia, as well in other areas. That is something the County is currently reviewing different policies on what we consider might be effective in this area and what would not be, and there are a couple of prior areas under study now, and we are reviewing that. That is what we are doing. Some of them are effective. Some of them, to be honest, are not. So, before we start implementing them on wide scope basis we are going to make sure that it is something that we feel will work and be safe in the County. As far as the traffic impact of this particular POD plan, certainly they do have their parking problems on Sundays, but this did not increase the parking in the sanctuary. We are not looking at an increase in the total traffic related to the church. Certainly they are going to have more traffic on week days during the school hours as mentioned, but their access is directly off of Parham Road and directly off of Ridge Road, assuming the parents do follow what the church is asking them to do in not using the cut-through and not using the neighborhood for parking, and we feel comfortable with this plan as far as the additional impact it is going to have on traffic in the area.

Ms. Dwyer - So you are saying the critical traffic problem is the volume of traffic coming across the Willey Bridge down Parham Road that is avoiding waiting at the Parham and Patterson intersection, and that this development is not going to add significantly to that existing problem?

Mr. Eure - That is correct.

Ms. Dwyer - Thank you. That is all I have.

Mr. Silber - I think one thing that may be worth mentioning here, Ms. Dwyer, and members of the Commission and for the public, what is before you is a plan of development. The property as zoned permits this type of use. The Planning Commission has to review this in light of the technical requirements of the ordinance, making sure that it meets the parking requirements, meets the setbacks, etc. As long as it meets those requirements and as long as the Traffic Engineering Division feels as though the street can safely accommodate the traffic, and I think that has been proven. I think the majority of the traffic that is resulting in cut-through traffic is an existing situation. We agree that it is a very serious problem. We are doing the best we can to address that, and I think the Traffic Division will continue to monitor that with our Division of Police, but I think the Planning Commission, it would be difficult to absolutely turn down this request. I think we have to look at mitigating factors that deny a plan of development on these grounds I would have some concerns with. But, I believe, the Traffic Engineering Division would be glad to continue to work with the neighborhood as would our Division of Police to deal with cut-through traffic. We are aware of the sensitivity expressed and we know that and we know there is a serious concern out there, but I think that needs to be mentioned.

Mr. Archer - Thank you, Mr. Secretary.

Ms. Dwyer - I have a few questions of the applicant. I would like to ask maybe a representative of the church to come forward. I just want to clarify a few points. Someone mentioned that the school will be increased by 500 additional students. My understanding was that it would be increased to 500; in other words, we are not adding 500, but are increasing from about 250 to 270 to 500.

Mr. Boswell - That is correct. Yes. We hope to go from 270 to around 500 students. We wouldn't have room for another 500 students. Another point that, in connection with the school, only our seniors are allowed..

Mr. Archer - Excuse me, sir. We need to have you identify yourself.

Mr. Boswell - I am Ron Boswell, pastor, Grove Avenue Baptist Church. I am sorry. I will be brief. My church members have heard about this before, and they do not believe me, but I will be brief. Only the seniors are allowed to drive cars. We only have about 12 at present and if we double that we might have about 25 or 30 seniors, so we will not have a lot of students driving cars.

Ms. Dwyer - Well, the neighborhood is concerned even if they don't drive and park there that addresses some of the parking concerns, but the neighborhood is concerned about any, even one more car they can't handle. What plans do you have to work with, perhaps, parents and study body, perhaps, to eliminate any cut-through traffic that they might add to.

Mr. Boswell - Well, we can add that to our school handbook that the children take home to study. They have to understand what the rules and regulations are. I think we can enforce that as much as we possibly can. There will be some parents that just will not listen, but I think we can educate the children to educate the parents to help our neighborhood, because we have good neighbors. We have had two wonderful meetings with our neighbors and you were there, and no one was opposed to church growth. Everybody is concerned about the traffic, and so we are going to do everything we can to help that, and to help our students and their parents understand the importance of being prudent in their speed and to be careful where they park.

Ms. Dwyer - I guess that applies to Sunday folks as well.

Mr. Boswell - Yes, ma'am. I would hope so. We have announced from the pulpit several times. Church people don't always do what the pastor says. You understand that, but a lot of them do, and if the majority of them did we could certainly alleviate a large part of that problem.

Ms. Dwyer - I know there was some discussion also about the parking issue and Mr. Wilhite included as one of his conditions that the church provide written notification to staff and congregation about parking on site, and, I guess we could add to that, cutting through the neighborhood. That would be something.

Mr. Boswell - Yes, ma'am. What we will do is include that in several of our Sunday bulletins that all of our church members receive and we can put it in our Sunday School class boxes for the teachers to read during their Sunday School classes. We have a monthly magazine called "The Word" and I will do an article in that, and I will make several announcements from the pulpit. I don't see how we will eliminate every body from parking on those side streets. We will not park by the woods where the water tower is. We have long ago abandoned any thought or idea of that because it is just untenable. We would have to build a major tunnel or something. The parking deck is also completely out of scope financially for us. It would be an eyesore and I want our neighbors just to understand that we have no further plans to use that parking space for a deck and we will be very careful to inform our people about their driving habits.

Ms. Dwyer - The issue was raised about whether the church would enter into an agreement with the neighborhood, and I would like to speak to that, just briefly. That would be a private matter between the neighborhoods and the church. That is not something that the County or the Commission would be involved in or would be able to enforce, so that is certainly something the two parties are free to discuss and continue to negotiate.

Mr. Boswell - Yes, ma'am. We have talked about that and circumstances change and pastors change, and church board and trustees change. I would find it difficult to enter into a legal agreement from my point of view to say that we will or we will not do something, because another pastor or another board might come and, in fact, the County itself might have other plans. But, I have assured our neighbors that we are not at all interested at any time in any way of leasing or buying or renting any of that property across the street.

Ms. Dwyer - It is my understanding from Pat Brady, and he is the Public Utilities Director for the County, and Ms. O'Bannon, that there is no intention upon the County to relinquish any rights to that water tank property either. I don't want to make any more comments, because it is really not appropriate for the Commission, but it would not be an agreement relating to property. It would be an agreement relating to the activities of the church potentially could buy this. What I believe was mentioned was that the church not take certain action, and that is certainly conceivably that two parties could agree to do. It is not necessarily tied to the land, but anyway, I don't have anymore questions.

Mrs. Wade - Do you all still own that property across Parham and I can see why you don't use it.

Mr. Boswell - Yes, ma'am.

Mrs. Wade - And it certainly works out. If you needed a tunnel across Ridge, you would need more than that. Do you encourage car pooling in your school? I think it is the dropoffs that the neighbors are concerned about.

Mr. Boswell - Yes. We talked about it in the neighborhood meeting, the fact that a lot of our people bring two cars. A husband will come early, a wife will come early, maybe the children will drive, and we are going to try very hard to help our people understand the need to economize and to bring it down to a point where we probably would have one car per family. We will try very hard to do that.

Mrs. Wade - Hopefully maybe families could share, but I guess given today's schedules that is hard to do. Thank you.

Ms. Dwyer - One thing that comes to mind as you speak, Rev. Boswell. There is some other institutional uses in the County, the YMCA comes to mind, and they certainly have an impact on their neighbors that is greater than single-family housing development would have and they annually have a meeting with their neighborhood association just to sit down and talk about whatever concerns the neighbors might have about the impact of the institution on the neighborhood. That might be something that the church would want to consider so that the church stays in touch with what is going on in the neighborhood, both along Oakcroft and along Henrico and Academy.

Rev. Boswell - We would love to do that.

Mr. Archer - Are there further questions of Rev. Boswell?

Mr. Zehler - Reverend, has the church entertained the thought of school busing?

Rev. Boswell - No, sir. No, I don't think we could do that. We draw congregants from about five counties now, and we have school children coming from all over Richmond and Chesterfield, Henrico and Goochland. I don't see how we could possibly do that.

Ms. Dwyer - I know I've said I don't have any more questions but I do have one more. Given the growth of the church and according to County Ordinance we understand that you have sufficient parking now for this addition, but, as a practical matter if parking becomes an issue in the future, has the church made any contingency plans for how to handle that, because you are landlocked.

Rev. Boswell - Yes, we are. We really are. In fact, we cannot expand any further. We have used off-site parking before in the shopping mall just across the street from Patterson, Beverly Hills. I hope we would be amenable to that again. We have used the bank for parking across the street. We already lease and rent room from the synagogue just up the street between us and the West End Assembly of God, so there are just a number of off-site parking places that we will use. We have two church buses and we would encourage our middle adults, those who are not as old as I am, and those who are young and have children, to go ahead and use the parking lot. But the single adults and the median adults we would encourage to park off-site.

Mr. Archer - Thank you, Rev. Boswell.

Rev. Boswell - Thank you very much.

Mr. Archer - Are there any other questions at all that we have not addressed?

Ms. Carol Colby - I am Carol Colby and I live at 8509 Academy Road. I know we have a mess with the traffic and I am a Henrico Master Gardener and thank goodness you are going to do something about the landscaping, because that will help not only the appearance but the pollution from the cars. With our paragon parking in the woods, this is very important. I just wondered why, mostly I think it is the busing thing, we have wonderful public schools in our particular neighborhood. Why not all students in this area be bused, from satellite pick-up points. I mean, this could be, the morning dropoff now is difficult. With 200 more students, it is going to be that much more. That's all. Thank you so much.

Mr. Silber - Ms. Dwyer, if you have interest in adding to Condition No. 28, I have drafted some language you may want to consider to incorporate in the written notification that there wouldn't be cut-through traffic. You may want to consider the language that would read "the church would provide written notification to its staff and congregation that users of the church must not cut through the adjacent residential street and that parking for church related, etc., so we can add in that condition that as a part of written notification would be that there would not be cut-through use of residential streets by users of the church.

Ms. Dwyer - I think that would be good, Mr. Silber.

Mrs. Wade - Can the County enforce that?

Mr. Silber - Well, we talked about written notification being provided.

Ms. Dwyer - I am not sure that there is any more that we can do on that point. Before I

make my motion, I will just make a few comments. We have heard from a number of people today who are very concerned about the existing traffic problem in the area, and as I mentioned earlier, we recognize it is there are we are doing what it is possible to do to alleviate that. As Mr. Silber mentioned, this is not a zoning case in which this Commission has a great deal of discretion. Our job here today is to look at this development and determine whether the development complies with the County Ordinance and the County policies and requirements. As I read this, it appears that the proposed development does, in fact, comply with the County Ordinance, County policies and County requirements, so I will move for approval of POD-14-98, with No. 9 Amended, which means that the landscape plan for the parking lot will come back to the Commission for another public hearing. We will look at that with the dumpster. We will look at other landscaping issues at that time. I am adding No. 9 Amended and also amending Condition No. 28 which states that the church must provide the County with written notification that the church has advised its users to both park at the church for church-related activities and to refrain from using neighborhood through streets to gain access to the church. So I move for approval of the plan, subject to the annotations on the plans, also adding Condition No. 29, which is on the addendum which relates to construction traffic which is limited again to Parham and Ridge Road and is prohibited from using through streets to gain access to the construction site. I want to make sure that I have everything, so we are including the standard conditions for developments of this type, the annotations on the plan, and the conditions as I have outlined. Is that clear, Mr. Silber?

Mr. Zehler - Second.

Mr. Archer - OK. Motion by Ms. Dwyer, seconded by Mr. Zehler. All in favor say aye. All opposed say no. The motion carries.

The Planning Commission approved POD-14-98, Grove Avenue Baptist Church Addition (POD-49-78 Rev.), subject to the standard conditions for developments of this type, the annotations on the plans and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
27. Insurance Services Offices (ISO) calculations must be included with the utilities plans and

contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

28. The church shall provide written notification to its staff and congregation requesting the users of the church not to cut through the adjacent streets and that parking for church-related activities must occur on site and not in the adjacent neighborhoods, including the County-owned property at the corner of Ridge Road and Henrico Avenue. A copy of this notification shall be forwarded to the Planning Office prior to its signing of the construction plans for this development.
29. Construction traffic for this development shall be restricted to Parham Road and Ridge Road and shall not use other nearby residential streets as a short cut.

## LIGHTING PLAN

LP/POD-42-95  
Chevron, Dairy Queen and the  
Manhattan Bagel  
(Formerly Glenside  
Convenience Store)

**Toni Orlandi:** Request for approval of a revised lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 2.5 acre site is located on the south corner of the intersection of Glenside and Bethlehem Road on parcel 81-A-93N and part of 81-A-93. The zoning is B-2, Business District.  
**(Brookland)**

Mr. Archer - Is anyone here in opposition to LP/POD-42-95, Chevron, Dairy Queen and Manhattan Bagel? No opposition. Ms. News.

Ms. News - The original lighting plan submitted on this project approved one shoe box fixture per pole. The revised plan submitted for approval at this meeting seeks to have one additional shoebox fixture approved per pole as are currently installed on the project. The light levels shown on the revised set of lighting plans are within the County guidelines except for the entrance to Bethlehem Road. Staff has recommended that one light fixture either have a shield installed or have a fixture removed to bring the light level into compliance. The applicant has indicated that a shield has been installed. Staff can recommend approval of the plan as annotated.

Mr. Archer - Thank you, Ms. News. Are there any questions of Ms. News?

Mr. Vanarsdall - Yes, Ms. News, you say that the light poles have one fixture and not two.

Ms. News - All of the light poles now have two fixtures on them. They originally were approved with one fixture. But, we have asked that the one pole closest to Bethlehem either have a shield installed or have a fixture removed to help protect the residential neighborhood from glare of the lights, and the applicant has indicated that they have installed a shield.

Mr. Vanarsdall - So it looks like to me that the meeting all of us had with Mr. McFarlane, it

looked like the panels were left off. The panels are now on, you are saying.

Ms. News - I understand that there are clear glass lenses on all of the fixtures.

Mr. Vanarsdall - And the wattage on the poles near Bethlehem is now OK?

Ms. News - Yes, we've got two 400 watt fixtures on each pole, but the light levels, the photometrics are fine.

Mr. Vanarsdall - Thank you.

Mr. Archer - Are there any more questions of Ms. News?

Mr. Vanarsdall - No, sir. I move that LP/POD-42-95, Lighting Plan for Chevron, Dairy Queen and Manhattan Bagel (Formerly Glenside Convenience Store) be approved with the staff's recommendation, the annotations on the plans and the standard conditions for lighting plans.

Ms. Dwyer - Second.

Mr. Archer - We have a motion by Mr. Vanarsdall, a second by Ms. Dwyer. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved Lighting Plan, LP/POD-42-95, Chevron, Dairy Queen and Manhattan Bagel (Formerly Glenside Convenience Store) subject to the staff's recommendations, the annotations on the plans and the standard conditions for lighting plans.

### **LANDSCAPE PLAN (Deferred from the February 24, 1998, Meeting)**

LP/POD-55-95  
Villa Park III

**James River Nurseries:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 9.03 acre site is located on the south line of Villa Park Drive approximately 2,000 feet west of Brook Road (U.S. Route 1) on parcel 62-11-B-1F. The zoning is O/SC, Office/Service District (Conditional). (**Brookland**)

Mr. Archer - Is there anyone in the audience in opposition to landscape plan LP/POD-55-95, Villa Park III? We do have opposition. Thank you. We will be with you in just a moment. Ms. News.

Ms. News - Staff has been working diligently with this applicant for several months trying

to bring a plan before the Commission which the staff and developer could stand together on and indicate complete approval. We have worked through many of the issues on this project. The proposal before you today, however, does not provide enough information for staff to fully evaluate and provide a recommendation for approval. The POD for this site was approved with a combination of solid masonry screen walls and a berm providing the enclosure which formed an interior courtyard for the loading area. A copy of the original POD is being distributed to you at this time. Site lines submitted with the approval indicated that the loading doors would be fully screened from view of the nearby residential area by the berm and the wall. During the landscape plan review for this project, staff determined that the masonry walls constructed around the loading area were not tall enough to completely screen the loading doors from view of the neighborhood. Site plans site lines submitted recently by the applicant confirm this. They were just submitted to you also, particularly, Nos. 1A and 1B. In addition, unauthorized clearing took place during construction which made the project more visible from the residential area. Recently, staff has received phone calls from the neighbors voicing concern over the visibility of lights from the neighborhood.

The landscape plan submitted provides landscaping in several areas to provide buffering of the project. The existing transitional buffer along the rear property line is to be supplemented with evergreen trees and shrubs. Five evergreen trees are to be placed in an easement on Nations' Bank property along the property line near the intersection of Marcuse and Golfview Avenues. Evergreen screen plantings have been provided in front of all the screen walls and on top of the berm which has helped mitigate the effects of the lights. The applicant has agreed to reduce the security lighting to the minimum lighting required for security after the close of business. Although the applicant indicates that landscape alone would accomplish the screening, staff has annotated the plan to raise the existing the wall to a height which would screen the loading doors in accordance with the intent of the original POD approval. In working with the applicant, the applicant indicated that structurally the wall couldn't be raised more than one foot without tearing out the walls and rebuilding from the footing up. We have asked for verification of this from their structural engineer which we have not yet been provided. The applicant then indicated that a metal louver wall could be installed on top of the existing wall. Staff agrees that this could be a workable solution. We have not, however, as of today been provided with product information, elevations, site lines or structural report, indicating that this is possible. Should the louver wall be approved, the applicant is asking that less landscaping be provided, so they are not providing a double screen. This again, would mean an unresolved issue on the plan. In summary, staff feels that additional information in writing is required to fully evaluate the proposal and is not recommending approval at this time. The applicant is here and would like to address the Commission and I believe there are also representatives of the neighborhood here.

Mr. Archer - All right. Thank you, Ms. News. Are there any questions of Ms. News by the Commission?

Mr. Vanarsdall - It says on here that this was received on the 20<sup>th</sup> in the Planning Office.

Ms. News - Yes. It was delivered to our office last Friday.

Mr. Vanarsdall - So, you haven't had very long to review it, then.

Ms. News - It was sent at the last minute.

Mr. Zehler - Ms. News, where on the plan are the loading docks?

Ms. News - They are at the rear of the property. If you look at the approved POD, they are at the back, if you see where the walls and the berm are. That whole area back there is loading area.

Mr. Zehler - Basically, that is being buffered with the existing parking lot.

Ms. News - No. There is some parking back in the loading area. The intention was to screen the loading area with walls and a berm.

Ms. Dwyer - These black marks in the area, next to the parking spaces, is that the berm? You might need to come up here and look at this.

Ms. News - That was the berm on the original proposal, and the landscape plan shows the actual configuration of what was constructed.

Mrs. Wade - I didn't notice the lights. What kind of lights were approved?

Ms. News - The lights are wall fixtures but they are fully shielded. They've got a metal enclosure that comes in front of the whole light and it points down, but I think it's the level of lighting back there is visible from the neighborhood.

Ms. Dwyer - How does the berm differ from the way it was first proposed? It looks the same to me.

Ms. News - It's just slightly different. I think it was shown conceptually on the POD and when they actually constructed it, the shape of it is a little wider than what was shown on the POD.

Mr. Zehler - Ms. News, do you think it would be better to screen the existing wall with trees rather than increasing the size of the wall?

Ms. News - Well, we've been over this issue for a long time now, back and forth, and in staff's opinion this project was approved with walls screening the area.

Mr. Zehler - Of which they already have.

Ms. News - The walls do not fully screen it. The original site lines they submitted showed that the walls would screen the loading dock completely. But, when it was actually constructed in the field it didn't work. What they are asking for is to use landscaping only to screen, which was not what the original approval of this POD was based on.

Mr. Zehler - But if they planted the trees, would it not serve a quicker or better effect than extending an existing wall? A tree will grow 15 to 20 feet, the wall, unless you do it 10 or 12 feet, it's always going to be 10 or 12 feet.

