

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.
4 Wednesday, May 24, 2000.

5

6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
7 Mrs. Debra Quesinberry, C.P.C., Vice Chairman (Varina)
8 Mr. C. W. Archer, C.P.C. (Fairfield)
9 Mr. Allen Taylor, P.E. (Three Chopt)
10 Ms. Elizabeth G. Dwyer, C.P.C. (Tuckahoe)

11

12 Member Absent: Mrs. Patricia S. O'Bannon, C.P.C., Board of Supervisors
13 Representative (Tuckahoe)

14

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

30

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

33

34 Mr. Vanarsdall - Good morning everybody. The Planning Commission will now come to
35 order. I'll now turn the meeting over to our Acting Secretary, Mr. Silber.

36

37 Mr. Silber - Thank you, Mr. Chairman. Good morning. We do have a quorum this
38 morning. Mrs. O'Bannon will not be here today but we do have five members of the
39 Commission here today and we do have a quorum and can conduct business. The first item of
40 business would be to handle the requests for deferrals and withdrawals. Mr. McGarry.

41

42 Mr. Vanarsdall - Good morning, Mr. McGarry. Before you begin, is Hank Hartz in the
43 audience from Goochland?

44

45 Mr. Hartz - Yes.

46 Mr. Vanarsdall - Welcome, Hank. Are you here on your C.P.C. program?

47

48 Mr. Hartz - Yes.

49

50 Mr. Vanarsdall - Good. I'm glad you picked us to watch. We are glad to have you
51 Hank. Hank is a Planning Commissioner from Goochland. All right, Mr. McGarry.

52

53 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission, ladies and
54 gentlemen. The first deferral on your agenda is on page 10.

55

56 **SUBDIVISION (Deferred from the April 26, 2000, Meeting)**

57

Pine Creek
(April 2000 Plan)

**Engineering Design Associates for Urban Corridor
Property, Inc. and H. W. Owens, Inc.:** The 35.94 acre site
is located on the eastern terminus of Howard Street between
Old Williamsburg Road and I-64 on part of parcels 164-A-42
and 165-A-12A and 12B. The zoning is A-1, Agricultural
District, R-4AC, One-Family Residence District (Conditional)
and ASO (Airport Safety Overlay) District. County water and
sewer. **(Varina) 50 Lots**

58

59 Mr. McGarry - The applicant requests deferral to your June 28, 2000, meeting. This is
60 located in the Varina magisterial district.

61

62 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of Pine
63 Creek in the Varina district? No opposition. All right, Mrs. Quesinberry.

64

65 Mrs. Quesinberry - Mr. Chairman, I move for deferral of the Pine Creek subdivision to the
66 June 28 meeting, at the applicant's request.

67

68 Ms. Dwyer - Second.

69

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

72

73 Pursuant to the applicant's request, the Planning Commission deferred Pine Creek (April 2000
74 Plan) to its June 28, 2000, meeting.

75

76 Mr. McGarry - On page 13 of your agenda, this is the Hunton Park Townhouses in the
77 Brookland magisterial district. The applicant requests deferral to your June 28 meeting.

78

79 **SUBDIVISION**

80

Hunton Park Townhouses
(May 2000 Plan)

Foster & Miller, P. C. for William W. Johnson: The 70.01 acre site is located on the north line of proposed Hunton Park Boulevard, approximately 3000 feet east of Staples Mill Road (U.S. Route 33) on part of parcel 13-A-24 and part of 21-A-2. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland) 245 Lots**

81

82 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of Hunton
83 Park Townhouses in the Brookland district? No opposition. I move the Hunton Park
84 Townhouses be deferred to June 28, at the applicant's request.

85

86 Mrs. Quesinberry - Second.

87

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

90

91 Pursuant to the applicant's request, the Planning Commission deferred Hunton Park
92 Townhouses (May 2000 Plan) to its June 28, 2000, meeting.

93

94 Mr. McGarry - On page 14 of your agenda, this is the Four Mile Run subdivision in
95 Varina. The applicant requests deferral to your June 28 meeting.

96

97 **SUBDIVISION (Deferred from the April 26, 2000 Meeting)**

98

Four Mile Run
(January 2000 Plan)

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

99

100 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of Four Mile
101 Run (January 2000 Plan) in the Varina district? No opposition. Mrs. Quesinberry.

102

103 Mrs. Quesinberry - Is the applicant present?

104

105 Man in Audience - I'm the representative.

106

107 Mrs. Quesinberry - Thank you. I move for deferral of the Four Mile Run case to the June
108 28 meeting at the applicant's request with the understanding that this is the last deferral for the

109 applicant. Thank you.

110

111 Mr. Archer - Second, Mr. Chairman.

112

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

115

116 Pursuant to the applicant's request, the Planning Commission deferred Four Mile Run (January
117 2000 Plan) to its June 28, 2000, meeting.

118

119 Mr. McGarry - On page 24 of your agenda, this is the revised Downtown Short Pump,
120 POD-80-99 this is in Three Chopt district. The applicant requests deferral to your June 28
121 meeting.