Ms. News - Actually, what we are looking for is a combination with the wall. The wall to screen the loading doors, which in office/service the requirement for screening the courtyard is to screen the loading operations, and then the trees also which would help screen the lights because they would get taller. Yes, you are correct.

Mr. Vanarsdall - Mr. Zehler, a door was added, it's that right, Ms. News?

Ms. News - There is a taller door constructed than what was originally planned.

Mr. Vanarsdall - There was another door added that was not on the original plan, and that just contributed to it. They thought in the beginning that the wall could be raised by two feet but it can't be raised but one foot. And, they want to put something up there that we don't know what it would look like. And the planting, we will have to wait until they grow up.

Mr. Zehler - Well, they could put in trees that are 12 to 15 feet high right now and you would have an immediate effect. I haven't discussed this with the applicant so I don't know if he is prepared to plant 10 to 12-foot trees at this particular point or not. I don't know. It would be a lot better, in my opinion, than the wall.

Ms. Dwyer - It looks like, if I'm looking at this correctly, the site lines show that.... I'm not sure what they show.

Ms. News - They are showing, if you look at 1A and 1B specifically, you can see the wall and that's indicating the wall that's now constructed on site, and how you can see above the wall into the loading area.

Ms. Dwyer - All right. What are the three lines on 1A, where it says replace 1A, site line 1B replace 1A?

Ms. News - Well, the site lines that were submitted, that's what was submitted. We didn't really get any other backup information. We actually have been asking for more detailed site information that we could better evaluate that would relate those lines to something on the plans. All I was able to do was pull out a previous POD plan that we had in our files and the applicant had indicated that some of these site lines replace some of those but they are not all covered on there.

Ms. Dwyer - It looks to me like on "replace 1B and 1C" the site lines show that the wall does screen the doors.

Ms. News - What happens out there is, if you are looking at the site from the residential

area, there's a portion of the center of the site that is effectively screened by the berm.

Ms. Dwyer - And that would be the site lines on replace 1B and 1C.

Ms. News - Possibly, yes.

Ms. Dwyer - And, then for the 1A, it looks like the wall screens a part of the door but not the upper part of the door.

Ms. News - Right.

Ms. Dwyer - So, it screens the dock but not the top of the door?

Ms. News - And that's the case on both sides of the building. You can see around the berm from different areas on that street to the loading area. In the center part, the berm does screen the doors.

Mrs. Wade - Perhaps the neighbors can shed some light on this situation.

Mr. Archer - Okay. Are there any further questions for Ms. News? All right. Mr. Vanarsdall do you need to hear from the applicant?

Mr. Vanarsdall - Yes, sir.

Mr. Archer- All right. Would the applicant come down, please?

Mr. MacFarlane - My name is Charles MacFarlane and I'm a partner with Childress Klein Properties, principal of the applicant Villa Park Associates L.L.C. I have with me also Bill Redd. He is also a partner with Childress Klein Properties and also a principal who is the applicant. And, I have with me as well Mike Hildebrant who is president and owner of James River Nurseries and who has worked with us on the revised plan in helping to, and actually has walked the site with staff and with us. We have worked on this plan with the staff for probably six months and we have addressed we think are a large part of what their concerns are. We have met with Mr. Vanarsdall several times. We agree with the Planning staff that the service area should be effectively screened and we are prepared to do that. We have submitted a plan which we think, we believe accomplishes that. Bill Redd has met with the one of the two neighbors who is here, Jane Miller. We are prepared to address their concerns. We have represented that we would provide the dense landscaping screening that has been requested and if that was not sufficient and there were holes in the landscaping, we would go back and plant additional screening on the berm or even over on Marcuse and Golfview Drive to address their concerns getting landscape closer to them which is about 400 to 500 feet away from the rear of the building or where the service area starts.

The single issue that I think we are addressing is that the Planning staff has made the determination that it is necessary to have a wall completely screen the loading area that includes the top of the

doors. We did install a larger door than was originally planned in order in hopes to get a prospect for this building which we had committed and then ultimately lost as of a result of some other requirements that we encountered from the County. The requirement I think it specifically referred to, and I'd like to hand out an ordinance on. I want you to read the requirement. The determination by the staff has been that the courtyard needs to be enclosed by masonry wall. The ordinance itself, the wording in the ordinance itself does not say wall, it's says, "To create a courtyard that is effectively screened." The language says: Loading areas shall be designed with an appropriate interior courtyard so that the loading operations are not visible from any of the project perimeters adjoining any A or R district. I don't think it says that the courtyard has to be a wall. It leaves the interpretation, I think to you as Planning Commissioners. While we are attempting to address the neighbors' concern, which is an R-3 district, our property does not abut an "A" or "R" district. It abuts O/S on one side and C-1, which is the golf course, on the other side. The R-3 is 300 feet down the property line.

If you come in from the property line, we have 20 feet of our property and then 100 feet of Virginia Power easement and then the berming and the landscaping, then the service court and then the building. So, the neighbors are actually about 400 to 500 feet from this service court. That does not mean we are not, again, intending to meet the intent of the ordinance or to address their concerns.

We are certainly prepared to do that. We have actually already constructed walls, which have been pointed out on two of the site lines, don't cover the top part of the doors. One of the things that will be done that has not yet been done, is those doors are to be painted, the same color as the rear of the building. They are currently white and stand out a little bit more as you can imagine than they would if they were otherwise painted gray to match the rest of the rear of the building. We have already committed to spend in the original plan \$100,000 in landscaping. Since the first meetings we had with the Planning staff to address at that time, was told to be a transitional buffer issue. We have agreed to spend another \$22,000. In words, we have installed the plans you have before you, which is a dense screen along the side of the building to address the first two sections, and we believe effectively screen the doors from view. We have spent another \$23,000. We have spent over \$10,000 in engineering and landscape plans alone just to address the issues raised by the staff within the last five months.

The last thing that I would like to hand out, the staff has made the comment that the original intent was that the wall would completely screen the service area. We have the transcript of the original POD case and Jim Lehmann said in his comments that staff feels that the berm, in combination with landscaping on it, would do an affective job of screening the truck loading area. Even at the original POD the staff acknowledged that it was not going to be the wall but it was going to be a combination of the berm and landscaping that would effectively screen the service area. Approval was granted with this information in the transcript. So, it was acknowledged, accepted, and the plan was originally designed with that intent but yet we are facing a requirement today that is different from the original requirement. And, again, we are prepared to meet the neighbors concerns. We are prepared to landscape appropriately but we think the assistance that that wall be raised or torn down, I think there is a letter from a structural engineer in your package, but because of a wind moment load and the way the wall is constructed, it can only be raised I think four inches which really won't accomplish much. We would rather spend the money, we are representing that we will spend another \$50,000 in landscaping, we would rather spend the money that effectively screen the wall which is

the intent of the ordinance. Thank you and I'd be glad to answer any questions.

Mr. Archer - Thank you, Mr. MacFarlane.

Mr. Vanarsdall - Mr. MacFarlane, you are quoting the money and the landscaping, would you mind telling the rest of the Commission where all of this started. It all started with you and your people clearing the land too much. You moved the building and nobody knew about it. And, you are one of the people... I believe you are the person that brought O/S up from North Carolina and suggested it to Henrico County. So, you of all people know the landscaping and rules and regulations. And what you are doing today is challenging us on screening and what the Code says and so forth. Also, you said this has been going on for six months. You are right. It has, because you all will just not finalize it. When was the meeting we had, two weeks ago, Mr. Director?

Mr. Silber - Yes, two or three weeks ago, yes, sir.

Mr. Vanarsdall - And you said that you were sorry, sorry that Bill Redd didn't ride herd on it. You may not have used that term but that's what you meant, and everything was going to be right and if you couldn't get it right, for example, this thing about Nations Bank. If you couldn't get it in time, I believe, you said we would defer it again. So, there are a lot of things, and you can point your finger at a lot of things that staff is doing. But, I'll tell you, Leslie News, Randy Silber, David O'Kelly, including me and Harvey Hinson, have spent enough time on this particular project to spread it over ten projects, and we still are not there. You come here this morning handing us something that I have not seen. You have this (referring to document), I haven't seen this. All the things you just told us you did not discuss in the meeting with Mr. Silber, Mr. Hinson, with me or with Mr. O'Kelly. You've had an opportunity that afternoon to discuss all of these things. Instead of doing that, you said you were sorry. That you were going to get it right and you knew you made a mistake. We have been over in the neighborhood and walked up and down the street. You can see this place when you shouldn't. The wall, if had been put up properly, would have screened it. It's no sense in continuing to argue about who did what or who didn't do what. It's just a matter of.... You heard Ms. News say she did not recommend this plan to the Commission.

Mr. MacFarlane - Can I address your comments?

Mr. Vanarsdall - Certainly.

Mr. MacFarlane - Let me first say that the unauthorized clearing that was addressed was not us, it was Nations Bank. That has been laid at our doorstep. It's unfortunate that it happened. We did everything once we were notified of it to try to correct their problem. But, that was not us. We were to a certain extent being accountable for that. But, let me make that very clear that was not us. What I represented, Mr. Vanarsdall, in the meeting that we had is that we apologize to the fact that the doors had not been painted and they would have been painted by now. The single issue that we are addressing, and I think the reason we have not been able to reach an agreement with the Planning staff is when we first sat down we had a plan that was acceptable to the Planning staff. They were

ready to recommend approval, and there was a meeting that was held that suggested that our parking lot did not meet the transitional buffer issues. We spent probably two months on that issue, and come to find, that the issue had been addressed at the original POD and the transitional buffering could be and was provided, and has been provided, adjacent to the Virginia Power easement.

Then the issue came up that the courtyard had to be screened by a wall. In fact, the ordinance does not say that. We are not adjacent to R-3, we are adjacent to C-1 into O/S. Furthermore, it was addressed at time of POD and was deemed acceptable that it could be bermed and landscaped in addition to the wall, not in substitution of one for the other. We are now being asked by staff to buffer with a wall that completely screens the courtyard, with the berm, and with additional landscaping which is about \$50,000. I think the requirements are excessive, and I can show you if you want to see them. I can show you pictures of our next door neighbor, which is Ben Hogan. And there is no screening. There is no wall.

Mr. Vanarsdall - Two wrongs don't make a right.

Mr. MacFarlane - I couldn't agree with you more, but we are going to such an extreme to address the concerns and to meet the intent of the ordinance that I think the expectation that we do the landscaping and the wall is excessive. I think in this instance it's arbitrary and it's not appropriate. I'm sorry that I disagree with you, Mr. Vanarsdall, but I do. We have spent six months on this issue.

Mr. Vanarsdall - That's your right, and I'm sorry I disagree with you. I'm not apologizing because the staff... The whole thing is that everything is done at the last minute. It's just like today. We deferred the case for 30 days and didn't get anything done. We deferred it again, and at the last minute, just ask the staff, everything is last minute. You want us to review something that just can't be reviewed at the last minute.

Mr. MacFarlane - With all due respect, we have had plans that have been deemed acceptable by the staff twice, only to have some reason come up as to why it wasn't acceptable. Originally, it was a transitional buffer, now it's the wall in addition to the berm and the landscaping. We don't agree that that's appropriate. I'm sorry we disagree.

Mr. Vanarsdall - Well, we had some planting over there for example. We weren't going to plant the trees that when they grow up everything is at the top, is that right, Loblolly Pines? We didn't want those. They were planted anyway. Nobody knows how they got planted, but somebody planted them. I think somebody at James River Nurseries might know who planted them. That was not what they recommended. If it was, they recommended something else. We don't need anything back there that grows up to the top of the sky.

Mr. MacFarlane - I think the plan that we have before you, and I'll be glad to let Bill Redd and Mike Hildebrant speak to that, but I believe the plan that we have before you effectively screens the view of the loading area. The issue is not that we are not going to screen it. We, again, represented that we are prepared and willing to do that. And, if there are any holes in that, where you can see

those doors, we will go back and plant additional trees. What we are here to argue about, and why we are not in agreement with the staff, is that there has been a requirement that the screening has to be accomplished by a solid masonry wall and I'm suggesting to you that the ordinance doesn't say that nor does the staff's original comments, and the original POD approval suggest that. It actually suggests the opposite. It suggest that a berm and landscaping is acceptable. I know that the plan that we presented before you will accomplish that.

Ms. Dwyer - I have a question of Ms. News, just briefly on that point, if I could because I would like to understand. Ms. News, could you explain to me why staff is requiring a screening by the wall? As I look at the ordinance it doesn't appear to require a wall. Apparently, when the POD was approved the wall was not required. Can you explain to me why the wall is now being required as sole screening?

Ms. News - That's where we disagree because I have site plans, they are not in your packet, I have them over here, that show with the original POD that the wall did screen the loading doors that are related to those site lines. I did not include them in your packet, but I can pull them out and it shows that the masonry wall is built to the top of the doors.

Mr. Vanarsdall - An elevation of it, right?

Ms. News - Yes, the elevation of the wall did screen the doors.

Mr. Vanarsdall - It all looks good on paper.

Ms. Dwyer - So, the original POD then showed a wall taller than the wall that has been built, is that correct?

Mr. Silber - Actually, I guess the staff was shown a wall that actually screened the loading doors, whether that is the height of the wall now or some taller wall. The wall doesn't screen it as though it was shown in the site lines.

Ms. Dwyer - The original POD, then, showed site lines and had the wall screening the entire door.

Mr. Silber - That's the staff's perspective of it, yes, ma'am.

Mr. Zehler - When they constructed the building they installed a larger door than shown on the original plan, is that correct?

Mr. Silber - That is a part of the problem.

Ms. News - Well, that door shows above the wall but there is also all of the other doors shown above the wall too and they were shown as they always were on the POD.

Mrs. Wade - I think we are running into trouble with a lot of these cases because we are not defining an interior courtyard. I think originally it was intended to be inside a u-shaped building and we are getting further and further away from that and the further away we get the more problems we will have like this.

Ms. News - That's staff's perspective and at this point we feel that the intention of the interior courtyard was a courtyard screened by walls. If you look up courtyard in any definition, I went through several encyclopedias and architectural dictionaries, they all talk about a space enclosed by buildings or walls. There's not a specific definition in our Code. But, this particular POD was approved based on walls and a berm screening that area. So, we felt to allow landscaping in lieu of walls would not be in keeping with what the original approval was based on.

Mr. Archer - If I may interject, where are we in terms of what needs to be done in order to move this?

Ms. News - The last we spoke, we were entertaining the prospect of allowing the applicant to construct a metal louver wall on top of the masonry wall, some sort of a screen wall that may not be a solid masonry wall, let air through it and work with the wind loads and maybe lightening up on the landscaping and doing a combination with this wall. We feel that could work. However, we never got any information on that. We don't have any product cuts. We don't know what it would look like. We don't know how tall it would be because the site lines weren't....

Mr. Vanarsdall - That's the problem, Mr. Chairman, we don't get enough time to look at anything.

Mr. Zehler - Can't we accomplish the same thing with landscaping? Can you not construct a wall out of landscaping? Does it have to be block, cinder block, and cement and metal?

Ms. News - That was the interpretation based on what we just discussed. The fact that it said solid masonry walls in the original approval.

Mrs. Miller - Excuse me, but will we be able to get in on this at all?

Mr. Vanarsdall - Yes, ma'am. You will have your turn in a minute, Mrs. Miller.

Mr. Archer - We will get to you.

Mrs. Miller - Thank you.

Mr. MacFarlane - The plan that you have before you shows a double row, adjacent to the door that seems to be most at issue, a double row of Leyland Cypress that are eight foot centers double row and a minimum of 12 feet in height. I would like for Mike Hildebrant to address the effectiveness of that. We can do the metal louvers, but I'll be honest, if I were a neighbor I'd rather have the Leyland Cypress and the Wax Myrtles and the Hollies then I would a metal louver on top of a wall.

I'll let the neighbors speak to that. But, I would like for Mike Hildebrant speak to the effectiveness of that as a screen.

Mr. Hildebrant - Good morning, I'm Mike Hildebrant with James River Nurseries. We are the landscape contractors on the Villa. Leyland Cypresses are widely used in Henrico County as you all know. And, of course, being a landscape contractor and nurseryman we would much rather see a wall of green plants than a wall of cinder blocks. Generally, we plant Leyland Cypress on about 10 to 15-foot centers in a normal screen pattern in a single row. We have used these on eight-foot centers, a double row, trying to give you an immediate screen at 12 feet in height. Leyland Cypress at maturity will get anywhere from 30 to 40 feet tall and they are very fast growers. Also, on some supplemental plantings we have used some different types of evergreens too to come up with a real dense screen. A mixture of some white pines, some bayberries and deodar cedars, all evergreen plantings that will give you a nice dense screen in the back. But, Leyland Cypress is a very fast grower. It is commonly used in this area and we are planting them as if it was an immediate wall.

Mr. Archer - Thank you, Mr. Hildebrant. Are there any questions of Mr. Hildebrant by Commission members?

Mr. MacFarlane - If I could. There has been a lot made of what the original intent of the POD was and I would like to hand out the highlighted section of the transcript from the original.

Mrs. Wade - Is this after you built the building and have the bigger door or before?

Mr. MacFarlane - Actually, this is before. But, the point I'm trying to make, Mrs. Wade, is that it represents that the intent was that landscaping and the berm was intended to screen the rear loading area as well as the wall. I'm simply trying to make the point, that seems to be at the crux of the issue, which is that the entire courtyard area has to be screened by a masonry wall when in fact it was originally anticipated that it would be a combination of wall, berm and landscaping.

Ms. Dwyer - And, again, this is not even a screen required by the ordinance because this is not adjacent to an "A" or "R" district. So, this presumably was something that you agreed to at the POD stage that was above and beyond what the ordinance required, right?

Mr. MacFarlane - Correct, exactly.

Ms. Dwyer - You agreed to screen the courtyard with berm, landscaping and the wall, and what you are saying is that you have done that.

Mr. MacFarlane - Correct. And, I don't mean to beat a dead horse and suggest that two wrongs make a right but I think it's appropriate that you see what our next door neighbor has done in a situation... This is a standard that they were held to. What we are agreeing to, obviously, is much more significant than that, but I think this gives you a frame of reference. This is adjacent to O/S, which is ours, and it is also adjacent to C-1 which is the golf course but this will give you an idea of

what the County required of them at the time and this was also O/S.

Mrs. Wade - And the adjoining property is about 15 feet lower than your facility?

Mr. Vanarsdall - Well, it says that the staff feels that the berm and a combination of landscaping on it will do an effective job of screening it. The staff did probably feel that way. The only thing you have to do is go over behind the place and know that is not true.

Mr. MacFarlane - That's our point. If it were acceptable at that time, we would simply suggest that it is acceptable now. That's all we are asking. We would like to screen it, effectively screen it, using landscape and the berm as originally anticipated.

Mr. Silber - Mr. MacFarlane, one of the points here is that you are hanging your hat on the fact by a statement made by Mr. Lehmann that perhaps wasn't inclusive of all of the aspects of the screening. Obviously, he's mentioned the berm. He's mentioned landscaping but other aspect of this screening, obviously, is the building. He didn't mention the building, he didn't mention the wall. I think it's a combination of all of those that staff had reviewed at the time of POD that was determined to be an effective screening. I think just because he mentions a berm and landscaping, that wasn't the two sole ingredients we were hanging our hats on as far as effective screening is concerned.

Mr. MacFarlane - OK. I don't mean to be argumentative. I think the point has been made and hopefully you will see the reasonableness of the point. Thank you.

Mr. Archer - Thank you, Mr. MacFarlane. Mr. Vanarsdall, we do have some opposition, would you like to hear from them now?

Mr. Vanarsdall- I certainly would.

Mr. Archer - All right. Ma'am, you can come forward now.

Mrs. Miller - My name is Jane Miller and I live in the house on the corner of Golfview and Marcuse which is closest to this development. I have a few things that I would like to say. No. 1. Some things are after the fact but still they bear talking about because this same company had some option on the land next to it, which is directly across the street from me. When Mr. Glover told us that Nations Bank brought the land from Villa Park, that in the VEPCO right-of-way, that on the opposite side of the right-of-way from us, there should be a buffer or there would be a buffer of x number of feet. Mr. Glover repeated this to me numerous times. I'm not sure if it is a 100 feet, 50 feet, or whatever. This development, of course, violates what Mr. Glover told me. Not only did they not leave a buffer on the other side of the VEPCO right-of-way, they encroached.... I understand now that they had a written agreement with VEPCO to go underneath the power lines or to go on the right-of-way, which I think is really absurd. That never should have been allowed. It also seems like they built the berm to shield the building from the golf course. Now, I can't imagine that golfers really care what's through the woods and over there, but the residents do care. Even though it's not

directly adjacent to our area it is still very visible from our houses, from within our houses. I can look out of my picture window and it looks like a UFO landing pad over there at night. I can see all of the lights. I do agree with the developer. Starting where we are today, but the building is already built and they've got the berm and they have the wall, I do agree with the developer that trees on the rise.... Now, they have proposed that they would put trees down next to the wall. We walked over there yesterday with Mr. Redd, three of the neighbors, two others and me. He showed us where they were going to put the trees. Well, they proposed to put the double line of trees next to the wall. That will sort of camouflage the wall but it really wouldn't do us any good. It would not improve the view from our houses. So, there is a rise between the wall and us. This does not include the berm. There is a rise. If they plant the trees on this rise I think that would help quite a bit.

Now, I don't know, there might be.... There are some markers there and they suggested that it might be a sewer line there, I don't know. I don't know if there is some really serious reason why they can't plant the trees on that rise, I don't know. I would like the landscape people to address that today. The wall will do us no good or unless you happened to be standing right out back by the wall.

I agree with the developer about adding to the wall. I don't think that would be a bit of good. That would just be a waste of money. Another problem that we have is the lights. They are all visible at night. Somebody said they cut them off at 12:00 o'clock. I really haven't looked out of my window after 12:00 o'clock to see. It they could be directed maybe toward the building rather than out. I understand that they are supposed to go straight down. Obviously, that's not true because they are so very visible. One of my neighbors wants them all put on poles rather than on the building and directed back towards the building rather than our way. There is great concern about the lights. Mr. Redd said yesterday that perhaps they could deactivate some of them. And, one of the neighbors has also suggested that they use motion sensors. Don't trip all the lights on all the time, maybe put them on a motion sensor type thing. So, if anyone is back there they would come on but they don't, that they shouldn't be on all the time. But those are our concerns. Are there any questions?

Mr. Vanarsdall - Mrs. Miller, did they have a meeting with you before this project was ever started?

Mrs. Miller - No. I wished they had. I'll confess, I was working full time up until the middle of December and it's very hard when you work to get to these meetings. I definitely wished I had, and if they plan any new development over there I intend to be in it from the very beginning.

Mr. Zehler - Mrs. Miller, distance wise, how far is it approximately from your house to the proposed site?

Mrs. Miller - I have no idea how far or how many yards or whatever.

Man from Audience - It's about 300 or 400 feet. It's about 100 yards.

Mr. Zehler - Basically, what you just admitted is that you would much rather see plantings than walls.

Mrs. Miller - Absolutely. I mean when I look over there I would much rather see trees than see a gray wall.

Mr. Zehler - Not only that, the trees will grow and they will get higher than originally planned.

Mrs. Miller - If they plant them on the rise, that we talked about yesterday, I think that would help. But, if they plant them down next to the wall as shown on this plan that I got yesterday, I don't think that would help at all.

Mrs. Wade - Is the rise in the power easement?

Mrs. Miller - No. This rise is not. The berm is back here. Our development is over this way. But, there really is no berm between the building and us but there is sort of a rise. It's not as nearly as tall as the berm.

Mr. Silber - I think we would have to determine that the rise, she is referring to is not on the adjacent property, nor is it encumbered by easements so that would need to be addressed.

Mrs. Miller - Well, that's what I would like to know. I don't know what the answer is if they can't plant trees up there on the rise. I guess they would have to go to plan three or whatever. Thank you.

Mr. Archer - Thank you, Mrs. Miller.

Ms. Dwyer - I wonder if the applicant can answer. Do you know what rise she is referring to?

Mr. Redd- Yes, ma'am.

Ms. Dwyer - Could you show us on the map?

Mr. Redd - I'm Bill Redd with Childress Klein Properties. In meeting with the neighbors yesterday, actually, Mrs. Miller brought up a very interesting point. We have the Leyland Cypress currently shown in the double row next to the screen wall that we built. It is lower than.... The screen wall at that point is probably five or six feet tall. So, these Leyland Cypresses would be another six feet above that. And, we honestly still believe that it would be an instant screen once it is installed. It's a little hard to envision that when you stand there. But there is a rise. There is a higher piece of ground which is on our property which is toward the east and toward the neighborhood where there is a potential opportunity to group these evergreens in a different configuration, and we are happy to do that. There are a couple of things that we will have to work around. There is a sanitary sewer line that's in that area that we will have to be careful of. In

addition, I think Ms. News felt like we wouldn't want to do those plantings too close to the pine forest which is on the next site because then the cypress wouldn't quite get the sunlight and might not grow quite as quickly. But, our view is that in either case, either against the wall, which we are happy to do and will reach a height, as Mike Hildebrant noted, 30 to 40 feet and will be an instant blocking we believe from day one. Or, we could do a reconfiguration of it on a little higher ground working around the sanitary sewer.

If I might address the lighting issue, we believe we can reduce the number of active.... I think the major problem the neighborhood is experiencing will be alleviated, if not entirely, but substantially alleviated once the landscaping is in. Both the Leyland Cypress and Crape Myrtles that we are putting on top of the berm should block out most if not all of that lighting. We will reduce the number of active ones immediately. We do however are having those things have the timers work on them and then address any holes that we may have with landscaping after the install. We will be happy to do all of those things.

Ms. Dwyer - Did you mean Wax Myrtles instead of Crape Myrtles?

Mr. Redd - I'm sorry, yes, ma'am.

Mrs. Wade - I see where you've had your lighting plan approved at some point.

Mr. Redd - Yes, ma'am, we did. Thank you.

Mr. Archer - All right. Are there any other questions of Mr. Redd before he takes his seat?

Mr. Silber - We do have the image projected on the screen now. I apologize for the delay. We are still getting use to this room and staff is still learning. If the Commission or the public would like to see visually what he was referring to, Mr. Redd, you may want to go over and point to this. Just go over to the document table and point, if you would. Or else, they could give you a pointer and you can point on the screen, either way.

Mr. Redd - This is the building (referring to projection on the screen). This is the service courtyard, here. This is the current wall we have built. You can't really see it but there's a wall right here. This is the berm shown with the grades, here, it's built up. Then there is a screen wall here and a screen wall here. The current landscape proposal on the table is a double row of Leyland Cypress along, here, right along the wall, from this distance and they will ultimately tie right into the berm, so it sort of rise up into the berm. There are 38 of those, 12 feet high. In walking the site with Mrs. Miller yesterday, the site gets a little lower right here. So, if we were able to do the plantings on the other side of this low area, we would be putting cypress on higher ground without question. The issue is there is a sanitary sewer that runs along here that we can't plant right over top of. We have to work around that. I believe we can work in this area and try to put the evergreens in this area on slightly higher ground and hopefully provide an even greater screen to the neighbors, which are in this direction. In any event, I think this alternative will do it. It will immediately from day one provide

a block of all this area and then of course they will grow 30 to 40 feet, which it will, ultimately, block the entire back of the building. I think we are comfortable and happy to work with trying to relocate this planting material, here, if we can work it around the sewer.

In addition, it was very difficult to see it on this plan, but we have taken this berm, it's got a number of pines on it, but you come across the top and added what it amounts to evergreen material. Material that stays full three or four feet high across the entire top of this berm. I think there are 60 of those plants that we have added here, which, against a very high berm, should block out the entire back of the building. This is the other wall and we've got 20 pines shown on both sides of this wall to provide a screen not only (unintelligible) the golf course but more importantly to some of the homes that are down here on Golfview and up the road from Mrs. Miller, to block that side, that view of the building.

Mr. Archer - Mr. Redd, is Mrs. Miller's house the closest one to your project?

Mr. Redd - Yes, sir.

Mr. Archer - Does anybody have any questions of Mr. Redd?

Mr. Taylor - Yes, I do.

Mr. Archer - Come on up, sir. Please identify yourself.

Mr. Taylor - My name is Billy Taylor. I live at 7605 Golfview Avenue. We have been talking for about 45 minutes and I don't think we have accomplished much. These people here say what they are going to do and in their opinion. Now I'm going to ask you not to approve this plan for one reason. He didn't submit it in enough time for these nice people up here to review it. In my opinion, you are shady. That's my opinion. Once you all approved the plan, and it doesn't work, the landscaper says that they are going to plant double rows. What's going to happen if the trees don't do it? The berm, on the plan that was approved, is in the wrong place. Golfers don't play ball at night; they play during the day. We get golf balls all of time over there during the day but not one at night. If the berm had been down further some of the problem would have been solved. But, again, my main point is the plan didn't get to the proper hands on time for you people to make a decision today. Thank you.

Mr. Archer - Thank you, Mr. Taylor. Mr. Vanarsdall, I think we have spent quite a bit of time on this, so I guess we are going to have to make a decision as to how we are going to proceed from here.

Mr. Vanarsdall - I don't doubt it for a minute that everybody's intention is not honorable and I don't doubt that we can't work this out. I know we can't work it out this morning. I can't. I can't recommend it this morning. We have many things. We have the wall. We have the plantings. We have the berm. We have the painting of the doors. We have the lights. We talked about those lights, Mr. Redd, that you mentioned, we talked about those lights months ago. We talked about the doors.

We talked about all of this. So, what I would like for you to do is defer it again and get everything that has been said today and get the staff and get the Director of Planning (sic), I know he's not in favor of approving it this morning. And, Ms. News is not recommending approval and let's get together and tie it all down, put it all in writing, put it in writing just like Mr. Taylor just said and then it will be final. I'd like for you to get everything back to the Planning staff two weeks before the date, two weeks. Not a day before and not piece meal it, and we can work it out. We just can't work it out the way it is.

Mr. MacFarlane - Can I ask a question? If you insist on, we would rather not defer it because we think part of the problem has been an inability to screen the back of the wall by virtue of the delays that we have encountered. However, if it is your desire to defer it. If we can have an understanding that we can screen effectively... The single issue is, the annotations that have been requested, or the issues that have been requested have been addressed by annotations that are on the left side of that plan regarding lighting and some of the other issues that have been raised. The single issue and the reason that we are here and have spent, unfortunately, as much time as we have of yours, is because of the insistence on the part of the staff, that the screening had to be accomplished by a wall. You have heard the neighbors already say that they would rather have landscaping as opposed to a metal louver or a wall. If we can agree that that is in fact acceptable then I'm prepared to sit down with the neighbors again and to focus on that single issue. I must tell you, we felt like we have been trying to hit a moving target for six months.

Mr. Vanarsdall - Staff has felt the same way, Charlie. I can't recommend a deferral or ask you to defer it with conditions. All I know is that they are going to try and work it out. Mr. Silber, would you like to add something to that?

Mr. Silber - Not necessarily, but I'll be glad to. I think we will work with you, Mr. MacFarlane. What we need to do at this point is to meet right away to determine which direction we are going to go. I think we need to pull the neighbors into a meeting and provide their input in the process and we can come up with a plan that may work. At this point I'm not going to say whether it's going to be a solid wall, whether it's going to have louvers on top or whether it can be addressed solely by landscaping, but I think we need to get this behind us and resolve it and move forward so that we don't come together with plans late just before the meeting.

Mrs. Wade - Do you have an occupancy permit?

Mr. MacFarlane - We have temporary occupancy.

Mr. Vanarsdall - What we are saying, Charles, is that when this packet that comes out to all of the Commission, it comes out in two weeks ahead of time, we would like to have the final prints and final map and conditions and everything in that packet. Then if something has to be changed at the meeting, that's fine.

Mr. MacFarlane - I couldn't agree with you more, and we'd like to do that. We would like to

be able to know that in fact... When we met previously, it was my understanding, based on the conditions of approval, that landscaping, berm and wall, a combination of the three would be acceptable. It was only recently that it was insisted that the wall had to completely enclose the courtyard area. We have disagreed on that point from the beginning, but it was under my understanding that the landscaping could accomplish that. So, I apologize for spending this amount of your time. And, now that we have got that out on the table, and everybody understands what the game rules are I think we can reach an agreement.

Mr. Vanarsdall - You, don't need to apologize, but it's accepted. Anyway, so you agree to defer it to the 28<sup>th</sup> of April?

Mr. MacFarlane - Could you request the deferral as opposed to us? We pay a \$100 each time because it has been deferred and I rather not have to pay that again. We would like to hear the case.

Mr. Vanarsdall - If we defer this today, will you have something to the staff and whoever meets by the 14<sup>th</sup>, which is two weeks before the meeting, even sooner. I mean, if you can work on it starting tomorrow it will suit me.

Mr. MacFarlane - We will have it as quickly as we can. We would rather, in terms of the site distance issues, there has been a request on a site, if we can work from the same plans that we have. We have spent over \$10,000 in engineering drawings to draw different issues by the staff and we would like to work from the plans that we have if that's okay. Is that acceptable, Mr. Vanarsdall?

Mr. Vanarsdall - All right. I appreciate your time this morning, Bill, the neighbors, Mrs. Miller, Mr. Taylor, everybody else, the staff. Leslie, one more time we will be on this. They will get everything to you as fast as possible. So with that, I recommend that LP/POD-55-95, Villa Park III, landscape plan be deferred until April 28, 1998.

Mr. Zehler - Second.

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

The Planning Commission deferred the landscape plan for LP/POD-55-95, Villa Park III, to its April 28, 1998, meeting.

## **PLAN OF DEVELOPMENT**

POD-32-98  
Southeast Frozen Foods-  
Warehouse

**Engineering Design Associates for RIC Associates and Southeast Frozen Foods:** 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, 90,465 square foot office and distribution center. The 8 acre site is located at the southern terminus of Corrugated Road (a private industrial

road) on part of parcel 173-A-9E. The zoning is M-1, Light Industrial District and ASO (Airport Overlay District). County water and sewer. (**Varina**)

Mr. Archer - Is there anyone here in opposition to this case? No opposition. Mr. McGarry.

Mr. McGarry - Staff has nothing to add to the report and we can recommend approval subject to the annotations on the plan and standard conditions for developments of this type and the added conditions Nos. 23 through No. 30.

Mr. Archer - Any questions of Mr. McGarry by the Commission?

Mr. Donati - Mr. Chairman, since there is no opposition, I would recommend approval subject to the annotations on the plans, the standard conditions for developments of this type and the added conditions Nos. 23 through No. 30.

Mrs. Wade - Second.

Mr. Archer - All right. We have a motion made by Mr. Donati and a second by Mrs. Wade. All in favor let it be known by saying aye. All opposed say no. The motion passes. Mr. Zehler abstained from voting on this case.

The Planning Commission approved POD-32-98, Southeastern Frozen Foods - Warehouse, subject to the annotations on the plans, the standard conditions for developments of this type and the following additional conditions:

23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
27. Insurance Services Offices (ISO) calculations must be included with the utilities plans and contracts must be approved by the Department of Public Utilities prior to the issuance of a building permit.
28. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right of way. The elevations will be set by the County.

29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to the issuance of a certificate of occupancy for this development.
30. Outside storage shall not be permitted.

**Deferrals for the 10:30 a.m. agenda were called at this time.**

**PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION (Deferred from February 24, 1998 meeting)**

**POD-23-98**  
**Spin Cycle-Laburnum**  
**Avenue**

**D. A. Bryant, P.C. for Louise M. Ursy and Spincycle, Inc.:**  
Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Section 24-106 and 24-106.2 of the Henrico County Code, to construct a one-story, 3,520 square foot laundromat. The 0.52 acre site is located on the south line of Laburnum Avenue, 200 feet west of Richmond-Henrico Turnpike on parcels 106-10-1-13 thru 23. The zoning is B-2, Business District. County water and sewer. **(Fairfield)**

Mr. McGarry - The Commission is recommending a deferral to April 28, 1998.

Mr. Archer - Is anyone here in opposition to the deferral of POD-23-98, Spin Cycle-Laburnum Avenue? If not, then I move the deferral of POD-23-98, until the April 28, 1998 meeting.

Mr. Vanarsdall - Second.

Mr. Archer - Motion by Archer and a second by Mr. Vanarsdall. All in favor let it be known by saying aye. All opposed say no. The deferral is granted. Mr. Zehler was absent and did not vote.

The Planning Commission deferred POD-23-98, Spin Cycle-Laburnum Avenue, to its meeting on April 28, 1998.

**PLAN OF DEVELOPMENT**

POD-30-98  
North Court  
at Innsbrook  
(POD-25-90 Rev.)

**TIMMONS for Elizabeth W. Pratt, 5020 Associates, L.L.C. and R. L. Stanfield:** 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, 31,344 square foot office building. The 2.709 acre site is located on the southwest corner of Nuckols Road and Cox Road on parcel 28-A-431. The zoning is O-2C, Office District (Conditional) and O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

Mr. McGarry - The applicant is requesting a deferral to April 28, 1998.

Mr. Archer - Is anyone here in opposition to the deferral of POD-30-98? No opposition.

Mrs. Wade - I move that POD-30-98 be deferred to April 28, 1998 at the applicant's

request.

Mr. Vanarsdall - Second.

Mr. Archer - We have a motion by Mrs. Wade and a second by Mr. Vanarsdall. All in favor, let it be known by saying aye. All opposed say no. The motion passes to defer this case.

At the applicant's request, the Planning Commission deferred POD-30-98, North Court at Innsbrook (POD-25-90 Rev.), to its meeting on April 28, 1998. Mr. Donati was absent and did not vote.

Mr. Silber - Moving back to our agenda, on page 10.

## LANDSCAPE AND LIGHTING PLAN

LP/POD-3-97  
Texaco at Williamsburg  
and Meadow Roads

**Richard Contessa:** Request for approval of a landscape and lighting plan as required by Chapter 24, Section 24-106 and 24-106.2 of the Henrico County Code. The 2.05 acre site is located on the northwest corner of Williamsburg Road (U.S. Route 60) and Meadow Road on part of parcel 177-A-7A. The zoning is B-3, Business District. (**Varina**)

Mr. Zehler - Mr. Chairman, if you will, let the record show that I have a conflict with this case and, therefore, I disqualify myself.

Mr. Archer - OK, Mr. Zehler. Is there anyone here in opposition to LP/POD-3-97, Texaco at Williamsburg and Meadow Roads? All right. Ms. News.

Ms. News - There are two outstanding issues on this plan. On the landscape plan there are two islands in front of the building which were approved on the POD plans as landscape islands and which have been paved during the construction of the project. The applicant prefers to leave them paved due to maintenance considerations. He is also concerned that the cashier's view of the pumps may be blocked by a tree. Staff suggests that a small tree with limbs up to 6 or 8 feet would not block views. Canopy lights installed on the site without plan are not concealed source fixtures and staff has recommended that they be replaced, which the applicant objects to.

Mr. Archer - OK. Any questions for Ms. News?

Mr. Donati - What is the situation with the lighting on the canopy?

Ms. News - The canopy lights that have been installed are not concealed source. There is a picture of them on your sheet, but actually it is just a glass housing with a bulb visible underneath and we recommend against those on canopy lighting situations in general because of the glare and the light that comes out to Meadow and Williamsburg Road. It is in an area that is currently not developed close by; there is a residence directly across the street although it is zoned A-1, but as a

rule we generally do not approve these types of fixtures.