122

123 **PLAN OF DEVELOPMENT - REVISED ARCHITECTURAL ELEVATIONS**

124 **(Deferred from the April 26, 2000, Meeting)**

125

POD-80-99 (Revised) Downtown Short Pump - Silver Diner	Balzer & Associates for Short Pump Entertainment, L.L.C., Bee-Fit, Inc., Skate Nation of Richmond West, LLCC and Menin Development Companies, Inc.: Request for approval of revised architectural elevations as required by Chapter 24, Section 24-106 of the Henrico County Code. The 23.18 acre site is located on the southeast corner of W. Broad Street (U.S. Route 250) and Pouncey Tract Road on parcels 36-A-19G, 19H, 19I, 19J, 21, 22N and 25. The zoning is B- 2C, Business District (Conditional), M-1, Light Industrial District, and WBSO (West Broad Street Overlay) District. County water and sewer. (Three Chopt)
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126

127 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of
128 Downtown Short Pump? This is the Silver Diner to come into Short Pump. No opposition.

129 Mr. Taylor.

130

131 Mr. Taylor - Mr. Chairman, I would move that POD-80-99, Downtown Short Pump,
132 Silver Diner, be deferred until June 28, 2000, meeting, at the applicant request.

133

134 Mr. Archer - Second, Mr. Chairman.

135

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

138

139 Pursuant to the applicant's request, the Planning Commission deferred POD-80-99, Revised
140 Downtown Short Pump Silver Diner to its June 28, 2000, meeting.

141

142 Mr. McGarry - Mr. Chairman, for informational purposes, I would point out that there

143 is one other deferral for the ten o'clock agenda, although we can't take action on it at this
144 time. That's on page 36, it's the Gaskins Center Towers, POD-44-00, it's in Tuckahoe and
145 the applicant requests deferral to your June 28 meeting.

146

147 Mr. Vanarsdall - What Mr. McGarry means is that we can't address this until ten o'clock
148 because it was advertised to be heard at ten o'clock. So, if there is anyone here for this case it
149 will come up at ten o'clock and it has been requested to be deferred. Thank you, Mr.
150 McGarry.

151

152 Mr. McGarry - Those are all of the deferrals and withdrawals on the nine o'clock
153 agenda.

154

155 Mr. Vanarsdall - I have a case for deferral.

156

157 Mr. McGarry - Okay.

158

159 Mr. Vanarsdall - Is there anyone else in the audience that would like to request a deferral?
160 I believe there was someone else that wanted to defer a case.

161

162 Man in Audience - (Speaker did not identify himself) Mr. Chairman, members of the
163 Commission, I'm here on behalf of Colonial Mechanical Corporation for POD-36-00. We
164 request a deferral to June 15 with respect to the POD to meet with the neighbors to provide
165 some information at this time. I don't believe they don't have any information to say that they
166 are in opposition but they just want to meet with us as we do with them to discuss this matter
167 and the details of the request.

168

169 Mr. McGarry - This is on page 17 of your agenda.

170

171 **PLAN OF DEVELOPMENT**

172

POD-36-00 Colonial Mechanical Corporation - Ackley Avenue	Bay Design Group, P.C. for Colonial Mechanical Corporation: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 79,200 square foot sheet metal fabrication shop, a one-story, 3,500 square foot service facility, a 28,5000 square foot office and a two-story, 8,000 square foot office. The 16.65 acre site is located on at the northeast terminus of Ackley Avenue approximately 1,300 feet north of its intersection with Parham Road on part of parcel 61-A-75. The zoning is M-1C, Light Industrial District (Conditional), M-1, Light Industrial District and C-1, Conservation District. County water and sewer. (Brookland)
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173

174 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-36-
175 00, Colonial Mechanical Corporation until the 15th of June? No opposition. I move that POD-

176 36-00, Colonial Mechanical be deferred to June 15, 2000, at the applicant request.

177

178 Mrs. Quesinberry - Second.

179

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

182

183 Pursuant to the applicant's request, the Planning Commission deferred POD-36-00, Colonial
184 Mechanical Corporation to its June 15, 2000, meeting.

185

186 Mr. Vanarsdall - I have one more, I think it's on page 19.

187

188 **PLAN OF DEVELOPMENT**

189

POD-47-00 Paragon Office Park - Genesis Youth Service Institute - Glenside Drive	Balzer & Associates for Youth Services International: 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, 55,391 square foot residential rehabilitation facility for youth and a two-story, 15,525 square foot future addition. The 5.13 acre site is located at Paragon Office Park, Glenside Drive and Bethlehem Road on part of parcel 93-A-1C. The zoning B-2C, Business District (Conditional). County water and Sewer. (Brookland)
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190

191 Mr. Vanarsdall - I move that... This is my deferment, the applicant did not choose to
192 defer it. I move POD-47-00, Paragon Office Park Genesis Youth Service Institute, be
193 deferred to the June 28, 2000, meeting.