Mr. Donati - When you say you don't approve these types of fixtures? You don't recommend it? Is this a fixture that is used by other facilities in industry?

Ms. News - Industry - a lot of people in industry like to use it. This, when we have reviewed plans in this County, this does not qualify as a concealed source fixture. They are installed in places; I am not aware of any fixtures of this type that have been approved since I have been here in the past year. I have seen them around, and people put them in.

Mr. Silber - We have been discouraging them for sometime now. They have been installed in certain locations but they certainly are not recommended by staff.

Ms. Dwyer - Were these installed before the lighting plan was approved?

Ms. News - Yes. I think that when the applicant went for occupancy it was discovered that they had never submitted a lighting or landscape plan, so at that time they submitted and were given temporary occupancy, but the plan had not been reviewed.

Mr. Vanarsdall - Is it because it is too bright? Is that what it is? Will it spill over somewhere?

Ms. News - It causes glare, you know, when you are driving down the road because you can actually see the bulb, and you can see that intense hot light fixture. The actual foot candles on this project, they're higher than some projects we have seen and actually a little more than half a foot candle at the property line. But because there is no residential around we were not as concerned about the slight bit of spill light because it is on a major roadway there. The canopies...

Mr. Vanarsdall - What's the wattage on it?

Ms. News - The wattage is about 320 watts, which is at the high end of canopy fixtures. We often see them more 100 to 250 watt fixtures on the canopies.

Mr. Silber - The major concern with these is that as you drive to the facility you can see these for some distance with the bulb hanging below the canopy, and

Mr. Vanarsdall - There is one on Staples Mill Road and there are several of them around town. I forget what it is; I forget the brand that has them like that, but if it doesn't bother anything as you would think it would. In other words, it is really not that bad in some in some areas.

Mr. Donati - You say it is a hot bulb?

Ms. News - The bulb is enclosed in a glass case. It is not recessed up into the housing. What we generally approve are light fixtures that have a bulb up inside of some sort of opaque housing or recessed up into the canopy. So, you are not seeing any side light. You are only seeing

what is coming out underneath.

Mr. Donati - Doesn't the canopy have a large apron on it that sort of shields what you are speaking of, the drop down of the canopy. The globe might be here and the canopy might be this far below it, so isn't that one of the things?

Ms. News - Not generally, and this site is actually up much higher than the road, so you are looking underneath..

Mr. Donati - I don't see where it is really offensive. It is a very attractive looking facility.

Ms. News - It is. It is a very well built...

Mrs. Wade - Well, the man across the street came with a POD originally. She is concerned about the impact on the neighborhood.

Ms. Dwyer - How long have we had our lighting policy in effect that requires concealed source fixtures?

Mr. Archer - Ever since I have been on here.

Ms. News - I believe it was 1994. I don't have the policy in front of me.

Ms. Dwyer - So new construction has had nothing other than concealed source fixtures that we know of.

Ms. News - Generally we don't approve it. We don't recommend approval of it. Now, whether it has been approved in certain locations, I can't tell you historically where, but generally I am not aware of any place where we normally approve this fixture.

Mr. Donati - I think that is a problem here and something we need to address in the future, that when a person applies for a temporary occupancy permit that he is not going to be able to operate the facility until the landscape and lighting plan comes; obviously, they have got to have light to operate. And, it seems like something is wrong in the order here. I don't know if the staff could address that in the future or not. If you catch it before hand, but I think after the fact is too late.

Mr. Silber - Absolutely, Mr. Donati. The process is that they get their POD approved, and once the site is under construction they come in with their lighting and landscape plans well in advance of requesting any CO. That was not done in this case. In this case, the facility was constructed. They asked for a CO and it was at that point that the County became aware that they had not submitted their landscape and lighting plan, so we worked with them the best we could to help them to move into the facility contingent on them receiving approval of a landscape and lighting plan, but they did not follow the normal procedures for filing plans.

Mr. Archer - How many fixtures are there, Ms. News? About how many, I don't want you to count them.

Ms. News - Thirty.

Mr. Archer - OK. Thank you.

Mr. Vanarsdall - And they are all under the canopy? And you all recommend a different kind of bulb?

Ms. News - A different kind of fixture. I know this seems more complicated because it has been installed already, but generally I have, on other case we usually catch this at review stage and we ask them to replace it and they do. In this case, the lighting was already installed before we were ever aware of the plan, so it is complicated.

Mr. Vanarsdall - Do they have a dimmer switch on this type of fixture?

Mr. Contessa - Can I answer that question for you sir? My name is Richard Contessa. I am one of the developers of this site. There are no dimmer switches on the canopy lights. They are mercury vapor light and I am not sure you can actually put a dimmer on it.

Mr. Vanarsdall - You don't think you can put a dimmer on it?

Mr. Contessa - Not that I am aware, no.

Mr. Silber - I missed your name, sir.

Mr. Contessa - Richard Contessa. I am one of the developers.

Mr. Vanarsdall - Do you think it is that bright? I guess you would be the wrong person for me to ask.

Mr. Contessa - In all fairness, we are pretty far away from the main road and the canopy itself has a drop soffit around it of over 12 inches, so I think see that the lights and shielding will be a problem. I don't think it is necessary at this point.

Ms. Dwyer - Of course, development will occur more and more frequently in this area and people will be more and more effected by it. I guess I am just concerned about not complying with the County policy that has been in effect since I have been on the Commission, particularly when the problem has been created by installing the light fixtures before the plan was submitted to the County.

Mr. Contessa - I can only apologize for that. We are recently new developers in Henrico County as well as developers and we submitted to our engineer and when engineer submitted our POD approval, it was an oversight. It was not intentional, I can assure you of that.

Mrs. Wade - Who is your engineer?

Mr. Contessa -I would rather not say right now. He is here today. Again, when the electrician went up to get his permit when they were issued, we just assumed that everything was OK and it wouldn't be an issue until, until we were getting ready to open. In fact, it was days before we opened when we realized that it was going to be a problem, so we ask the Board (sic) to be considerate of that, and again, I don't think that it is a real issue. Matter of fact, the Henrico Police came by and they congratulated us on illuminating the facility in such a way that it is safe, so.

Mrs. Wade - I assume there was an engineer's name on your POD.

Mr. Contessa -It was Foster and Miller.

Mr. Archer - What generally happens in this lighting area, particularly in areas where there is residential construction around it, light tends to spill out and, of course, there is always glare from the highway, and you know, I am like Ms. Dwyer, I cannot remember the last time we approved one that did not have some type of shoebox fixture that directed the light only downward, so that is why we are asking all of these questions.

Mr. Contessa -I think if you, Mr. Donati, have gone by and looked at the site, it is set far back from the road. There is nothing, at this point, there is a 50 foot state buffer in front of us with trees. I mean, I think there are a lot of reasons why I don't think you will have any glare for the cars that are coming by.

Mr. Archer - At this point?

Mr. Contessa -I don't perceive a road widening or anything else like that.

Ms.Dwyer - Are these houses across from Meadow Road on our map?

Mr. Contessa -I believe it is all business. There is one house directly across Meadow Road from us and the resident there has never expressed any concern about the lighting.

Mr. Archer - OK. Are there any further questions by the Commission?

Mr. Vanarsdall - There wasn't any opposition, was there?

Mr. Archer - No. I did not see any, Mr. Vanarsdall. Maybe it would be in order to at least have a provision that in event residential areas were put next to this that a condition would apply that the light had to be changed, or something. I don't have any idea which way it would go.

Mr. Silber - I guess I would have some concerns with that because I guess that puts some burden on someone later on to come back and request these folks to change their lighting. I think it would probably be more prudent to do it now or let it stand. I think the residential aspect is one

of the concerns, but I think this just goes back to good quality development, and typically, as you view a site and the amenities the site offers, we have just traditionally found that the drop lighting under the canopies to be a concern. I am not saying the site - I understand the site is very well designed and laid out and I understand it is a beautiful site and it may not, in this case, be a particular problem. The concern the staff has is that once you allow these to start then others use this as a precedent-setting aspect and that is one of our concerns.

Mr. Contessa - With all due respect, I again urge you to reconsider on that and see that I'm new at this job basically and would be to interpret the rules and interpret as you see fit - to make modifications to them, and that is what we are kind of asking here. If we had known that they wouldn't be permitted, we never would have put them up in the first place. Here I am asking you to reconsider the facts for several reasons: that they should be permitted and I think that there will be instances in the future where I think you will find that they should be permitted, also.

Mr. Silber - Can I ask, maybe, a question of my staff? Ms. News, is there anyone else that you know that has a request that is asking for deviations from this, or has everyone has pretty much fallen in line with recessed canopy lighting?

Ms. News - Actually, we have another case on the agenda that has been deferred today, the Rennie's Landscape and Lighting Plan, came in with the exact same fixture, but at our request they are replacing it with a concealed source fixture.

Mr. Silber - No other pending lighting plans at this point that have asked for deviation from our normal policy?

Ms. News - I am not aware of any.

Mr. Vanarsdall - There is one, Mr. Director. There is one on Staples Mill Road and at the same time, Mr. Zehler had one in his district, and Mr. Archer had one in his district. They all came up the same day. Do you remember that, Mr. Chairman.

Mr. Archer - I am trying to. I can't right now.

Mr. Vanarsdall - I just can't say the names, well, I mean I can say. I can't think of it. Not that I am forbidden to say the same, it is not Texaco or Amoco, but somebody else that has the same thing and the bulbs are hanging out of the ceiling. It was lit up like a blow torch.

Mr. Contessa - If I may, in Chesterfield County they have a similar ordinance and that it the only place we are familiar with developing, and I own the Bellgrade Texaco there, also. What they have required there in lieu of heightening it or doing a different bulb, they said to drop the soffit down further on the canopy and in that instance we dropped it down almost three feet, so that the bulbs would not be visible from the main road, also. And, here we have a similar situation where there is a socket drop and it will block the view of the sides of the bulbs.

Mr. Donati - Did you have the same general lighting out there?

Mr. Contessa - Very similar. It is globe that hangs down.

Mr. Silber - And the socket drop was what, you said three feet in that case?

Mr. Contessa - I guess it was three feet but the architectural guideline here, is a little over 12 or 15 inches, I believe.

Ms. Dwyer - Could you drop the soffit down on this location further, three feet?

Mr. Contessa - These are prefab soffit; it would probably be more expensive to drop the soffit than it would be to replace the bulbs or to put some kind of covering on the bulbs.

Mr. Archer - OK. Anymore discussion?

Mr. Donati - Mr. Chairman, I recommend approval on this landscape and lighting plan leaving the existing lighting in tact and the cover area in tact also.

Mr. Vanarsdall - And the annotations on the plan?

Mr. Donati - Yes, the annotations.

Mr. Vanarsdall - I second.

Mr. Archer - OK. We have a motion by Mr. Donati and a second by Mr. Vanarsdall. All in favor let it be known by saying aye. All opposed say no. The motion carries.

The vote was as follows:

Mr. Donati -	yes
Mr. Vanarsdall -	yes
Mrs. Wade -	yes
Ms. Dwyer -	no

Mr. Silber - Can I have one clarification maybe, Leslie. Mr. Vanarsdall said the same as the annotated in the plan. Is the plan annotated?

Ms. News - The plan is annotated to recommend replacing those fixtures.

Mr. Silber - OK. So, actually, Mr. Vanarsdall, the motion was to approve the plan removing that annotation and that the existing fixtures would remain.

Mr. Vanarsdall - I'm sorry.

Ms. Dwyer - And the landscaping, also. I think there was an annotation requiring landscaping be...

Ms. News - Remove the existing pad and we are going to take that annotation off, also?

Mr. Silber - Mr. Donati, I need clarification on the landscaping also. What was your?

Mr. Donati - Leave the existing paving intact.

Mr. Silber - OK. I am sorry.

Mr. Archer - OK. Do we need to restate the motion then? Or does the vote stay as the recorded? Does anybody want to change their vote with the new language?

Mr. Silber - I didn't get a second.

Mr. Archer - Mr. Vanarsdall.

The Planning Commission approved LP/POD-3-97, Texaco at Williamsburg and Meadow Roads subject to the standard conditions for landscape and lighting plans. Mr. Zehler left the room and did not vote.

## PLAN OF DEVELOPMENT

POD-33-98

Rennie's Car Wash

Addition - Airport Drive  
(POD-55-97 Rev.)

**Balzer and Associates for TLC Company, LC and Rennie Petroleum Corporation:** Request for approval of a revised plan of development as the required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 661 square foot car wash addition. The 1.99 acre site is located on the northeast corner of Airport Drive (State Route 156) and Audubon Drive on parcel 163-A-21B. The zoning is B-3, Business District and ASO (Airport Safety Overlay District). County water and sewer. **(Varina)**

Mr. Archer - OK. Is there any opposition to POD-33-98, Rennie's Car Wash Addition? OK.  
Mr. McGarry.

Mr. McGarry - Mr. Chairman, staff would like to point out that there was a lighting plan that was included in your packet. That was deferred so we will not be discussing that. We will only be looking at the site plans. The lighting plan was connected to this case, and I want to make sure that you understood that.

Mrs. Wade - It goes with the landscape plan.

Mr. Archer - That was for April 28, wasn't it, Mr. McGarry?

Mr. McGarry - That is correct.

Mr. Archer - All right. Thank you.

Mr. McGarry - This plan of development authorizes a car wash addition to Rennie's Convenience Store that is currently under construction. The plan is being submitted to fulfill a condition of the previous POD that said if a car wash is to be added, then it had to come back for Planning Commission approval. The applicant is now wanting the car wash. Staff has reviewed the plan and it is complete. Staff can recommend approval with the annotations on the plan, plus Nos. 9 and 11 Amended, and Nos. 23 through 33. And for the staff's information, the annotations on the plan are basically the standard comments of all of the review agencies.

Mr. Zehler - Is staff recommending No. 9 and 11 Amended?

Mr. McGarry - Yes, because of the lighting plan and the landscaping will be coming back next time. I think we should be consistent.

Mr. Vanarsdall - Does it need to come before the Commission?

Mr. McGarry - Well, it was on your agenda today, but was deferred for another month.

Mr. Zehler - The plan, help me to understand, I am assuming you are going to enter through the right side. You'll be stacking in that lane.

Mr. McGarry - That is correct.

Mr. Zehler - And you will be coming out, so you have plenty of stacking room there.

Mr. McGarry - Yes. The Traffic Engineer and staff are satisfied that we have adequate stacking.

Mr. Zehler - I have no other questions, Mr. Chairman.

Mr. Archer - OK. Does anyone else have questions? Do you need to hear from the applicant?

Mr. Zehler - No, I don't, Mr. Chairman. I move that POD-33-98 be approved, Rennie's Car Wash Addition - Airport Drive, subject to the annotations on the plans, the standard conditions, Nos. 9 and 11 Amended and Nos. 23 through 33.

Mr. Vanarsdall - Second.

Mr. Archer - Motion by Mr. Zehler, and a second by Mr. Vanarsdall. All in favor signify

by saying aye. All opposed say no. No nos. The motion passes.

The Planning Commission approved POD-33-98 Rennie's Car Wash Addition - Airport Drive (POD-55-97 Rev.) subject to the annotations on the plans, the standard conditions for developments of this type and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of an occupancy permit.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.
23. The developer shall provide fire hydrants as the required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. The entrances and drainage facilities on State Route 156 shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation, entrances permit have been completed shall be submitted to the Planning Office prior to any occupancy permits being issued.
26. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
27. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
29. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to issuance of a building permit.
30. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right of way. The elevations will be set by Henrico County.
31. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right of way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
32. In the event of any traffic backup which blocks the public right of way as the a result of congestion caused by the drive-through car wash, the owner/occupant shall close the drive-through facilities until a solution can be provided to prevent traffic back up.
33. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right of way shall not be permitted

near the entrances to the car wash facility.

**10:30 Agenda now begins.**

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

POD-13-98  
Colonnades West  
(POD-118-96 and POD-27-  
96 Rev.)

**Balzer and Associates for Wilton Partners Broad Street, LLC:** Request for approval of architectural plans for a revised plan of development, as the required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 136,000 square foot shopping center. The 14.7 acre site is located at the northwest corner of West Broad Street (U.S. Route 250) and Cox Road on parcel 48-A-47. The zoning is B-2C, Business District (Conditional). County water and sewer.  
**(Three Chopt)**

Mr. Archer - Is there any opposition to POD-13-98, Colonnades West? No opposition. Mr. Wilhite.

Mr. Wilhite - As Mr. Silber pointed out, this was deferred from the meeting last month and the site plan for this site was originally approved at our January meeting. The architectural were deferred until last month's meeting and we approved most of the architectural except for the Hard Times Cafe Building which was deferred for this month. We have met with the applicant last week and have worked out what we feel is agreeable and can be approved and that is being handed out to you currently. The building, the Hard Times Cafe, has been modified. It meets the 70 percent brick as the required by proffer. It also adds pyramid shaped roof structures to the building to match what has been approved on Buildings A and C in the center. In addition, staff was notified that the CVS Building approved at last month's meeting actually is in violation of a private lease agreement that the applicant has with some of his tenants and they have suggested a modification that appears on page 2 of your handout. Basically it reduces the height of the building down to 25 feet to the peak of the roof and replaces what was approved as a pyramid shaped roof structure with a hip shaped roof. Staff can recommend approval of these revisions, the Hard Times Cafe Building and the CVS Building.

Mr. Archer - OK. Thank you, Mr. Wilhite. Are there questions of Mr. Wilhite by Commission members?

Mrs. Wade - All right, the Hard Times brick is the same?

Mr. Wilhite - Yes, ma'am. They indicated that the brick would match the other building.

Mrs. Wade - And the Dryvit is cream like the shopping center?

Mr. Wilhite - Yes, ma'am.

Mrs. Wade - And the roof is gray? And you handed out the diagram for that and CVS.

Mr. Wilhite - Gray, yes, ma'am.

Mr. Archer - OK. Any further questions? Would you like to hear from the applicant, Mrs. Wade?

Mrs. Wade - No. Now, the issue we were waiting for more word on was for the delivery door, the big door there on Hard Times Cafe. They were going to get us more information about what kind of wood, because we don't have that information. I think that we can work that out administratively.

Mr. Wilhite - OK.

Ms. Dwyer - I have one question, Mr. Wilhite. Are the columns on the CVS, are they brick or wood?

Mr. Wilhite - Wooden columns. They are the same kind of columns as the approved last month. The only thing on the CVS is that they reduced the height of the building and changed the roof structure design.

Ms. Dwyer - So that it is a hip-roof now?

Mr. Wilhite - Yes, ma'am.

Mrs. Wade - OK. I move then that the architectural as the described with POD-13-98 for the Hard Times Cafe and the slight roof modification for the CVS Building be approved according to the handout that we got today. Of course, the original case has Nos. 22 through 29 and No. 9 Amended and No. 11 Amended to come back, just by way of reference.

Ms. Dwyer - Second.

Mr. Archer - We have a motion by Mrs. Wade and a second by Ms. Dwyer. All in favor signify by saying aye. All opposed say no. The motion carries. (Mr. Donati was absent and did not vote.)

The Planning Commission approved POD-13-98, Colonnades West (POD-118-96 and POD-27-96 Revised), subject to the architectural plans handed out at today's meeting and the following additional conditions:

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

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

## PLAN OF DEVELOPMENT

POD-25-98

Autozone -

West Broad Street Village  
(POD-60-90 Revised)

**Koontz-Bryant, P.C. for Chesapeake Food and Autozone, Inc.:** Request for approval of a revised plan of development as the required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 7238 square foot retail automotive parts facility. The 1.59 acre site is located on the northwest corner of Deep Run Road and West Broad Street (U.S. Route 250) on parcels 81-11-A-4, 6,7,8,10,21 and 23. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

Mr. Archer - Is there anyone here in opposition to POD-25-98, Autozone - West Broad Street Village? Mr. Whitney.