194

195 Mrs. Quesinberry - Second.

196

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

199

200 The Planning Commission deferred POD-47-00, Paragon Office Park - Genesis Youth Service
201 Institute, to its June 28, 2000, meeting.

202

203 Mr. Vanarsdall - Are there any more deferments from the audience or from the
204 Commission? All right. Now we will go on to the Expedited Agenda, is that right, Mr.
205 Secretary?

206

207 Mr. Silber - That's correct, Mr. Chairman. The next items would be to handle those
208 plans that are on the Expedited Agenda. Mr. McGarry will walk us through those as well.

209

210 Mr. McGarry - On page 2 of your agenda. This is the rezoning case C-47C-99 in the
211 Brookland district, Ralph L. Axselle and Andrew Conclin for Penrose Corporation.

212 **BROOKLAND:**

213 **Deferred from the May 11, 2000 Meeting:**

214 **C-47C-99 Ralph L. Axselle and Andrew Condlin for Penrose Corporation:** Request to
215 amend proffered conditions applicable to the Parham Place Office Park and accepted with
216 rezoning case C-113C-85, on Part of Parcel 52-A-5, containing 11.75 acres, located on the
217 south line of Old Hungary Road at the intersection of Hungary Road and Benham Court and
218 also fronting on the north line of E. Parham Road. The proposed amendments are related to
219 access to Hungary Road and buffer area on the property. The Land Use Plan recommends
220 Office. **Staff – Mark Bittner.**

221

222 Mr. Vanarsdall - All right. Is there anyone in the audience in opposition to rezoning case
223 C-47C-99, Penrose Corporation? We have opposition so I will pull this off of the Expedited
224 Agenda and we will hear this in the order in which it appears on the regular agenda, which is
225 the first case. All right. Next.

226

227 Mr. McGarry - Page 3 of your agenda. This is the landscape plan for LP/POD-124-98,
228 Crown, Cork and Seal. This is located in the Varina District.

229

230 **LANDSCAPE PLAN (Deferred from the April 26, 2000, Meeting)**

231

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

Hourigan Martone and James River Nurseries: Request for
a approval of a landscape plan as required by Chapter 24,
Sections 24-106 and 24-106.2 of the Henrico County Code.
The 8.8 acre site is located at the south east corner of Lewis
and Norman Roads on parcel 173-A-14. The zoning is M-1,
Light Industrial District and ASO (Airport Safety Overlay
District). **(Varina)**

232

233 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-124-98? No
234 opposition. All right. Mrs. Quesinberry.

235

236 Mrs. Quesinberry - I would like to move for recommendation of LP/POD-124-98, Crown,
237 Cork & Seal, with the additional condition No. 6, subject to the annotations on the plan, the
238 standard conditions for landscape plans and I don't think there are no other conditions other
239 than No. 6.

240

241 Ms. Dwyer - Second.

242

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

245

246 The Planning Commission approved the landscape plan for LP/POD-124-98, Crown, Cork &
247 Seal Expansion, subject to the standard conditions for landscape plans, the annotations on the
248 plans and the following additional condition:

249

250 6. Should it be determined by the Director of Planning that landscaping installed along
251 Lewis Road does not adequately screen any exterior storage, a solid wall or fence shall
252 be required, and the details and plan shall be submitted to the Planning Office for
253 review and approval.

254

255 Mr. McGarry - On page 6 of your agenda is the subdivision entitled Dedication of a
256 portion of International Trade Drive located in Varina.

257

258 **SUBDIVISION**

259

Dedication of a Portion of **Engineering Design Associates for International Airport
International Trade Drive Centre and Frito-Lay, Inc.:** The .052 acre site is located on
(May 2000 Plan) the eastern terminus of existing International Trade Drive
approximately 2,000 feet east of Oakley's Lane on part of
parcel 163-11-B-1. The zoning is M-1, Light Industrial District
and ASO (Airport Safety Overlay District). County water and
sewer. **(Varina) 0 Lots**

260

261 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case? This is the
262 Dedication of a Portion of International Trade Drive. No opposition. All right. Mrs.
263 Quesinberry.

264

265 Mrs. Quesinberry - Mr. Chairman, I recommend approval for the Dedication of a Portion of
266 International Trade Drive (May 2000 Plan) subject to the annotations on the plans, the
267 standard conditions for subdivisions served by public utilities and additional conditions Nos.
268 12 and 13.

269

270 Ms. Dwyer - Second.

271

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

274

275 The Planning Commission granted conditional approval to the Dedication of a Portion of
276 International Trade Drive (May 2000 Plan) subject to the standard conditions for subdivisions
277 served by public utilities attached to these minutes, the annotations on the plans and the
278 following additional conditions:

279

280 12. Prior to requesting recordation, the developer shall furnish a letter from Virginia Power
281 stating that this proposed development does not conflict with its facilities.

282 13. Detailed construction plans shall be submitted to the Planning Office before the final
283 plats are submitted for final approval.

284

285 Mr. McGarry - On page 7 of your agenda, this is POD-37-00, Frito Lay, Richmond
286 Distribution Center, located in Varina.

287

288 **PLAN OF DEVELOPMENT**

289

POD-37-00
Frito Lay, Richmond
Distribution Center -
International Trade Drive

Engineering Design Associates for International Airport Centre and Frito-Lay, Inc.: 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 50,054 square foot office/warehouse distribution center, a one-story, 2,230 square foot vehicle maintenance facility and a 15,566 square foot future one-story office/warehouse addition. The 7.852 acre site is located on the eastern terminus of existing International Trade Drive, approximately 2,000 feet east of Oakley's Lane on part of parcel 163-11-B-1. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay District). County water and sewer. **(Varina)**

290

291 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-37-00, Frito Lay
292 Distribution Center? No opposition. All right. Mrs. Quesinberry.

293

294 Mrs. Quesinberry - Mr. Chairman, I recommend approval for POD-37-00, Frito Lay,
295 subject to the annotations on the plans, the standard conditions for developments of this type
296 and additional conditions Nos.23 through 35.

297

298 Mr. Archer - Second.

299

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

302

303 The Planning Commission approved POD-37-00, Frito Lay, Richmond Distribution Center,
304 subject to the standard conditions for developments of this type, attached to these minutes, the
305 annotations on the plans and the following additional conditions:

306

307 23. The subdivision plat for "Dedication of a Portion of International Trade Drive" shall be
308 recorded before any building permits are issued.

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

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

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

320 27. All repair work shall be conducted entirely within the enclosed building.

- 321 28. Outside storage shall not be permitted.
- 322 29. A 10-foot planting strip to preclude ingress or egress along the south side of I-64 shall
323 be shown on the approved plans. The details shall be included with the required
324 landscape plans for review and approval.
- 325 30. Any necessary off-site drainage easements must be obtained in a form acceptable to the
326 County Attorney prior to final approval of the construction plans by the Department of
327 Public Works.
- 328 31. Deviations from County standards for pavement, curb or curb and gutter design shall
329 be approved by the County Engineer prior to final approval of the construction plans by
330 the Department of Public Works.
- 331 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
332 of the Henrico County Code.
- 333 33. Insurance Services Office (ISO) calculations must be included with the utilities plans
334 and contracts and must be approved by the Department of Public Utilities prior to the
335 issuance of a building permit.
- 336 34. Approval of the construction plans by the Department of Public Works does not
337 establish the curb and gutter elevations along the Henrico County maintained right-of-
338 way. The elevations will be set by Henrico County.
- 339 35. The conceptual master plan, as submitted with this application, is for planning and
340 information purposes only. All Subsequent detailed plans of development and
341 construction plans needed to implement this conceptual plan may be administratively
342 reviewed and approved and shall be subject to all regulations in effect at the time such
343 subsequent plans are submitted for review/approval.
- 344
- 345 Mr. McGarry - On page 9 of your agenda, this is POD-38-00, Byrd Center Expansion
346 Master Plan and Phase 1. This is located in the Varina district.

347

348 **PLAN OF DEVELOPMENT**

- 349
- | | |
|--|---|
| POD-38-00
Byrd Center Expansion -
Master Plan and Phase I -
Corrugated Road | Engineering Design Associates for Particeps Properties, L. P.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 14,000 square foot day care center and a one-story, 29,250 square foot office warehouse. The 5.178 acre site is located on the southern terminus of Corrugated Road (private), approximately 1,500 feet south of Eubank Road on part of parcel 173-A-9E. The zoning is M-1, Light Industrial District and ASO (Airport safety Overlay District). County water and sewer. (Varina) |
|--|---|

- 350
- 351 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-38-00, Byrd Center
352 Expansion - Master Plan and Phase 1? No opposition. All right. Mrs. Quesinberry.
- 353
- 354 Mrs. Quesinberry - Mr. Chairman, I recommend approval for POD-38-00, the Byrd Center
355 Expansion, subject to the annotations on the plans, the standard conditions for developments of

356 this type and additional conditions Nos.23 through 29.

357

358 Mr. Taylor - Second.

359

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

362

363 The Planning Commission approved POD-38-00, Byrd Center Expansion - Master Plan and
364 Phase I, subject to the standard conditions for developments of this type, attached to these
365 minutes, the annotations on the plans and the following additional conditions:

366

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

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

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

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

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

381 28. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
382 Planning Office and approved prior to issuance of a certificate of occupancy for this
383 development.

384 29. Outside storage shall not be permitted.

385

386 Mr. McGarry - On page 12 of your agenda, subdivision Brookley Acres, Section B
387 located in the Brookland district.

388

389 **SUBDIVISION**

390

Brookley Acres, Section B **TIMMONS for Gary F. Martel:** The 0.94 acre site is located
(A Resubdivision of Lot 11, at Brookley Road and Thornberry Street on parcel 31-1-C-11.
Block C) (May 2000 Plan) The zoning is R-2AC, One-Family Residence District
(Conditional). County water and sewer. **(Brookland) 2 Lots**

391

392 Mr. Vanarsdall - Is there anyone in the audience in opposition to Brookley Acres, Section
393 B? No opposition. I move that Brookley Acres, Section B be recommended for approval on
394 the Expedited Agenda, the annotations on the plans, the standard conditions for subdivisions
395 served by public utilities and additional conditions Nos. 12 through 15.