Mr. Whitney - OK. Thank you, Mr. Chairman. Staff would like to comment to the Commission that the applicant has given us a letter as of this morning requesting a transitional buffer deviation as part of this approval. I would point out to the Commission that the requirements here for buffer would be a transitional buffer 35 and there is a little bit of a conflict - it's approximately five feet between the northerly curbing of the parking area in this buffer area, and they are requesting reduction to 30 feet in this area. They plan on doing a combination of two to three foot height berm with some additional plantings through here. One of the neighbors that was here this morning for this case has requested that he would like to have a fence in this area. We would offer that the landscaping and the fence situation would be worked out with the landscape plan for this project. One other item I would like to note is on the architectural, it is showing a CMU type of construction, however, the proffers on this site would say that the architectural treatment would be similar to existing buildings and this would include McDonalds and the auto dealerships that are to the east of this site. With that, I will take any questions.

Mr. Archer - Thank you, Mr. Whitney. Are there any questions for Mr. Whitney?

Mr. Vanarsdall - I will offer that I talked to Greg Koontz and then he gave me the architects number in Memphis, Tennessee, and I talked to him and he agreed to the brick all of the way around. I notice you don't have a condition up there but you do have an annotated plan.

Mr. Whitney - I have it annotated and a written confirmation that they were going to provide brick for this.

Mr. Archer - Are there any other questions? Do you want to hear from the applicant?

Mr. Vanarsdall - I don't need to hear from the applicant. I recommend approval of POD-25-98, Autozone - West Broad Street Village, subject to the annotations on the plans, the standard conditions for developments of this type, and I would like No. 9 Amended, and Nos. 23 through 37.

Mr. Zehler - Second.

Mr. Archer - All right. We have a motion by Mr. Vanarsdall and a second by Mr. Zehler. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

The Planning Commission approved POD-25-98, Autozone - West Broad Street Village (POD-60-90 Rev.) subject to the annotations on the plans, the standard conditions for developments of this type and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The right of way for widening of Fountain Avenue and Deep Run Road as shown on the approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right of way dedication plat and any other required information shall be submitted to the County Real Property Agent at least 60 days prior to requesting occupancy permits.
24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
25. The entrances and drainage facilities on West Broad Street (U.S. Route 250) shall be approved by the Virginia Department of Transportation and the County.
26. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed shall be submitted to the Planning Office prior to any occupancy permits being issued.
27. The required building setback shall be measured from the proposed right of way line and the parking shall be located behind the proposed right of way line.
28. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
29. A standard concrete sidewalk shall be provided along the north side of West Broad Street (U.S. Route 250).
30. Outside storage shall not be permitted.
31. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
32. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
33. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the

- Henrico County Code.
34. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
  35. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
  36. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrioc County maintained right of way. The elevations will be set by Henrico County.
  37. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right of way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.

## PLAN OF DEVELOPMENT

POD-26-98  
Sunrise Cottages  
Assisted  
Living Center

**Richard J. Dickie and James F. Anderson for Steven R. Isaac, Martha C. Isaac, Barbara Worthington and David Russell:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct three assisted living buildings totalling 49265 square feet. The 6.33 acre site is located at the northeast corner of Parham Road and Michaels Road on parcel 79-OA-69. The zoning is R-6C, General Residence District (Conditonal). County water and sewer. **(Three Chopt)**

Mr. Archer - Is there anyone here in opposition to POD-26-98, Sunrise Cottages Assisted Living Center? We do have opposition and we will get to you. Mr.Strauss.

Mr. Strauss - Thank you, Mr. Chairman. The applicant has provided a revised plan which we distributed this morning as well as color renderings of the elevations. The staff requested a revised plan in order to address our concerns regarding sight distance at the proposed entrance on Michael Road. The revised site plan alleviates the concerns of staff, although a number of citizens expressed concern about the design of the entrance itself. The citizens would prefer a channelized entrance which discourages left-turns onto Michael Road. I have included a sketch of an alternate entrance design which the citizens approved and the Traffic Engineer and the Director of Public Works has also found acceptable. It is my understanding that the owner-developer is willing to provide this alternate design for the entrance. Since the applicant has resolved all other issues with Public Works regarding the detention facility and outfall, staff can now recommend approval in accordance with the conditions in this morning's addendum. And, in addition, staff would recommend that conditions Nos.9 and 11 be Amended, to afford the citizens an opportunity to review the landscape and lighting plan, because the citizens are interested in the status of the many mature large trees that are presently on the site. I'll try and answer any questions you may have, and I believe the applicant is also here today.

Mr. Vanarsdall - You are recommending Nos. 9 and 11 Amended in addition to Nos. 23 through 26?

Mr. Strauss - Yes, sir. Nos. 9 and 11 Amended.

Ms. Dwyer - If you want to turn left onto Michael Road, you can't do it. Is that...

Mr. Strauss - This entrance design would not encourage that movement without a great deal of difficulty.

Mrs. Wade - It is not the greatest, but the neighborhood feels very strongly about it. How many parking places are required for this?

Mr. Strauss - They are required to have 53 per the Ordinance in the R-6 zoning for this type

of life care facility. They have provided 55 with this latest plan, so they do meet the parking requirements.

Mrs. Wade - If you've seen the record on this case, I have seen 42, I have seen 46, and now they have 55.

Mr. Strauss - They seem to be increasing by small increments everytime we get a plan, but I think the engineer might be able to explain the reasoning. I think it may be that the revisions allowed them to have those spaces, and they do show some handicapped spaces and it seems there may have been an extra handicapped added in front of the building.

Mrs. Wade - Because they have been saying how few cars and how few spaces they were going to need here, and also it would not affect the runoff.

Mr. Strauss - I imagine the increase in impervious area would, but I would have to defer any reasoning for the number of spaces to the applicant's engineer.

Mr. Archer - OK. Are there any further questions for Mr. Strauss?

Ms. Dwyer - What will the stormwater retention pond look like? OK. We will ask the applicant.

Mr. Strauss - I have not seen a, I have seen a landscaped plan, which, of course, we can't approve today, but the applicant has expressed an interest in doing what he needs to do to landscape it appropriately, so regardless what the insides look like, it won't be objectionable to the neighbors, the residential neighbors to the east.

Mrs. Wade - My only problem with this is that on the original submittal of Exhibit A with the zoning case the tree line was rather definitely outlined and a big deal was made of that at zoning time. With the detention pond being larger than it was conceptually exhibited on that Exhibit A, it goes up more into the trees. It is not in the buffer, but they had most definitely...

Mr. Strauss - The applicant did proffer to a conceptual plan which I have a copy of from the file. It is labeled Exhibit A. The tree line shown on that plan near the detention facility was - there were more trees - but it was not labeled as a "save area." It was a conceptual plan which I construe to be just that, conceptual. And the rest of the plan seems to agree with that plan. But, it was a fine point, and I guess you would have to be an attorney to arbitrate that, I imagine the engineer could elaborate on what he has done and what he is going to do in addition to the saved trees in the 45 foot buffer. I understand we are going to hear something from the neighbors and from the applicant in regard to saving a few more trees and working with the citizens in that regard to try and honor that original tree line as shown on the conceptual plan to the extent possible.

Mrs. Wade - Well, this is the time, the tree line has been proffered as part of our landscape plan. He didn't have a landscape plan, but most of these things here have to be approved by the Planning Commission, so anyway, we will see what they say. They have proffered the elevation, they

have proffered the site plan, and then he talks about the tree save area and the area with the dark line on Plan A. OK. Thank you.

Mr. Archer - OK. Thank you, Mr. Strauss. Now we would like to hear from the applicant.

Mr. Montana - Good morning, my name is Bobby Montana and I am with Sunrise Assisted Living out of Fairfax, Virginia, and I have my design team with us, Ed Ramey, Jim Anderson, and we are prepared to answer any questions. Mrs. Wade, let me address the one tree save question for you. The intent is not to have any creep from Exhibit A moving back and if we have issues with respect to the size of the detention pond for that, then I will have my civil engineer address that. But, if we could address that in the landscape section, I believe we are going through the same process for the landscape. I have commissioned the landscape design and we have also commissioned a tree group to go out there and identify the larger trees for us and tell us which trees are viable trees and which trees are not. But, we intend to go through the whole landscape process again with the residents, with the neighbors.

Mrs. Wade - I understand that, but what happens after the grading and development occurs? Does the landscape plan get implemented?

Mr. Montana - When the landscape plan gets implemented, I believe it will reflect Exhibit A, from before. I can't tell you why we had that creep on the north side of the detention pond. Jim, can you shed any light on this?

Mr. Anderson - My name is Jim Anderson and I am with the J. R. McAdams Company and I am the civil engineer and project manager for this project. If I can explain just a little bit about the detention pond, as it was shown in conceptual plan A, that was given just as an initial guess as to how large a detention area would be. That was prior to any calculations that were done on the detention pond.

Mrs. Wade - In other words, the information wasn't available at zoning time to make that commitment is what you are saying?

Mr. Anderson - Well, there are extenuating circumstances. We had an underground detention pond in the front to keep the one in the back smaller; in order to save trees and do other things in the front, the one in the back got larger.

Ms. Wade - Yes, there are two little things in the front on one of the plans that I saw that I had a question about. You might mention that, too. You don't have any drainage facility now in the front?

Mr. Anderson - That is correct. Everything will drain to, everything must drain to the stormwater detention pond in the rear, and that is for water quality measures more than anything else. You may note that there are two smaller ponds in the rear. The first is a fore-bay and that is designed to keep maintenance at a minimum. That filtrates out the major particles in the water, so, in effect, most of the mud will fall out in the fore-bay and then go through to the actual larger pond

where it will be further filtered and then it will drain out into the necessary drainage.

Ms. Dwyer - Is the water piped from the fore-bay to the pond with gravel in this ...

Mr. Anderson - There is a variable filter that will be in between those two. There will be no pot.

Mrs. Wade - What is it going to look like?

Mr. Anderson - Well, it is normally dry. You will have a basically four to one slopes on the side...

Mrs. Wade - Do you mean grass or rocks?

Mr. Anderson - Grass. The divider in between the four bay and the major pond will be rock. And we are still in discussions with the architect on which type of rock to use. We are trying to steer away from the ballast, the gray rock, and something more favorable, maybe a sandstone type.

Mrs. Wade - Do you have some examples of similar facilities around of something less unattractive? But you will have to do a lot of grading now for this fringe facility? Apparently all of the way over to the buffer...

Mr. Anderson - Yes, what we are dictated by, we have to limit our runoff, off the site, as opposed to (unintelligible) measures, we have to maintain on site the 50 year storm. It is the equivalent of the 10 year storm as it stands right now, so we are actually having less runoff, so that forces us to build this pond this large. We are not building it any larger than we have to. We are at the borderline of meeting our requirements and we don't want to build any further than we have to - to make this pond larger - it is simply design requirements.

Mrs. Wade - So where does the water go from the big pond?

Mr. Anderson - It goes, right now we have draining out of the pipe about 2 cubic feet per second and we are in the process of rerouting that to, I am not sure if you are familiar with our, there is a large trapezoidal drainage ditch approximately 2-1/2 to 3 feet deep that runs through the neighborhood and we are going to go directly into that - that actually is a small ditch. There is a smaller, there is some type of line channel that runs through the neighborhood. It is much smaller and it goes underneath the road into a 36 inch culvert. It goes underneath Parham Road and once it crosses underneath Parham Road, then it goes into a much larger ditch that is not prone to flooding, but you are right. Someone had mentioned to us that their ditch had been flooding before, but that was a smaller line channel. That was only about a foot deep.

Mrs. Wade - So, is this channel already there?

Mr. Anderson - It was already there.

Mrs. Wade - Will you be able to save, if necessary, and will there be room left to supplement or landscape the outside of the BMP on the residential side if you need to.

Mr. Anderson - Absolutely. A lot of room.

Mrs. Wade - What kind of tree protection measures will you take then for the buffer itself? It seems to me somewhere, but I don't have the plans, but on one of these (Mrs. Wade looking at plan)the grading went over a little way into the buffer.

Mr. Anderson - I am sorry.

Mrs. Wade - It seemed to me that on one of these the grading went over into the buffer. Will you need to grade in the buffer at all?

Mr. Anderson - No, ma'am. We should not be in the buffer at all except for the purpose of running utilities. When you run...

Mrs. Wade - Which are supposed to be run perpendicular through the buffer.

Mr. Anderson - Yes. The cut should be perpendicular.

Mrs. Wade - And not up and down the buffer. OK. And, what kind of tree protection measures will you take for the buffer?

Mr. Anderson - That will be the normal tree protection as with the orange fence that will be around the areas to be saved, plus there is also a safety distance where you allow for the root structure of the trees.

Mrs. Wade - Now, you are going to be running a chain link fence also through there?

Mr. Anderson - That is correct. The neighbors have requested that we run that in a meandering fashion to save as many trees as possible.

Mrs. Wade - OK. Did you add another service building? On the original plan there was one service building.

Mr. Anderson - Yes, we did.

Mrs. Wade - OK. That is what that other little rectangle is that is not identified.

Mr. Anderson - Yes, that is right.

Mrs. Wade - And those are made for storage of...

Mr. Anderson - That is storage of trash and also equipment.

Ms. Dwyer - I remember asking about the trash storage. They didn't have dumpsters on the original plan. Will these be dumpsters or ...

Mr. Anderson - No. They are enclosed buildings. One of the proffers stated that we could not have a dumpster facility on the site.

Mrs. Wade - You had explained to us about how you were going to receive deliveries and things, but that leaves a question on the plan about what kind of service facility you have there, delivery trucks, because there is no back door here.

Mr. Heath - I am Chuck Heath with Berry Rio Architects. The middle building has the main kitchen facility and it will be making the, the majority of the deliveries will be going to that building. There is a living space provided between the 18 unit building which is closest to Michael Road in the middle building will be receiving deliveries of food and anything else we might need at the facility.

Mr. Vanarsdall - Will the trucks go up front?

Mr. Heath - Yes.

Mrs. Wade - Where is this? (Pointing to map)

**At this point, Mr. Heath and Mrs. Wade discuss this matter and it is unintelligible on tape.**

Mrs. Wade - The other surprise that came along in the last few days was the architectural and the different colors of the buildings.

Mr. Heath - The concept there, and the owner has talked to citizens out in the hall about this. The owner's interest is to fit into the neighborhood. I don't know if you are aware of Sunrise Retirement Homes or not, but Mr. Clauson began Sunrise about 15 years ago and one of his biggest interests was to help older people as they age and one of the biggest problems he saw was people moving into nursing homes which are extremely insitutional, and he began a philosophy which was if you don't see it in your house, you are not going to see it at sunrise. And so, since then our goal has been to become as residential as possible.

So we are landscaping and all, and our interests is as much in that landscaping as is yours and the neighbors, because that is what we are selling is that we are residents. Again, as far as the colors are concerned, again the concern was fitting into the neighborhood, and you rarely see in a neighborhood, three buildings, three homes next to each other, of a similar type of architecture which people chose to paint the same colors. So, our interest was rather than to make this feel like one huge complex, we wanted to break it down into smaller parts. So, the architecture of the buildings is such that they have lots of ins and outs, lots of gables, lots of ways to break down the buildings and then by staining

the cedar different colors, it also then creates three different buildings as opposed to creating one large campus. So, the interest was to try to keep it that residential feel and make that campus feel much more like the neighborhood.

Mrs. Wade - I remember referring to it as Camp Sunrise? Sunrise Lodge or something? Do you have the colors there?

Mr. Heath - Yes, In fact we have color boards in the back if you would like to see larger samples. We will be using...

Mrs. Wade - There aren't any natural siding houses in the neighborhood.

Mr. Heath - Right.

Mrs. Wade - But there are quite a few that are the same color in the neighborhood. When you get vinyl siding you only have so many selections.

Mr. Heath - Right. One of the neighbors has mentioned they don't particularly care for the dark brown color

Mrs. Wade - Oh, the neighbors have seen these?

Mr. Heath - Yes, and we are going to work with the neighbors on that particular shade of brown and lighten that up to another color that is more appropriate to the neighborhood.

Mrs. Wade - That is the one that reminds me of the State Park.

Mr. Heath - We don't want people to think they are coming to the State Park.

Mrs. Wade - Oh, well, that's not bad.

Mr. Heath - But we have done a lot to try, but I have done a lot to try to have the colors all blend with one another and yet to create a campus feel.

**(Loud noise is heard here on the tape and conversation is unintelligible).**

The color will be a constant element which will tie the bases of our buildings together as well as the colonnades going through the building, and the chimneys will have that same color so that will be a unifying element throughout the complex.

The three different siding colors and we went with cedar siding because we wanted to have a more feeling buildings; some are typical users of vinyl siding which we didn't feel was appropriate for a one-story structure in this neighborhood and so we have gone to the actual wood siding and then the trim colors try to bring a little bit of sparkle to the building itself as you can see the colors here. The

windows will be some kind of a taupe color and then the roofs would all be different shades of gray to complement the siding.

Mrs. Wade Have you all done it like this any place else?

Mr. Heath - Yes, we have. We actually did a complex in Landover County, Maryland, a three building complex with Sunrise; (unintelligible) and we had three individual buildings and each one had a different color. So, yes we have done that before and it came out very attractively actually.

Mrs. Wade - And can you identify which buildings were which color.

Mr. Heath - Well, if you are going left to right, I believe the bigger building would be natural cedar, the building closest to Michael Road would be light gray and the other building would be...

Mr. Contessa -The message with these colors as we spoke with the neighbors earlier, we have flexibility with these. We would like to see the project, the buildings in the project be different colors and will be tied together through walkways and landscaping, and we can work with, and if someone has a preference, and they don't like the dark brown, the one that looks like; I am not particularly fond of it either, I got talked into it by these guys.

Mrs. Wade - I was about to suggest you move that over to the Michael side because there will be more trees over there. It fits in with the trees better.

Mr. Contessa - ...moved over to the Parham We are interested in working with the neighborhood.

Mrs. Wade - Good, because we hadn't heard from you since zoning time. I haven't heard from you all.

Mr. Heath - We have seriously been working to pull these plans together to get to this point and have the opportunity to get in front of you all again and the neighbors

Mrs. Wade - Now were there some proffers that we added or changed between the Planning Commission time and when the Board met? Because, we don't always see the finals. Anything about the exhaust system or anything for the food.

Mr. Contessa -I don't think any of the proffers were changed between Planning and Board. I think we ironed pretty much everything out and we got a unanimous from Board.

Mrs. Wade- I was thinking, was there more specificity on the exhaust.

(At this time plans are being looked at and papers gone over.)

Mr. Zehler - Did you all consider brick?

Mr. Heath - No, we have not. We typically stay away from brick and the reason is that it has nothing to do with the cost, but the main problem with brick we find is that it is hard to create, we are dealing who are in their early 80s and we are trying to create an environment that is rather cheery and so brick tends to be rather somber material. It would be difficult to get it to have much life to it. It can be very nice in a neighborhood, but yet somehow with these homes we have been developing, we have done them in brick before and we have not been happy with the effect of them in brick and they seem to be a little more cheery in wood.

Mr. Zehler - But there is more maintenance and upkeep to this than there would be to brick.

Mr. Heath - Yes, sir.

Mrs. Wade - Which would be important...

Mr. Heath - Right, there is more maintenance and upkeep to this than there would be to vinyl siding, but we feel like it is...

Mrs. Wade - It is just a drawing that we have that looks so dark.