396

397 Mrs. Quesinberry - Second.

398

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

401

402 The Planning Commission granted conditional approval to Brookley Acres, Section B (A
403 Resubdivision of Lot 11, Block C) (May 2000 Plan), subject to the standard conditions for
404 subdivisions served by public utilities, attached to these minutes, the annotations on the plans
405 and the following additional conditions:

406

407 12. Detailed construction plans shall be submitted to the Planning Office before the final
408 plats are submitted for final approval.

409 13. Prior to final approval, the engineer shall furnish the Planning Staff a plan showing a
410 dwelling situated on Lot 11B to determine if the lot design is adequate to meet the
411 requirements of Chapter 24, of the Henrico County Code.

412 14. Lots on the plat marked with an asterisk must be identified on the recordation plat with
413 an asterisk. Add the following note conspicuously to the plat under the heading:
414 "NOTES:" This lot has limitations for dwelling shape, size and location. For details,
415 refer to construction plans on file in the Planning Office.

416 15. The recordation plat shall contain information showing The Chesapeake Bay
417 Preservation areas, if any, in accordance with Chapter 19, Section 19-43 (s), of the
418 Henrico County Code.

419

420 Mr. McGarry - On page 15 of your agenda, POD-21-00, Kentucky Fried Chicken in the
421 Glen Lea Shopping Center. This is in the Fairfield district.

422

423 **PLAN OF DEVELOPMENT**

424

POD-21-00
Kentucky Fried Chicken in
Glen Lea Shopping Center
(POD-78-91 Revised)

**Bohler Engineering, P.C. for First Washington Realty
Limited Partnership and Tricon Global Restaurant:** 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, 2,709 square foot restaurant with drive thru. The
0.66 acre site is located at 3800 Mechanicsville Turnpike at the
north corner of Mechanicsville Turnpike (U.S. Route 360) and
Laburnum Avenue on part of parcel 118-A-67. The zoning is
B-2, Business District. County water and sewer. **(Fairfield)**

425

426 Mr. Vanarsdall - Is there anyone in the audience in opposition POD-21-00, Kentucky
427 Fried Chicken in the Glen Lea Shopping Center? No opposition. Mr. Archer.

428

429 Mr. Archer - Mr. Chairman, there being no opposition, I move approval of POD-21-
430 00, Kentucky Fried Chicken in the Glen Lea Shopping Center, subject to the standard
431 conditions and the additional conditions Nos. 23 through 31.

432

433 Mrs. Quesinberry - Second.

434

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

437

438 The Planning Commission approve POD-21-00, Kentucky Fried Chicken in Glen Lea
439 Shopping Center (POD-78-91 Revised), subject to the standard conditions for developments of
440 this type, attached to these minutes, the annotations on the plans and the following additional
441 conditions:

442

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

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

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

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

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

457 28. Approval of the construction plans by the Department of Public Works does not
458 establish the curb and gutter elevations along the Virginia Department of Transportation
459 maintained right-of-way. The elevations will be set by the contractor and approved by
460 the Virginia Department of Transportation.

461 29. The developer shall install an adequate restaurant ventilating and exhaust system to
462 minimize smoke, odors, and grease vapors. The plans and specifications shall be
463 included with the building permit application for review and approval. If, in the
464 opinion of the County, the type system provided is not effective, the Commission
465 retains the rights to review and direct the type of system to be used.

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

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

472

473 Mr. Vanarsdall - Mr. Secretary, if we miss one on the addendum, would you pick it up
474 for us? We have so much paper work here and I didn't have time to read all of it.

475

476 Mr. Silber - I'll be happy to.

477

478 Mr. McGarry - On page 18 of your agenda, this is the subdivision Virginia Center,
479 Section C in the Fairfield district.

480

481 **SUBDIVISION**

482

Virginia Center, Section C **County of Henrico for Virginia Center Inc.:** The 16.4 acre
(A Dedication of a portion site is located along the east line of Brook Road (U.S. Route 1)
of J.E.B. Stuart Parkway, and includes approximately 5,000 linear feet of J.E.B. Stuart
Telegraph Road and Parkway from the intersection of J.E.B. Stuart Parkway with
Ethelwood Road Brook Road looping southward toward Virginia Center
(May 2000 Plan) Parkway; approximately 4,000 linear feet of Telegraph Road
from its intersection with J.E.B. Stuart Parkway to the County
line; and approximately 590 linear feet of Ethelwood Road.
County water and sewer. **(Fairfield) 0 Lots**

483

484 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Virginia
485 Center, Section C, Dedication of a portion of J.E.B. Stuart Parkway? No opposition. Mr.
486 Archer.

487

488 Mr. Archer - Mr. Chairman, I move approval of subdivision Virginia Center, Section
489 C subject to the annotations on the plan and the standard conditions for subdivisions served by
490 public utilities.