Mr. Heath - Yes, We are not happy with that rendering ourselves yet. But it is a rendering of the natural cedar look. That seems to be the one that we show people, when they see the cedar; cedar

Mr. Archer - Any further questions? OK. I think we had some opposition, Mrs. Wade.

Mrs. Wade - I think we covered most everything. I will be through here in a minute.

Mr. Allen - Good afternoon. My name is Tom Allen and I am an adjacent property owner and I am not necessarily opposed to the project, but I do have some concerns in regard to - some questions - the tree line that Mrs. Wade referenced earlier as far as the conceptual plan - that tree line - and hearing what the engineers and architects said, that was reduced due to the retention basin. And, with the added parking spaces, I assume that with the increased runoff that that retention basin was reduced due to the expansion of the number of spaces. Is that correct?

Mr. Heath - We are actually just one space over the minimum requirement. The minimum requirement for 108 bed building would be 54 spaces. We have 55 on the new site plan, and we would actually be glad to take that away. It is only 55 because we miscounted.

Mr. Allen - Right, but during the previous meetings that we have had with the owner and their attorney prior to the rezoning, we were trying to get away, the owner was trying to get a waiver to reduce the number of parking spaces. You all had been successful in other locations in doing that due to the amount of the occupants, very few occupants owning vehicles, and limited visitation and that type of thing. I didn't know whether that had been addressed with the County as far as trying

to get a waiver on the total number of parking spaces.

Mrs. Wade - They had indicated that they might go to the Board of Zoning Appeals to get a variance.

Mr. Contessa - We can reduce the parking. We have a mixup here. We are 70 units and 96 beds here, not 108 beds, so somewhere in the transition on my side, we got more beds than we want here, so I don't see a problem with us coming down on the number of parking spaces.

Mr. Allen - OK, because the original plan was four buildings. That was reduced to three prior to zoning, but the parking spaces have gone up and that, of course, affects how much of the natural tree area that they are removing, mostly on the Michael Road side. The second concern was with the trees, outside of that 40 foot buffer which was proffered but within the tree line shown on Exhibit A, there are smaller evergreen trees, hollies and so forth that provided a line of sight blockage to the property. As much as that can be saved provides some buffer between the adjacent owners and the new building. We would like to see as many of those trees saved as well as the larger trees saved to maintain the line of sight buffer which was the whole intent of maintaining as much tree line as we could. The stormwater retention basin he alluded to, and I just want to express that it is a concern having property that adjoins that shallow basin is that the retention basin should not drain into that now. Now during a heavy rain that basin gets full and during certain parts of the year the debris that gets in there gets blocked and it does overflow into the lower yards and the backside of that basin, so we would like to see that as they offered be changed to reflect dumping across Palmer Road and on the eastern side of Palmer. The other concern we had was the revised plans shown today has a note on it that there is a line of site of 384 feet that would cut into the tree line on the Michael Road area, especially up near the Palmer Road area, and the whole intent of working from the beginning with the owner and trying to get it resolved was to maintain that natural buffer here without removing as many trees, and it appears that, from what I understand from Mr. Strauss, that the Traffic Engineers says that they are going to look into this and they may have to remove all of these trees, therefore, opening up the property to have a wide open view into the property. Well, all along this issue had been to maintain these trees, and I don't really understand the reasoning behind that.

Mr. Silber - Mr. Strauss, you may want to address that. My understanding is that now the owner has moved closer to Parham Road, I don't believe those trees will be coming down.

Mrs. Wade - Actually you have got more of the trees up where there aren't any houses to speak of. Anyway,

Mr. Strauss - Well, some of the terms are misleading in terms of the sight distance and I think Todd Eure can clarify that a little bit. The distance is actually, based on my conversation with the Traffic Engineer yesterday, the distance would be 365 which would actually put the point out further in this area. We recognize some trees are to be removed for sight distance and Todd Eure and I discussed this, and we believe we can, perhaps, clear the underbrush first and then have the Traffic Engineer go out and selectively locate only those trees, with the idea of minimizing the disturbance to the buffer. So, staff is not interested in seeing any more clearing than is necessary for

sight distance purposes either. I might add that the way the proffer is written it is not an undisturbed buffer. It can be disturbed for utilities or easement purposes or whatever the Planning Commission, I think if you read the proffer, Mary, you will see that there are some allowances for disturbance in there. We don't want to see,

Mrs. Wade - Can be ... by the Planning Commission.

Mr. Strauss - Right, so I guess it is up for discussion now. We can ask Todd particularly what they would do in a case like this to try and minimize the disturbance of trees?

Mr. Silber - The distance was 360 feet. Is that the distance given consistently or is that a change now?

Mr. Strauss - It is a change from earlier discussions and I would have to defer to Traffic on that one; 365 was agreeable as of yesterday.

Mr. Silber - To me it seems that by moving the entrance closer to Parham Road, traffic heading towards Parham Road would be slowing down to stop at the normal stop intersection, and to me, I am not sure we still need that full 360 feet sight distance.

Mr. Strauss - We may not. I would have to yield to the Traffic Engineer on that.

Mr. Allen - Well, that was sort of my concern, because it becomes a logic issue to me. You have got 360 feet. You are moving to a stop sign and, of course, the people turning, are only going to be turning right, they are not going to be crossing two lanes, and, therefore, why would you need that long line of sight. What is even worse, this is a very narrow road now. It is high ground; it is a worse situation and it has been a worst situation for 60 years; the road is very old. And, I just don't understand the whole intent from the owner and for us was to meld into a wooded neighborhood, an existing neighborhood, and to remove these trees, it is going to leave an opening, any part of it is going to leave more property to look less residential and more commercial and that was the concern.

Mrs. Wade - I wonder, of course, from the previous plan, Public Works was all set to approve an access to Parham Road at the bottom of the hill which would be much less safe than this under its current situation, so sometimes maybe they are not as consistent as we think, but maybe Mr. Eure would like to respond to that. But, with it moved up that far, I wouldn't think we would need all of those cut down either.

Mr. Eure - My name is Todd Eure and I am the Traffic Engineer. With the revised plan the entrance was moved closer to Parham Road. It is about 150 feet from Parham which is the closest we can accept, and based on that they show the sight distance line of, they showed 384 and the minimum is 381. With the last exit which is encouraging all of the traffic to turn right, we can in fact reduce that sight distance line required based on our conversation with Tim Foster, the Traffic Engineer, he said yesterday that he would accept 365. So, we can review that from a standpoint of

it is approaching a stop position, but we do need to maintain a certain minimum sight distance as Mr. Strauss said. We don't need to clear the entire sight line. We can selectively go in, once the sight line is staked, and possibly with the reduction of the underbrush and limbing up the lower trees can leave the taller trees in place for the most part instead of getting the majority of the sight distance. Certainly it is something that we can review in the field.

Mrs. Wade - About how much now, do you think?

Mr. Eure - Well, based on where the curve is across from Fawn Lane, we can actually reduce the sight distance, if you reduce it to 365 it almost cuts this area across that share almost in half in terms of the depth it reduces the trees so reducing it a little bit actually significantly increases the number of trees you would be saving. That is probably something that is best determined in the field in terms of how much benefit would be gained versus what minimum sight distance we feel comfortable with.

Mrs. Wade - We had one of these sight distance things in another district not long ago that was worked out.

Mr. Vanarsdall - Could somebody show Mr. Allen what you are talking about out there in the woods?

Mr. Eure - As far as meeting him out there?

Mr. Vanarsdall - What would be left in reality.

Mr. Eure - Sure. That would be something we would be glad to meet with him on.  
Mr. Vanarsdall - I mean if he would want to do that.

Mr. Eure - Right. And once they stake out the driveway location and sight line, it is easy enough to go out there and basically check your line of sight and mark the trees.

Mr. Vanarsdall - I think what you are saying is that you are not going to take down very many.

Mr. Eure - Well, that is hard to say until you really look at it, but based on the reduced sight distance line that we are looking at, based on the traffic, taking the right-turn out, certainly we should be able to preserve a lot of the trees.

Mrs. Wade - Thank you.

Mr. Vanarsdall - I am going to get some yellow ribbon to tie around the trees.

Mrs. Wade - It seems to me, wasn't it Brookland where you had a case that you had a sight distance case finally worked out?

Mr. Vanarsdall - I remember something about it, but I don't know where it was.

Ms. Dwyer - Oh, it was in your district.

Mr. Allen- I guess the question is if the entrances are 150 feet from the end of Michael Road where the stop sign is at Parham, does it still require a full 361 feet since the cars would be deaccelerating to that point, the speed would be reduced. Certainly nobody is going to be going 35 miles an hour 150 feet from the entrance, or 100 feet from the entrance, or 250 feet from the entrance.

Ms. Dwyer - I really can't see on my monitor, it is kind of dark. The lights are blindng me over there. I think Randy is doing it.

Mr. Silber - Is that better or worse?

Mr. Allen - But based on looking at that canopy, you are only going to leave, it is going to be very minimal the number of trees that are there.

Mr. Strauss - One thing I might add, if we could get some help from the Traffic Engineer on this, is that the speed limit is currently marked precautionary 20 miles an hour and I am not sure what speed limit they used to determine their sight distance, but that would drop if we could use the 20 miles an hour as opposed to the speed limit or it that the designed speed for that road? I think the sight triangle distance would decrease with the decreased speed. Maybe you can answer that.

Mr. Allen - That would be fine. I would like to have the opportunity to look at that before we get in there and start cutting the trees down and at least find out what they are doing. I think our neighborhood would, he's got my number.

Mr. Eure - Once we have met with the engineers out in the field and marked the trees, certainly you can be contacted and we will walk it with him and show him what we have come up with.

Mr. Allen - The only other thing is the, and I am only saying this so I will be sure to understand it, there will be a public hearing for both landscape and lighting and any other architectural changes to the building. What is the process on that? Just that the owner agrees to meet with us as a community. Well, he is talking about working with the community as far as the colors and trying to establish that, you all had a great deal of discussion with that.

Mrs. Wade - All right. Since we didn't get together with these before hand,

Mr. Contessa - We'd be happy to do that.

Mr. Allen - I will say that the owner has been very good in working with us and I think some of us got a little late notice on this. There have been a lot of changes in the last few days, but as long as that arrangement continues I think the adjacent owners in the community will work very

well with the owner in working out all of the details. Thank you.

Mr. Archer - Thank you, Mr. Allen. Mrs. Wade, we did have some more people in opposition, I think. Do you have any point to express that is different from Mr. Allen's?

Ms. Rosendale - My name is Anna Mae Rosendale and I live at 8425 Michael Road across the street right on the corner of Fawn and Michael. You know where that is. OK. We have been talking this morning with the gentleman outside in the hallway, so I was very, I expressed my displeasure with the color scheme. They had mentioned that they thought, I have heard all of their arguments for three colors. I just happen to think that three colors is a little much. I would like to see it cut down to just two. That brown I want to throw out altogether. I did talk to them about the entrance this morning and they did, with Mr. Strauss and with Mr. Montana, and they are going to put in an island so that it will be, the exit will be more angled toward Parham Road, because we were concerned about traffic on Michael. Yes. That drawing there. Right. So, I just wanted to make sure that was down on paper. We have all been pleased with the way they have worked with us, but we were concerned about the colors. The colors bother me, and I don't know what we can do about it, I really don't, except maybe throw out that brown. I could work with the other two, but the brown I want out.

Mr. Vanarsdall - If you don't like the colors, then fix them.

Ms. Rosendale - They didn't show me the color of that brown in the picture. That is more of a, I don't like that one. That is the one I don't like. Anyway, I don't like the brown. See the brown over there. It reminds me of the housing you have for picnic areas that are all dark brown. That is what it reminds me of. Did you want to ask me any questions? OK. I just wanted to express that.

Mr. Archer - Was there anyone else? Is that everybody? OK, Mrs. Wade.

Mrs. Wade - All right. I think we dealt with most of the issues here. I move then that POD-26-98, Sunrise Cottages Assisted Living Center, be approved with the annotations on the plans, with the alternate entrance design dated today, March 24, 1998, Conditions Nos. 9 and 11 Amended, that is for the landscape and lighting plan to come back, Nos. 23 through 27 which appear on the addendum, with the understanding now that Public Works is going to mark trees and work with the neighbors on the sight distance and what will be necessary to trim along the edge of Michael Road; also, to give careful attention to the outfall and drainage down below here, as the neighbors from experience have had something to add about what has been said as to what really happens when it rains, with the tree protection devices up, I think, otherwise, you pretty much know what you said you were going to do, and you are going to look into reducing some of the parking spaces. As far as the color is concerned, also you are to get with the neighbors to talk about that and maybe you can come to some mutually agreeable situation there, but that should be left, then if you want to make a change, to administrative staff and perhaps with consultation later on. I would move, therefore, that it be approved.

Ms. Dwyer - Second.

Mr. Archer - Motion by Mrs. Wade, seconded by Ms. Dwyer. All in favor let it be known by saying aye. All opposed say no. The motion passes.

Mrs. Wade - Whom should they contact about a meeting? OK. Thank you.

The Planning Commission approved POD-26-98, Sunrise Cottages Assisted Living Center, subject to the annotations on the revised staff plan dated March 24, 1998, the standard conditions for developments of this type, and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permit.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.
23. The easements for drainae and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
27. Insurance Service Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

## **PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER DEVIATION AND LIGHTING PLAN**

POD-27-98  
Ikon Office Solutions

**Foster and Miller, P.C. for the Pickels Family, L.P., Louisa County Library Foundation, Inc., Eugene Rosewell Shalton, Merle Shelton Ott, Morris Doswell Shelton, Sr. and IKON Office Solutions:** Request for approval of a transitional buffer deviation, plan of development and site lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct one, two-story, 60,000 square foot office building. The 12.773 acre site is located at the southeast intersection of I-295 and Nuckols Road on parcel 28-A-22. The zoning is M-1C, Light Industrial District (Conditional). County

water and sewer. **(Three Chopt)**

Mr. Archer - Is there anyone here in opposition to POD-27-98, Ikon Office Solutions?  
No opposition. Mr. Wilhite.

Mr. Wilhite - The applicant is proposing an office building and it also includes a show room for office equipment products to be built in two phases. The first phase would be 40,000 square feet and the second phase would be a 20,000 square foot addition. Property access to this property is through the adjacent Highwoods IV project that was recently approved last year. Since this would be an easement and this easement also crosses the Albright and Wilson's America property, and they are not a party to this plan of development, staff would recommend a change to Condition No. 30 dealing with the joint ingress and egress agreement to require that this be provided to the Planning Office and approved prior to the signing of the construction plans as opposed to prior to the certificate of occupancy's approval. The applicant is also requesting a transitional buffer deviation. Fifty foot is required in this instance. The applicant is proposing a 20 foot buffer. This 20 foot also includes part of a gravel and dirt road that takes up roughly five to ten feet of this buffer. Staff's recommendation was for a buffer based in part due to be more consistent with the transitional buffer deviation that were granted to the adjacent properties to the Elk's Lodge. However, staff has been given a copy of a letter written by the Elk's agreeing to what is being proposed by the applicant. I would be happy to answer any questions that the Commission has.

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

Mrs. Wade - So the Elks are agreeing to this?

Mr. Wilhite - Yes, ma'am, according to the letter. I don't know if anybody from the Elks is here today, but we did get a letter from the trustee.

Ms. Dwyer - Is there any chance that the Elks' Path Lane would be improved and widened?

Mr. Wilhite - I don't anticipate that happening. The Elks' Pass Lane was deemed by our Traffic Engineer not suitable for this development and would be used for emergency access only. No improvements were required; however, if construction traffic does use this, they would need to do some additional paving depending on what the condition of the road is like afterwards. But access would be through the Highwoods property and not through the Elks Pass Lane.

Ms. Dwyer - I remember that from the zoning case. I just wondered if in the future it would be advisable or desirable to have this road expanded so that it could be used by this...

Mr. Wilhite - I would have to defer that to the Traffic Engineer.

Ms. Dwyer - Is it a private road?

Mr. Archer - OK. Are there any further questions of Mr. Wilhite?

Mrs. Wade - Light fixtures?

Mr. Wilhite - The proposed light fixtures are 400 watt metal halide lights.. They are shoebox type fixtures, concealed source. The poles will not exceed 25 foot in height, and according to the applicant, there are no mounted fixtures on the building proposed.

Mr. Archer - OK. Do you need to hear from the applicant, Mrs. Wade?

Mrs. Wade - Now you are recommending with the fence...

Mr. Wilhite - Staff would recommend a 20 foot wide buffer and a 7 foot high fence. The 7 foot fence was approved on three other projects, Albright-Wilson's, Highwoods IV and Highwoods V and in those particular cases we also had a wider buffer and heavier buffer requirements.

Mrs. Wade - Suppose they didn't have a fence. Would they still have 20 feet heavily landscaped or...

Mr. Wilhite - What they are proposing is that the 20 foot minus a little bit for the road, which the Elks want to remain there, some existing trees would be saved in that and some additional Leland Cyprus would be added to that buffer area.

Mrs. Wade - Well, eventually that little road is going to get taken up when the Elks presumably will sell and move. OK. Thank you.

Mr. Archer - OK. Are there any further questions?

Mrs. Wade - Not really and the if the applicant would just nod or shake their head as being agreeable to the change in No. 31 there. Did you hear what he said about...

Mr. Mistr - I am Spud Mistr with Foster and Miller representing the applicant, and the applicant is agreeable to providing the verification of access prior to approval of construction plans.

Mrs. Wade - Thank you. And the rendering you had with the zoning case is still what we are talking about?

Mr. Mistr - Yes, ma'am. That is correct.

Mrs. Wade - All right. Thank you.

Mr. Archer - Does anybody else have a question? OK. Mrs. Wade.

Mrs. Wade - I move that POD-27-98 be approved subject to the revised plan dated today

subject to the standard conditions, and Nos. 23 through 31, and the buffer seems to be actually with some planting perhaps would seem to be adequate in this situation in the front of the building, and I don't know if a fence is really going to contribute a whole lot to the area, given the circumstances they are under, they just might be landscaped and presumably that will be increased in the future with additional development, with No. 31 Amended to, development, remaining portion of site before the construction plans are signed. Oh, OK. , and No. 30. Yes, 30. I circled 30 because I wanted him to sign it and you have to have a separate POD for the second phase.

Mr. Silber - Mrs. Wade, one clarification, on a transitional buffer deviation, you are saying that the 20 feet is adequate, the gravel driveway remaining there and you are saying with additional supplemental plantings, but no fence. I am not sure if the applicant was, maybe Mr. Mistr can address the supplemental plantings.

Mr. Mistr - We had submitted a revised plan showing Leland Cyprus 8 to 10 feet in height, 10 foot on center with two rows of them; down that road, off of curb, it is 20 feet off of the property line. There is a gravel road approximately 10 feet wide that runs down the center - the property line is the center of the road. The Elks requested that we leave that gravel drive in tact, but we will have about 14 feet from there to curb to the edge of that gravel road to landscape and that is where the rows of these Leland Cyprus will be placed.

Mr. Silber - OK.

Mr. Archer - I believe Mrs. Wade made a motion.

Mrs. Wade - That should be adequate. All right, with 14 or 20 feet of supplemental planting, but no fence.

Mr. Zehler - Second, Mr. Chairman.

Mr. Archer - OK. We have a motion by Mrs. Wade and a second by Mr. Zehler. All in favor signify by saying aye. All opposed say no. The motion passes.

The Planning Commission approved POD, Transitional Buffer and Lighting Plan for POD-27-98, Ikon Office Solutions, subject to the revised plans dated March 24, 1998, standard conditions for developments of this type, and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The entrances and drainage facilities on State Route 1-295 shall be approved by the Virginia Department of Transportation and the County.
25. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
26. The certification of building permits, occupancy permits and change of occupancy permits for

- individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to the approved plans.
27. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
  28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
  29. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
  30. REVISED - Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to the final approval of the construction plans for this development.
  31. The second building is shown on the site plan for planning and information purposes only. Development of the remaining portion of this site shall require plan of development approval as specified by Henrico County Code.