491

492 Mrs. Quesinberry - Second.

493

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

496

497 The Planning Commission granted conditional approval to subdivision Virginia Center, Section
498 C (A Dedication of a portion of J.E.B. Stuart Parkway, Telegraph Road and Ethelwood Road)
499 (May 2000 Plan) subject to the standard conditions attached to these minutes for subdivisions
500 served by public utilities and the annotations on the plans.

501

502 Mr. McGarry - On page 21 of your agenda, this is POD-4-00, Audubon Business Center
503 in the Varina district.

504 **PLAN OF DEVELOPMENT**

505

POD-4-00
Audubon Business Centre -
Audubon Drive

Charles C. Townes & Associates, P.C. for International Airport Centre and 5600 Audubon Drive, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct an office/warehouse complex consisting of a one-story, 40,640 square foot building, a one-story, 73,920 square foot building and a one-story, 45,684 square foot building. The 19.418 acre site is located on the north line of Audubon Drive, approximately 1,200 feet west of International Center Drive on part of parcel 163-A-19E. The zoning is M-1, Light Industrial District and M-1C, Light Industrial District (Conditional).
(Varina)

506

507 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-4-00, Audubon
508 Business Centre? No opposition. Mrs. Quesinberry.

509

510 Mrs. Quesinberry - Mr. Chairman, I move approval of POD-4-00, Audubon Business
511 Centre, subject to the annotations on the plan, the standard conditions for developments of this
512 type and additional conditions Nos. 23 through 30.

513

514 Mr. Taylor - Second.

515

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

518

519 The Planning Commission approved POD-4-00, Audubon Business Centre, subject to the
520 standard conditions attached to these minutes for developments of this type, the annotations on
521 the plans and the following additional conditions:

522

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

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

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

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

- 537 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
538 County Attorney prior to final approval of the construction plans by the Department of
539 Public Works.
- 540 28. Deviations from County standards for pavement, curb or curb and gutter design shall
541 be approved by the County Engineer prior to final approval of the construction plans by
542 the Department of Public Works.
- 543 29. Insurance Services Office (ISO) calculations must be included with the utilities plans
544 and contracts and must be approved by the Department of Public Utilities prior to the
545 issuance of a building permit.
- 546 30. Approval of the construction plans by the Department of Public Works does not
547 establish the curb and gutter elevations along the Henrico County maintained right-of-
548 way. The elevations will be set by Henrico County.

549
550 Mr. McGarry - On page 23 of your agenda, subdivision Echo Lake Ridge. It's located
551 in Three Chopt.

552

553 **SUBDIVISION**

554

Echo Lake Ridge
(May 2000 Plan)

**Jordan Consulting Engineers P.C. for Attack Properties and
Gunst & Associates:** The 23.37 acre site is located on the east
side of Echo Lake Park on the west side of Springfield Road
300 feet north of its intersection with Springfield Road
relocated on parcels 20-A-27C, 27A and 27F. The zoning is R-
3C, One-Family Residence (Conditional) and C-1C,
Conservation District (Conditional). County water and sewer.
(Three Chopt) 35 Lots

555

556 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Echo Lake
557 Ridge (May 2000 Plan)? No opposition. Mr. Taylor.

558

559 Mr. Taylor - Mr. Chairman, I move approval of Echo Lake Ridge (May 2000 Plan)
560 subject to the standard conditions for subdivisions served by public utilities and additional
561 condition Nos. 12 through 16.

562

563 Mrs. Quesinberry - Second.

564

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

567

568 The Planning Commission granted conditional approval to Echo Lake Ridge (May 2000 Plan),
569 subject to the standard conditions attached to these minutes for subdivisions served by public
570 utilities, the annotations on the plans and the following additional conditions:

571

572 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted
573 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."

574 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."
575 13. The detailed plant list and specifications for the landscaping to be provided within the
576 25-foot-wide planting strip easement along Springfield Road shall be submitted to the
577 Planning Office for review and approval prior to recordation of the plat.
578 14. A County standard sidewalk shall be constructed along the south side of Springfield
579 Road, (U.S. Route 157) from the subdivision entrance west to the Echo Lake Park
580 property.
581 15. Any necessary off-site drainage easements must be obtained prior to final approval of
582 the construction plans by the Department of Public Works.
583 16. The location of the "no parking signs" required along the 40 foot right-of-way shall be
584 shown on the construction plans. The developer shall include "no parking signs" in his
585 request for street signs and such installation must occur prior to requesting the first
586 occupancy permit. The Zoning Conformance Officer shall inspect for continuing
587 compliance prior to issuance of each subsequent occupancy permit until County
588 acceptance of the street.

589
590 Mr. McGarry - On page 25 of your agenda, it's a landscape plan for LP/POD-3-99,
591 Home Depot, in the Three Chopt district.