## PLAN OF DEVELOPMENT

<p>POD-29-98 Gayton Business Center, Phase IV (POD-32-96 Rev.)</p>	<p><b>TIMMONS for Ridgeview, Inc.:</b> 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, 5,902 square foot office/retail building. The 0.52 acre site is located at Gayton Center Drive on part of parcels 65-0A-7N and 7R. The zoning is B-3, Business District. County water and sewer. <b>(Tuckahoe)</b></p>
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Mr. Archer - All right. Is there anyone here in opposition to POD-29-98, Gayton Business Center, Phase IV. Seeing none, Mr. Whitney.

Mr. Whitney - Thank you, Mr. Chairman, on this request I would like to point out that listed on your addendum, this should be shown as revision to POD-32-96, which is Gayton Business Center, Phase III. With Gayton Business Center, Phase III, the original request was for an office warehouse situation. We approved a plan stating that the four units in Phase III could only have one office-warehouse situation, so we had a condition that said that if it was office warehouse that the entire building of Phase III would have to be occupied by only one tenant. We had the same situation arise in Phase IV. We, in Staff-Developer, pointed out that B-3 Zoning District would only allow one, a single office-warehouse, not to exceed 15,000 square feet. We received a revised plan because of these comments and the applicant has removed a loading dock which was shown on the southerly side of the Phase IV building which shows on the screen and is clouded on the plan I handed out to you. In addition to the Phase IV plan we first received, there was a parking line which we were told was a lease line that was along the northerly edge of the Phase IV building. Staff had asked for a 6 foot landscape area on this area to be provided per the zoning ordinance. The applicant has indicated to

us that it was not indicated or not a purpose to be a future property line of any kind, so they have asked to not have that 6 foot landscaped area there, and on this revised plan they have removed that line. Therefore, it is less than 6 feet for most of the length of the building here for landscaping. With this situation, we, staff would require that we tie in the approval Phase III with Phase IV in that we again can only have a single office warehouse. I have written a condition on your addendum that would point to this. It says only one building in this development shall be used for office-warehouse purposes and shall be occupied by only one tenant. I have discussed this condition with the applicant and it was his recommendation that the wording "in this development" be changed to "in Phases III and IV" to clarify the situation. So, I believe the applicant is in agreement on all of the annotations on the plans. I would have to cross out the annotation, however, regarding the six foot landscape strip being provided, if the Commission is satisfied that this development would remain as one and not be sold off in the future. With that, I will take any questions that you may have at this time.

Ms. Dwyer - Revised Condition No. 30 now reads "Only one building in Phases III and IV shall be used for office-warehouse purposes and shall be occupied by only one tenant."

Mr. Whitney - That is correct.

Ms. Dwyer - And the changes that we have, we have the elimination of, this is one of those cases where you have 12 pieces of paper to balance.

Mr. Whitney - I apologize.

Ms. Dwyer - OK. So we have eliminated this loading dock, not the dumpster pad, but this other extended loading dock area?

Mr. Whitney - That is correct.

Ms. Dwyer - And, in its place, the building looks like it is a different shape and I am trying to figure out exactly how that has been done. The loading dock, what used to be the loading dock area, is now an enclosed part of the building.

Mr. Whitney - Yes, although I have been told, without having architectural or a floor plan with the revision, I am being told that is a walk-up door there to allow a delivery or storage type situation. The applicant can probably address that better than me.

Ms. Dwyer - Now, we have changes that appear to be across the Phase IV line into Phase III, and yet Phase III is not presented to us for POD approval today. Mr. Secretary, how do we handle that?

Mr. Silber - Tell me where you are crossing into Phase III.

Ms. Dwyer - It looks like to me that three parking spaces have been added to the second cloud on the left, the cloud on the left is Phase III, except to the extent that the cloud includes the

existing building. Now on the existing building, they have added what appears to be a pedestrian-type door, as well as a loading door.

Mr. Whitney - That is correct. A loading door and a pedestrian door, and the addition of a landscape island, the removal of seven parking spaces in this area to the east of the landscaped island for trucks to make deliveries to the loading door.

Ms. Dwyer - OK. That part I am not clear about. Can you show me what you are talking about? This new revised plan I have not seen before today.

**(At this point, Mr. Whitney talks with Ms. Dwyer about where the spaces to be removed are and conversation cannot be picked up on the tape.)**

Mr. Silber - I need clarification from Mr. Whitney, but I believe this is all under common ownership, it is all owned by the same person. I believe it is the same parcel and notification that went out probably would include just the parcel ID, I can check this here, but it references that parcel 65-OA-7N and 7R. I suspect that it is OK to allow this plan, to make modifications on this property. It is still the same parcel, the same property owner. If there is anything different from that, you can let me know Mr. Whitney.

Mr. Whitney - No. That is the same property owner, Ridgeview, Incorporated. I believe the parcel numbers are correct and satisfy both phases.

Ms. Dwyer - Why are we adding the landscape island?

Mr. Whitney - That would be a requirement to protect the parking area from the traffic flow.

Ms. Dwyer - OK, and those parking spaces to the east of the island will be removed and you will annotate the plan to that effect?

Mr. Whitney - That is correct. Yes, ma'am.

Ms. Dwyer - All right. You made some reference to the fact that these are two phases, Phases III and IV, are to be considered one parcel and, I guess, you said that in reference to the changes in Condition No. 30.

Mr. Whitney - Yes.

Ms. Dwyer - But there is no other assurance that these will not, at some other time, be divided, and...

Mr. Whitney - We have no assurance of that.

Ms. Dwyer - Thank you.

Mr. Archer - OK. Are there any further questions for Mr. Whitney? Do you need to hear from the applicant? Is the applicant present?

Mr. West - I am Junie West with TIMMONS and can answer any questions pertaining to the project. We are in agreement with the conditions set forth and resolved today.

Ms. Dwyer - But I presume you are not in agreement with the notation that space be allowed for a 6 foot landscaped area on the property line?

Mr. West - No, that is correct. The reason behind that is Mr. Wilton has always been in the business of constructing space for lease. That is the intent of this. It is just an addition to the existing center that is being leased, and the reason we don't want to move it is, very simply, that it just takes an additional three to four feet of land to move it for really not any particular purpose, plus it does push it that much closer to BMP.

Ms. Dwyer - I have kind of gone back and forth on this. I like to be able to plan so that in case the property is sold then it does meet Code, and if this were ever sold separately then we would need that 6 foot landscaped area along there. Clearly, this is being treated as a single parcel, Phases III and IV, and you have parking lot connections, you have doors from the Phase IV building into the Phase III one, so it appears you have made some design changes that, in effect, do treat the two parcels as one and that is what we are requiring you to do under Condition 30, when we say "Only one (1) building in this development shall be used for office/warehouse purposes and shall be occupied by only one (1) tenant." I think we will go ahead and strike that notation on the plan relating to the requirements of the six foot landscape area. But, I would like to go over with you, this development does look more like an OS-2, heaven forbid, than really a retail center, and I know we have gone back and forth on this point. So, I would just like a statement from you about what kinds of tenants you plan to be and a statement as to the office-warehouse use in Phase III and IV.

Mr. West - Right, Mr. E. Carlton Wilton, Jr. is here and would be happy to discuss this in further detail if I don't cover that, but it is my understanding is that it is "spec" space and so to exactly determine who is going to use it is going to be very difficult at this time. We do adhere, obviously, to the condition as set forth pertaining to the one warehouse space. The type of use that we can typically expect to see there would be the office retail use; a couple of different ideas would be the vacuum cleaner dealer who sells vacuum cleaners and would store those in the back. The carpet guy who stores his inventory in the back, sells the carpet in the store, and takes the product to the house and installs it, or the cabinet maker does the same type of thing. Those are examples of uses - to detail the exact use again - it is "spec" space and I am not real sure.

Ms. Dwyer - And your understanding of the single office-warehouse requirement in the code which reads: In B-3 a single office warehouse is permitted in B-3, so your understanding about how that covers Phases III and IV.

Mr. West - Yes, and we are really planning Phase V as we speak and we understand that, quite frankly, it would cover that.

Ms. Dwyer - Yes, it would cover any future development...

Mr. West - And it would be anything if the parcel is not divided, so the two options that we discussed, and this is getting off of the subject. I do understand, yes, what we have discussed is the two options to look for Phase V are 1) The possibility of putting the property line in there maybe through the BMP in some fashion, and 2) simply rezoning the property. So, those are two options, or the third is just leave it office retail for the remainder and as the "spec" space demand comes forth and what we look out there for is products that are needed, we would have to make that decision.

Ms. Dwyer - So, if you don't separate Phase V off as a separate parcel or rezone it then, the understanding would still be one office warehouse for the Phases III, IV and V.

Mr. West - That is correct and right for the entire project. We may use that, we just don't know. We are going to have one, but again with "spec" space, you are not sure which one that is going to be. Our provisions obviously have to be made from a traffic standpoint and the only traffic, from a traffic standpoint, the only building you could even utilize that for would be the building looking at the plan to the right on Phase IV. But, at this point and time, again, we are not sure which building that would be.

Ms. Dwyer - Just for the record, I think we are excluding Phases I and II, because that was decided earlier on, before we had this interpretation of the Code...

Mr. West - That is correct. Yes, ma'am.

Ms. Dwyer - In the interest of fairness, we are not including that in this single office warehouse requirement.

Mr. West - That is correct. Thank you.

Ms. Dwyer - I have mentioned to you our conversation because of the BMP on the south side of this building. There is a very large exposed area here and the front of this building is very attractive. It is brick, large brick it looks like, and so I suggested that perhaps this side of the building should be brick as well to match the front, since it will be exposed to Gayton Center Drive.

Mr. West - I would defer that to Mr. Wilton, if we could. I am not very good at spending his money, or maybe he thinks I am.

Mr. Wilton - My name is Buddy Wilton and I work for Ridgeview, Incorporated. Your question?

Ms. Dwyer - My question was, as I drove by I noticed the rear of Phases I and II is brick, is treated in brick, and that is fairly visible as you come north on Gayton Center Drive, so I had the same concern about this side for the Phase IV development because it is next to that large area.

Mr. Wilton - The right-hand side?

Ms. Dwyer - The right-hand side next to the BMP. There will be all of that space where the BMP is, so as one drives north on Gayton Center Drive, that whole side is fully exposed to view. So, I know you have CMU on the back and the sides of the buildings, because the buildings are fairly close together, but since this building will not be adjacent to another building, could we do that side in brick?

Mr. Wilton - On that side, on the right hand side of Phase IV?

Ms. Dwyer - Yes.

Mr. Wilton - I think that would be possible. The other buildings in the area, if you have driven in recently, because we have had such wonderful weather, they are concrete masonry units and they are to be painted to match.

Ms. Dwyer - And those are where the buildings are closer together. So, if you would agree to brick...

Mr. Wilton - On the right-hand side.

Ms. Dwyer - Thank you. And the BMP will look like, it is not as much of a consideration here, but just for my information it is a fairly removed area.

Mr. Wilton - It is a dry BMP.

Ms. Dwyer - What can I say? It will be beautiful?

Mr. Wilton - It is going to be a hole in the ground! The BMP is currently in construction, I believe,

Ms. Dwyer - But you are enlarging it?

Mr. Wilton - No, actually, I think we are pretty much leaving it. What we did, we did put certain design perimeters into the original construction of it. It is pretty much going to stay like it is.

Mr. Silber - I think that since this is along a public road you need to plan on heavy landscaping to hide the hole as much as possible.

Mr. Vanarsdall - Yes, you could put it underground, and then you wouldn't need...

Mr. Wilton - That is an option; not a feasible option, but an option.

Ms. Dwyer - I will let the staff go ahead and...

Mr. Wilton - We will work with the Department of Public Works on the BMP policies and we are making some progress.

Ms. Dwyer - I think it is real important along the roadway, as Mr. Silber mentioned. I recommend approval of POD-29-98, Gayton Business Center, Phase IV, and Phase III, subject to the annotations on the plans except that we are omitting the annotation relating to allowance for six foot landscaped area on the north side of the building, and standard conditions for developments of this type, including conditions Nos. 23 through 30, and 30 has been amended, as we have read into the record, and has been even further revised since the addendum was submitted: "Only one building in Phases III and IV shall be used for office warehouse purposes and shall be occupied by only one tenant." And the annotation is to be added that the south side of the building will be brick to match the front of the building. Now I am finished.

Mr. Vanarsdall - I will still second it.

Mr. Archer - Motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All in favor of this motion let it be known by saying aye. All opposed say no. The motion passes. Mr. Donati was absent and did not vote.

The Planning Commission approved POD-29-98, Gayton Business Center, Phase IV, (POD-32-96 Revised), subject to the annotations on the plans, except for omitting the six foot landscape annotation relating to allowance for six foot landscaped area on the north side of the building, the standard conditions for developments of this type, including conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
27. Deviations from County standards for pavement, curb, or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
29. Insurance Service Offices (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
30. REVISED - Only one (1) building in Phases III and IV in this development shall be used for office/warehouse purposes and shall be occupied by only one (1) tenant.

## ALTERNATE FENCE HEIGHT

The Flohr Residence - Windsor on the James  
**Gerstenmeir Design Studio:** Request for approval of an alternative fence height plan as required by Chapter 24, Sections 24-106 and 24-95 (1)(7) of the Henrico County Code. The site is located on Brookschase Lane in the Windsor on the James subdivision, on parcel 126-11-A-22. The zoning is R-1, One-Family Residence District. **(Tuckahoe)**

Mr. Archer - Strauss. Is there anyone here in opposition to Alternative Fence Height Plan? Mr. Strauss.

Mr. Strauss - Thank you, Mr. Chairman. The applicant has provided staff with some evidence of approval of this wall design by the Architectural Control Committee of Windsor on the James. So, with that, staff can recommend approval of the plan as annotated, and I will be happy to answer any questions you may have. Mr. Gerstenmeir was here until about an hour ago and he had to leave to provide expert testimony on a case, so he just left me a note saying he agreed with everything we asked for, so,

Mr. Archer - That is a good deal.

Mr. Vanarsdall - He jumped over the fence and left.

Mr. Archer - OK. There is no opposition and there is no applicant to hear from.

Ms. Dwyer - I move approval of the Alternative Fence Height Plan for The Flohr Residence - Windsor on the James, subject to the annotations on the plans, standard conditions for alternative fence height plans including additional conditions Nos. 7 and 8, and everything he asked for.

Mr. Vanarsdall - Second.

Mr. Archer - We have a motion by Ms. Dwyer and a second by Mr. Vanarsdall. All in favor of the motion, let it be known by saying aye. All opposed say no. The motion passes.

The Planning Commission approved Alternative Fence Height for the Flohr Residence - Windsor on the James, subject to the annotations on the plans, the standard conditions for alternate fence height plans and the following additional conditions:

7. The applicant is responsible for coordinating with the local Architectural Review Board and compliance with all applicable covenants or design restrictions.
8. The applicant shall provide for adequate sight distance along Brookchase Lane and is responsible for coordinating construction with all existing utilities.

## LANDSCAPE PLAN

LP/POD-70-96

Tuckahoe Village  
Shopping Center

**TIMMONS:** Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 16.09 acre site is located at the intersection of Lauderdale Drive and Patterson Avenue on parcels 88-A-19, 20, 21, 22, 23 and 25. The zoning is B-2, Business District and B-3C, Business District (Conditional). (**Tuckahoe**)

Mr. Archer -

Is there any opposition to LP/POD-70-96, Tuckahoe Village Shopping Center?

There is none.

Ms. Dwyer -

Does this have everything we discussed?

Mr. Strauss -

Yes, ma'am. The plan we are passing out this morning is a landscape plan for two components for an existing shopping center. No. 1, they increased the landscaping for a parking area for an addition to the eastern end of a shopping center along Lauderdale. The second component is landscaping for the existing BMP on the western end of the shopping center fronting on Westbriar Drive. Staff has reviewed the plan and has requested the following be an annotation on the staff plan, which we have just handed out. First, shade trees in addition to Crape Myrtles in the proposed parking area, which the applicant has agreed to, additional evergreens at the rear of the center to supplement the existing buffer of save trees, which the applicant has agreed to, and thirdly, staff was concerned about pedestrian traffic around the BMP and particularly we were concerned about a safety issue, particularly with children who might be nearby in the parking lot. The POD which was approved portrayed a guardrail on Westbriar Drive and a guard rail system, of 4 x 4s along the parking area on the east side. It has come to our attention in the review of this plan that a waiver of the guardrail and the guard system has been negotiated with Public Works. So, in regards to that method of traffic and pedestrian control, I guess we will be seeing something different from that, and Junie West and Luigi Mignardi are here from TIMMONS and they can address the details of that waiver they have sought with Public Works. I have no record of that, but for that reason, as a third condition we are requesting a letter of justification and approval from Public Works by the applicant which provides evidence of a waiver of the proposed guardrail and bollard system in lieu of that. They are suggesting a provision of a split rail fence and we would like to see a heavy planting of barberry, in particular, wintergreen barberry with the fence to provide the level of security we are interested in seeing around the BMP, and I believe they are agreeable to that. Of course, we can ask them directly.

Ms. Dwyer -

Did you say shade trees were being added around the BMP or were you referring to the other...

Mr. Strauss -

My first statement was that shade trees were going to be added to the parking area in addition to the Crape Myrtles, and those were areas that you have seen in the parking area in the front. One minor addition to the staff plan that we discussed earlier, the roof does have a

projection across the front and there are columns which would have to be planted around, so we are suggesting that the bed planting and the ornamentals that we are showing in front of the building addition remain, but the applicant has agreed to work around the column spacing to allow for that planting.

Ms. Dwyer - OK. The evergreens along, I am looking at page 1, the evergreens along Lauderdale, how do we know, we have four to six evergreen trees where there is a completely open space next to the stairs,

Mr. Strauss - I have walked that area and I did pace it off and it was my judgment that four trees, staggered or spaced at 10 foot on center, would provide closure for that gap.

Ms. Dwyer - OK. What about some of the other holes that we saw in the land?

Mr. Strauss - Well, that one hole on Lauderdale that I had seen while visiting the site, I thought it would be appropriate to, before final occupancy or bond release, to revisit that area with the zoning enforcement officer and take a look at that area, and I think the applicant is agreeable to filling in that, if necessary, and I can work with the applicant on that.

Ms. Dwyer - Shouldn't we annotate the plan now to say that?

Ms. Strauss - There is an asterisk at that location and down on the first page at the bottom right hand corner, per zoning ordinance, well, it does say will be supplemented if necessary. I can go into more detail with that annotation if you like.

Ms. Dwyer - OK. Well, we have said that will be supplemented and that will be determined at a later date.

Mr. Strauss - Prior to bond release.

Ms. Dwyer - I have a question, Mr. Secretary, maybe you can answer this, but my understanding is that a previous POD for this BMP required a guardrail on Westbriar and bollards along the parking area, and that has been waived by Public Works. Is that something we don't have to approve?

Mr. Silber - My response to that would be that with this approval of this plan that perhaps you would be taking action to remove what you had previously approved with the guardrail. I think we should state for the record that would be taken care of. Now, Mr. Strauss has addressed our concerns with how we need to do this with Public Works, but I think it is OK. It was previously approved by this Commission and this Commission can taken action that reverses that with some of these approvals that are being recommended. Mr. Strauss, is there anything that you can add to that?

Mr. Strauss - No, although, I do believe, well, I don't want to put Todd Eure on the spot because originally he was not aware of the waiver either, but, as it was explained to me, sometimes

POD "suggest" a guardrail but it is only determined at time of field verification at a later date whether or not the guardrail is needed. So, I don't think there was an attempt to skirt the Planning Commission requirement of the POD, but sometimes things are worked out in the field later.