592

593 **LANDSCAPE PLAN**

594

LP/POD-3-99
Home Depot

Home Depot U.S.A., Inc.: Request for a approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 22.76 acre site is located on the south west corner of W. Broad Street (U.S. Route 250) and Horsepen Road on parcels 92-A-39, 40, 41, 47; 92-9-D-11, 12, 18; 92-9-F-3, 4, 5, 6 and 7. The zoning is B-3, Business District. **(Three Chopt)**

595

596 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-3-99, Home
597 Depot, landscape plan? Mr. Silber says there is an item on the addendum.

598

599 Mr. Silber - There is a revised annotated plan.

600

601 Mr. Vanarsdall - Mr. Taylor.

602

603 Mr. Taylor - Mr. Chairman, I would move for approval of landscaping plan LP/POD-
604 3-99.

605

606 Mr. McGarry - Mr. Chairman, we've been asked a question. A citizen is requesting to
607 see the site plan. So, perhaps we should pass this over.

608

609 Mr. Vanarsdall - She wants to see the plan now?

610

611 Mr. McGarry - Yes.

612 Mr. Vanarsdall - Okay. So, we will need to pull this from the Expedited Agenda.
613

614 Ms. Dwyer - I think Mr. Strauss has a plan that he is showing her so we don't need to
615 provide one.
616

617 Mr. Silber - We may just want to pass this one by.
618

619 Mr. Vanarsdall - Yes. You will have to pass it by, Mr. Taylor. We will pass this by and
620 come back to it later. Go ahead, Mr. McGarry.
621

622 Mr. McGarry - The last item on the Expedited Agenda for nine o'clock is on page 26.
623 This is POD-31-00, Krispy Kreme Doughnuts located in the Brookland district.
624

625 **PLAN OF DEVELOPMENT**
626

POD-31-00 Krispy Kreme Doughnuts - W. Broad Street	LaPrade Brothers for Natalie C. Bisger Trust et al and Krispy Kreme Doughnuts Corporation: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,865 square foot doughnut bakery and retail sales building. The 0.899 acre site is located at 4910 W. Broad Street (U. S. Route 250) on the northeast corner of W. Broad Street and Bishop Road on part of parcels 115-14-A-3 and 4. The zoning is B-3, Business District. County water and sewer. (Brookland)
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627
628 Mr. Vanarsdall - This is almost like the Kentucky Fried Chicken. I don't think nobody
629 would be against Krispy Kreme Doughnuts either. Is there anyone in the audience in
630 opposition to POD-31-00, Krispy Kreme Doughnuts? No opposition. I move that POD-31-
631 00, Krispy Kreme Doughnuts be approved on the Expedited Agenda with conditions Nos. 23
632 through 34 and the annotations on the plans and the standard conditions.
633

634 Mr. Taylor - Second.
635

636 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
637 All in favor say aye...all opposed say nay. The motion carries. Also, I would like to have
638 No. 9 amended to this, Mr. McGarry.
639

640 Ms. Dwyer - Is there a historic building that was a Krispy Kreme building, Mr.
641 Vanarsdall? Was the old Krispy Kreme building considered a historic building?
642

643 Mr. Vanarsdall - Yes. They said it was a historic, I believe, and then later they found out
644 it wasn't, or something. I couldn't imagine anybody coming into town on vacation from New
645 England or somewhere and say we are going to look at the historical sites but first we are
646 going to the Krispy Kreme Doughnuts.

647 Mr. McGarry - Ernie, if they can from New England, they would be looking for Dunkin
648 Doughnuts.

649

650 The Planning Commission approved POD-31-00, Krispy Kreme Doughnuts, subject to the
651 standard conditions attached to these minutes for developments of this type, the annotations on
652 the plan and the following additional conditions:

653

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

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

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

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

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

669 27. A standard concrete sidewalk shall be provided along the north side of W. Broad Street
670 (U.S. Route 250).

671 28. Outside storage shall not be permitted.

672 29. The developer shall install an adequate restaurant ventilating and exhaust system to
673 minimize smoke, odors, and grease vapors. The plans and specifications shall be
674 included with the building permit application for review and approval. If, in the
675 opinion of the County, the type system provided is not effective, the Commission
676 retains the rights to review and direct the type of system to be used.

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

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

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

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

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

691 35. Approval of the construction plans by the Department of Public Works does not

692 establish the curb and gutter elevations along the Virginia Department of Transportation
693 maintained right-of-way. The elevations will be set by the contractor and approved by
694 the Virginia Department of Transportation.

695

696 Mr. Vanarsdall - Mr. McGarry, is that it?

697

698 Mr. McGarry - That is all for the nine o'clock agenda, and there is one listed on your
699 ten o'clock agenda. So, for informational purposes, it's on page 36, POD-44-00, Gaskins
700 Centre Towers, I think I mentioned that earlier. It's in the Tuckahoe District. The action on
701 that will be taken at ten o'clock.

702

703 Mrs. Quesinberry - Mr. Chairman, could I just commend the staff for all the hard work that
704 went into this Expedited Agenda. This was a lot of work for this particular meeting. This is
705 just fabulous.

706

707 Mr. Silber - That would be fine. I'll second that. I think the reason there are so
708 many items on the Expedited Agenda is because of the hard work the staff has put in with the
709 applicants and representatives to resolve the issues in advance of this meeting. So, it lightens
710 the load.