Ms. Dwyer - What about the bollards along the parking lot?

Mr. Strauss - This is the same situation.

Ms. Dwyer - So, it was really done for traffic?

Mr. Strauss - I think we should really ask Junie or whoever spoke to Public Works directly to get an answer for that.

Mr. Silber - Plus, Ms. Dwyer, I think BMPs are becoming more of a subject that is the Department of Public Works' purview, and I think if it is a safety issue, at some point, and they think now it is not and they can resolve that with the applicant, I think we could leave that up to Public Works instead of the Commission being concerned with it.

Mr. Monte Loving - My name is Monte Loving with TIMMONS and I am filling in for Junie. It was agreed upon with Traffic in Public Works that we could remove those bollards and replace it with a split-rail fence and I believe the bollards were just being put along the BMP there to prevent any type of shopping carts from getting into the basin, and such.

Ms. Dwyer - So you were not thinking of vehicle safety or pedestrian?

Mr. Monte Loving - No, I think there is curb and gutter along there, so that is going to prevent any type of vehicles from getting into the basin.

Ms. Dwyer - You hope. OK. So, the split-rail fence then will go along - just along the parking area - and there will be nothing on either, on the short ends or along the road?

Mr. Monte Loving - The way we showed the bollards at POD approval was it did come along the sides and along the parking areas, so we are proposing to put that split-rail, I am speaking for the applicant,

Ms. Dwyer - Is that what those little squares are?

Mr. Loving - Yes, ma'am.

Ms. Dwyer - And then nothing along Westbriar?

Mr. Loving - Correct.

Ms. Dwyer - OK. And, we were talking Mr. Strauss, that having the barberry would have

that prickly thorny branch that would discourage children or people from falling in or wandering in.

Mr. Strauss - Right. That particular barberry suggested, the Berberis Julienne, has very noticeable longer thorns and is probably, it is even recommended in plant nursery catalogs for security and traffic control.

Ms. Dwyer - And I notice it is all along the length of that.

Mr. Strauss - Right. The arrows I have drawn indicate it all along the area where the parking area is.

Ms. Dwyer - My concern is because it is an area where you have people, children included, getting in and out of cars and going into the shopping center, and you have people walking from the apartments behind there. I just had a pedestrian safety concern in that area and I think the barberry and the fence will go a long way to help.

Mr. Loving - The applicant has just informed me that he has agreed to put the split rail along the, where the guardrail was, also, so that will look a little better, I think.

Ms. Dwyer - All right. Is the split rail noted on here, Jim. Mr. Strauss.

Mr. Strauss - At the very bottom I mentioned split-rail with barberry hedge, at the very bottom on page 2 where the BMP is, so I think it is adequate to insure that we are going to get what we are asking for.

Ms. Dwyer - All right. I am satisfied we are going to get what we are asking for now. I move approval of LP/POD-70-96, Tuckahoe Village Shopping Center, subject to the annotations on the plan and standard conditions, and everything we discussed, Mr. Strauss, is annotated on the plan. Is that right?

Mr. Strauss - Yes, ma'am.

Ms. Dwyer - OK. You have promised me that. All right.  
Mr. Archer - Is there a second?

Mrs. Wade - Second.

Mr. Archer - We have a motion by Ms. Dwyer and a second by Mrs. Wade. All in favor say aye. All opposed say no. The motion passes. Mr. Donati was absent and did not vote.

The Planning Commission approved LP/POD-70-96, Tuckahoe Village Shopping Center, subject to the annotations on the plan and the standard conditions for landscape plans.

## **SUBDIVISION**

**March 24, 1998**

Shae Place  
(March 1998 Plan)

**Balzer and Associates, P.C. for Blake and Associates:** The 14.00 acre site is located on Darbytown Road and approximately 1,200 feet west of Bradbury Road on parcel 240-A-44. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield.  
**(Varina) 10 Lots**

Mr. Archer - Is there anyone here in opposition to Subdivision Shae Place? Mr. Whitney.

Mr. Whitney - Thank you, Mr. Chairman. I would just like to remind the Commission that this subdivision obtained conditional and final approval with the road connection to parcel 240-A-53, and staff is reaffirming its recommendation to provide the stub connect to that parcel. I will take any questions that you have at this time.

Mr. Archer - Are there any questions for Mr. Whitney?

Ms. Dwyer - What does this mean, "Reserved for future sale?" Is there not going to be a stub street provided and it has to be purchased by the adjacent property owner, is that right?

Mr. Whitney - That is my understanding. That is if the adjacent property owner wanted to develop his parcel, he could acquire this to access the public road.

Ms. Dwyer - Well, what if it is way too expensive? That is probably why we normally require stub streets without requiring people to purchase the property. Is that right?

Mr. Whitney - We would have no control over the cost.

Ms. Dwyer - I mean, if it is a public purpose to require stub streets, then it seems to me that we ought to provide the stub street unconditionally.

Mr. Whitney - That is what staff is recommending, that we do provide that stub street.

Mr. Zehler - I think, Mr. Chairman, we will hear from the applicant and we will find out the reason for this request.

Mr. Archer - All right. Any further questions for Mr. Whitney? OK. Is the applicant present?

Mr. Don Blake - Good afternoon. I am Don Blake, the applicant. If you hear anything rumbling, it is my stomach. I am worn out and I know you are tired, too, so I will try to be as brief as I can. I didn't read the agenda before I came. You have been here longer than I have. I want you to know and the staff to know that I understand the reasoning and the logic behind the staff recommendation, and I have spoken at length to staff and there seems to be some consensus that my logic and that the adjoining landowners' logic is worthwhile considering. A year ago when I

purchased this development I didn't give you all information or the staff information that they needed and that you needed to come to a conclusion that I came to and the engineers came to a long time ago, and I would like to do that today. In the past year we have learned a lot more about the adjoining property and about its limitations. Much of the adjoining land is a steep ravine going down to a creek and the creek leads to a lake, and in all likelihood only three lots can be built, and that is assuming that the soil conditions will support three lots at the end of this proposed reserved piece of land. The ravine is so steep going down there that from both sides of the property, the large quantity of land on the other side of the ravine is questionable because of the power lines and the steepness of the land as to just how many houses can be built over there at some time in the future. Building a road to adjoin the property would serve no benefit to either the adjoining land owner nor the future homeowners of Shae Place. In fact, the adjoining land owner has signed a letter that he agrees with the reserved strip and he signed off on the Shae Place plan. To allow 210 feet that goes nowhere would not only be of no benefit to anyone but in reality would probably be a nuisance to the homeowners of Shae Place and the adjoining land owner and it would be a maintenance problem for the County. The adjoining land owner fears that a road to his property will invite young people on motor bikes to ride around on his property and he can't see them from his house, being up on the other side of the hill, and also be an open invitation to game hunters and civil war relic hunters. The future homeowners of Shae Place would have to contend with the same issues as well. Also, the road that extends 210 feet off of Shae Place Drive going nowhere would be an invitation to young people to park cars at night time, party back there perhaps, to have access to the creek, and to the lake, and, of course, the adjoining landowner is not interested in that, and I don't think the future homeowners of Shae Place would be either, and, of course, it is a problem that a road that long, going nowhere, is a dumping spot. This is a pretty rural area there in that other people could back up there where no one could see them, dump their trash, leaves, anything they wanted to, and it would be very difficult for anyone to find you without going down that road and actually see it there. So, it becomes another nuisance for the County to maintain, and, of course, for the adjoining landowner to have to be responsible for. They could dump whatever on his property, and a year ago, when I was here, I didn't make that clear. I had not thought it all out and I don't think the adjoining land owner had or the engineers had studied how steep that ravine was, and where the road would go and how little it would serve anyone. I believe that my proposal to reserve that 50 ft. by 210 ft. parcel serves any need for the adjoining land owner which I think is the responsibility of the County to protect right of ways and give people access, and give the land owner something that he wants. He signed off on the plan and he signed off on a letter that he would like to purchase that piece of property and add it to his piece of property. It will best serve the future owners of Shae Place to leave the property in its natural state, not to cut down the trees, not to pave additional land that goes nowhere. That actually will impact the two lot owners on both sides of the road because it is an attractive nuisance, I would say. And, I think, it is questionable whether anything will be developed anytime in the near future and possibly for many, many years, and we have no idea when that adjoining land owner would decide to subdivide his property, and I think that by protecting him with a reserved parcel for his benefit to purchase is in his best interest as well as the best interest of the people who will be living in Shae Place. I ask that you approve my plan as I have submitted it. I think it will be in the long-term best interests of the adjoining landowner who wishes it to be that way, the 10 homeowners who will live in Shae Place Drive, not having to contend with an attractive nuisance, and also in the benefit of the County not having to maintain a road of 210 feet that goes nowhere, and I would ask you to approve

my proposal and I will be glad to answer any questions you have.

Mr. Archer - Thank you, Mr. Blake. Are there any questions?

Mr. Zehler - Mr. Blake, basically what you are requesting is that the stub road be eliminated and convert that to an easement. Is that correct?

Mr. Blake - Not to an easement. Just a reserved parcel. A reserved parcel is on there for a church. The church, if you look at the plan, and this goes in between a parsonage and a church, and it asks me to any land that we don't need for a residential lot to reserve so that I can deed it to them, so I would reserve this piece as a reserved parcel.

Ms. Dwyer - So, would you continue to own it or the homeowners own it?

Mr. Blake - I would continue to own it. Or, the man who signed the letter, if he wants to purchase it, it is a question of us coming to an agreement on terms and price and how he would pay for it, etc.

Mrs. Wade - How have you formalized that arrangement?

Mr. Blake - The purchase of the land from the original landowner? He typed the letter and brought it in to me and said he approved the plans and he wanted the right to purchase this piece of property, but we haven't discussed price or terms or whatever.

Ms. Dwyer - But you could change your mind on that.

Mr. Blake - I could. There wouldn't be any benefit to keep that piece of land. It goes nowhere except to this man's piece of property.

Mr. Zehler - I am still not clear on this, Mr. Blake. The annotation on the plans says, "Provide a stub street." And you don't want to provide a stub street?

Mr. Blake - Correct.

Mr. Zehler - But you are willing to leave that same 50 feet in reserve for an exit for which the adjacent property owner is inquiring and purchasing?

Mr. Blake - Correct.

Mr. Zehler - Have any terms come between you and him as far as purchasing this property?

Mr. Blake - No, there have not. When we first started to work on the plans for this development, I went to the adjoining land owner and I talked to him about this and just prior to that in a letter dated July of last year, he wrote me a letter, typed, that he and his wife had both signed it that this is what he would like to do, is have the right to purchase access to his property at anytime

should he want to do that.

Mr. Silber - Mr. Blake, do you have copies of that letter for the Commission?

Mr. Blake - Yes, I do. I had them last time. They are in your folder.

Mr. Zehler - I think there is a big issue we have overlooked here, Mr. Chairman, and there was an understanding when this case came before us, I will find it, this piece of property was landlocked, and if this stub street was not provided then there would be no access to this property. In the meantime, I understand, through Mr. Blake going back into further investigations, there is access to his property off of Yahley Mill Road. Was it Yahley Mil or Bradbury Road? But, that is the property owner he is dealing with now, who has come forward and agreed that he does have access, so we are no longer looking at a piece of property that is landlocked, and I based my decision last time on that, it was a landlocked piece of property. I had a meeting with Mr. Blake, Mr. Nunn, and Mr. Hinson and we all pretty much came to the same agreement that we were trying to protect the adjoining land owner from a landlocked piece of property, but now we find that it is not landlocked. That, is one of the reasons why this request is coming back before us now.

Ms. Dwyer - For the sake of argument, Mr. Secretary, if we did require a stub road for whatever policy reasons, it wouldn't have to be built now, is that correct? It could be something held in reserve...

Mr. Silber - I might need to refer to Todd Eure, but I believe the policy is the developer at this time would dedicate the right of way and construct that right of way to the limits of the property. There may be times which we have accepted escrow of funds, typically, the developer of the subject property is responsible for the development of this stub road. The staff's concern, Ms. Dwyer, in this situation, is that there is this parcel of land adjacent to it that would be very difficult to develop in the future without some avenues of access to it. Mr. Blake's concern is that it is costly to him to foot the bill to that piece of road to serve that property. I don't disagree with that. I don't dispute that. We just have concerns with how that parcel of land to it will be developed in the future.

Ms. Dwyer - It seems to me when you say, "We will reserve it, but we will have to come to terms in the future as to what the sale price will be," well, that is almost, you can't just count on that happening. I am wondering if there are alternatives, for instance, if we could dedicate it but not build it, and thereby avoid all of the problems that I agree he would have with dumping and the attractive nuisance part of it, but still have it dedicated and then maybe even built by the adjoining land owner if he eventually needs access. Would that be possible?

Mr. Zehler - Why not eliminate it and let the two property owners come to an agreement as far as, it is quite obvious that the adjoining property owner will acquire that property, and let the two property owners get together and come to an agreement?

Ms. Dwyer - I think that is another option, I guess the question has to be asked as a public body and as a matter of public policy, is this road a necessary road in the future, and if so, our policy

has been to require dedication and building of necessary roads, and if it is not a necessary road, then just eliminate it. If it is, I think we should have some assurance that it can be put there without relying on future negotiations, by who knows what future land owner.

Mr. Zehler - And that, I think the reason why we are here is that it is a costly road that we are requesting, and I know what our policy is, and I look at it by a case by case situation and this situation, in my opinion, this road leads nowhere and it will service nobody. Only because you can see the contours on the map and there is a big gully and ravine there, and cost wise it would be impossible and improbable to build, to construct a bridge in that particular neighborhood zoned A-1, you are talking about acre lots. Dollar wise it just won't work. It will never be developed and it is not even feasible to consider it.

Mrs. Wade - That is what they were telling me about Bed, Bath and Beyond.

Ms. Dwyer - That is a huge ravine. I think it is just a policy matter. Is that a road that should be there and if so, then we should make sure that it is there, even if it is not built, maybe find a way to dedicate it but not build it. If it is not necessary, then let the chips fall where they may.

Mr. Zehler - Well, I will make the motion that I don't deem it to be necessary and if the rest of the Commission agrees fine, and if they don't agree then we will entertain another motion, but at this particular point in time I don't agree that the stub road needs to be necessary because it doesn't go anywhere. It will lead to a parcel of land that will never be developed, and there is another access and my decision last time was based on the access, which I am discovering that there is another point of access, and the property is not landlocked, therefore, I move that Shae Place subdivision be approved, subject to eliminating the stub street and the annotations on the plans, and added Conditions Nos. 11, 12 and 13.

Mr. Vanarsdall - Second.

Ms. Dwyer - May I ask a question before we move? Do you want to leave the annotation that says it is to be reserved for future sale and omit the stub street annotation?

Mr. Zehler - Say that again.

Ms. Dwyer - Omit that one but keep this one that says it will be reserved.

Mr. Blake - If you reserve it, the adjoining land owner would like that reserved, and I am trying to accommodate him.

Mr. Archer - We have a motion by Mr. Zehler and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes. Mr. Donati was absent and did not vote.

The Planning Commission approved Shae Place Subdivision, subject to eliminating the stub street, the annotations on the plans, the standard conditions for developments of this type and the following

additional conditions:

11. Each lot shall contain at least one (1) acre.
12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable Width Drainage and Utility Easement."
13. Any necessary off-site drainage easements must be obtained prior to final approval of the construction plans by the Department of Public Works.

The rest of this case was not recorded on the tape.

**RESOLUTION: Brookley Road/RF&P Addition - Substantially in Accord With The County of Henrico Comprehensive Plan.**

Ms. Anderson - I don't have any new information to add. Do you just want to go ahead with it?

Mr. Archer - Do the Commission members have any questions concerning this resolution that you have all read?

Mrs. Wade - The only access between this and the subdivision will be pedestrian? It won't be a drive-to subdivision to get up to?

Ms. Anderson - Yes, that is right. It will be pedestrian access from the parking lot at the park to come down to this expansion area.

Mr. Archer - OK. Any further questions?

Mr. Vanarsdall - I move that the Resolution for Brookley Road, RF&P Park Addition that was just found substantially in accord with the Comprehensive Plan, be approved.

Mr. Zehler - Second.

Mr. Archer - We have a motion by Mr. Vanarsdall, a second by Mr. Zehler. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved **RESOLUTION: Brookley Road/RF&P Park Addition - Substantial in Accord with The County of Henrico Comprehensive Plan.**

Mr. Silber - Diana Carver just reminded me that I think Mary Wade had asked for a set of the draft minutes on the Billboard as discussed by the Planning Commission. Mrs. Wade, she has that copy for you. If the others want a copy of the minutes, let us know and we can get them in your

packet. The next packet goes out next week. The final item today, we do have a visitor with us, who is a planner from Middlesex County, I believe, who is also a graduate student who is doing some research and she wanted to spend a minute telling you what she is involved with and she has a survey she would like for you all, if you would, to please fill out as a part of her project.

Ms. Michelle Dewitt - Thank you, Mr. Chairman, and members of the Commission. My name is Michelle Dewitt and I am a regional planner on the middle peninsula with the Planning District Commission there. I do have local planning experience with the Middlesex County Planning Department. I was an environmental planner. And, now I decided to take a graduate level class and the first class I decided to take was on local government and it is studying Henrico County. For my paper topic, given my planning background, I chose the Planning Commission and their role within Henrico County, and I must give credit to my professor for this spin, a kind of academia spin to it, and how the Planning Commission affects the nation of democracy within Henrico County, so I have a very brief survey if you be so kind to fill it out. A couple of the questions are a little theoretical, thanks to that nation of democracy element, and I have a stamped self-addressed envelope, if you would not mind sending it back to me I really would appreciate it.

Ms. Dwyer - The whole course is studying the County of Henrico?

Ms. Dewitt - Yes. It is titled "Local Government." It is a public administration course and studying Henrico County. Most of the students are employees of Henrico County, so I think that is why they chose that subject.

Mr. Zehler - So we will be seeing you on a regular basis?

Ms. Dewitt - I hope to attend your evening meeting next month.

Mr. Archer - You mean even after today you are going to attend?

Ms. Dewitt - Of course, and my paper is due at the end of April, so you will only see me then and not again.

Ms. Dwyer - So, will you write a paper or make a presentation of what you have surveyed and observed?

Ms. Dewitt - Both of those things I would do for the class.

Mr. Zehler - And is this for a Master's?

Ms. Dewitt - Yes it is.

Mr. Zehler - Good luck!

Mr. Silber - While she is passing those out, I will remind you that we do have a public

hearing on Billboards on April 9. It is at 6:00, it is early, beginning at 6:00 p.m. That, is going to be a heavy agenda because you have a full docket of cases and Billboards will be a consideration. Mr. Vanarsdall will not be with us as he will be up in the northeast, the Boston area. So, we will try to get by without him, but that will start early so that is just a reminder..

Mr. Vanarsdall - I have another announcement. If we need a speaker to substitute for anyone, I had the privilege of going to the Ribbon Cutting down on Park Central the other day, and Mr. Archer had to substitute for Mr. Thornton and he did an excellent job.

Mr. Archer - That, is not a subject for this meeting.

Mr. Vanarsdall - I don't know if Mr. Thornton could have done as well.

Mr. Silber - All right. Congratulations!

Mr. Archer - Thank you, Mr. Vanarsdall. I appreciate that.

Mr. Silber - Is the meeting adjourned?

Mr. Vanarsdall - I move that the meeting be adjourned.

Mr. Zehler - Second.

On a motion made by Mr. Vanarsdall and seconded by Mr. Zehler, the Planning Commission voted to adjourn the meeting at 2:10 p.m.

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Randall R. Silber, Acting Secretary

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C. W. Archer, C.P.C., Chairman