711

712 Mrs. Quesinberry - Right. That's exactly why it is happening and I think it's really good and
713 we need to recognize that.

714

715 Mr. Vanarsdall - I think what they are doing is following it to make sure they get it in.
716 For the benefit of the audience, the Expedited Agenda is something that goes on that we know
717 of no known opposition or there are no known problems and so forth. So, in some localities...
718 Hank, you may get something out of this. Some localities will just read off a bunch of
719 numbers and get a motion and a second and go. What we do, we take each item on the
720 Expedited Agenda and see if there is any opposition and if it is we pull it off the agenda. So,
721 Mr. Secretary, do we want to go back to LP/POD-3-99, Home Depot? Did the lady have time
722 to look at the plans?

723

724 Mr. McGarry - She has not returned, nor has Jim Strauss. No one is back from the
725 hallway.

726

727 Mr. Vanarsdall - All right, Mr. Secretary.

728

729 Mr. Silber - Perhaps we could go back to the top of the agenda on page 1. At this
730 point, we are at the discussion for the subdivision extensions of conditional approval. Again,
731 these are handled administratively now, but for your information, we have reported those that
732 are up for extension. And those that are recommended by the staff, to be approved and should
733 be approved, unless the Commission voice any concern. There are five that are up for
734 conditional extension on this agenda.

735

736 Ms. Dwyer - Mr. Silber, was there a change in the recommended year of extension

737 for Middle Quarter (formerly Jameswood)?

738

739 Mr. Wilhite - There are two changes.

740

741 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

742 **(FOR INFORMATIONAL PURPOSE ONLY)**

743

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Clarendon Farms, Parcel C (March 1995 Plan) (Controlled Density)	Fairfield	195	195	4	1 Year 5/23/01 60 Days 7/26/00
Elinor Springs (May 1995 Plan)	Three Chopt	33	27	4	1 Year 5/23/01
Middlequarter (Formerly Jameswood) (May 1999 Plan)	Tuckahoe	14	14	0	1 Year 5/23/01 60 Days 7/26/00
Summerfield Woods (April 1998 Plan)	Fairfield	5	5	1	1 Year 5/23/01
University Court (May 1999 Plan)	Tuckahoe	3	3	0	1 Year 5/23/01

744

745 Mr. Wilhite - We have five subdivisions up for extension of conditional approval at
746 this point. They all were listed for one-year extension on your agenda, however, two of them,
747 the Director of Planning will only be granting 60-day extensions. First of all, on Clarendon
748 Farms, Parcel C, we don't have the information. This plan was approved in 1995 and there
749 has been no activity in this section. The Director of Planning has requested some more
750 information on the status of this subdivision and has given them 60 days in order to get that
751 additional information in. Also, Middle Quarter, formerly known as Jameswood, we have a
752 new conditional subdivision application, it's been received. It will be on your next month's
753 agenda, June 28. And pending on the outcome of that request, the Director of Planning will
754 only be extending Middle Quarter (May 1999 Plan) for 60 days.

755

756 Mr. Vanarsdall - What districts are those in?

757

758 Mr. Silber - Middle Quarter is in Tuckahoe and Clarendon Farms, Parcel C is in the
759 Fairfield district.

760

761 Mr. Vanarsdall - Okay. Thank you. Mr. Silber.

762

763 Mr. Silber - Yes, sir. The next item on the agenda would be on page 2 in the
764 Brookland district. This is a rezoning case deferred from the May 11, 2000, meeting, C-47C-
765 99.

766

767 **BROOKLAND:**

768 **Deferred from the May 11, 2000 Meeting:**

769 **C-47C-99 Ralph L. Axselle and Andrew Condlin for Penrose Corporation:** Request to
770 amend proffered conditions applicable to the Parham Place Office Park and accepted with
771 rezoning case C-113C-85, on Part of Parcel 52-A-5, containing 11.75 acres, located on the
772 south line of Old Hungary Road at the intersection of Hungary Road and Benham Court and
773 also fronting on the north line of E. Parham Road. The proposed amendments are related to
774 access to Hungary Road and buffer area on the property. The Land Use Plan recommends
775 Office.

776

777 Mr. Vanarsdall - I've already called for opposition and we do have it. Mr. Bittner, good
778 morning.

779

780 Mr. Bittner - Thank you, Mr. Vanarsdall. This site is zoned O-2C, Office in their
781 office complex sits on the southeastern portion of the property. The remainder of the property
782 is undeveloped. The Federal Bureau of Investigation is building a headquarters complex on
783 this site. The proffers currently prohibit vehicular access to Hungary Road or Old Hungary
784 Road along the northern side of this property. The proffers also require a 35-foot landscape
785 buffer along both roadways. The proposed amendment would allow a single vehicular access
786 to Hungary Road through the 35-foot buffer. The amendment would also require a gated
787 security system at the Hungary Road entrance and only authorized individuals would be able to
788 use this access. The location of this entrance has been moved to the west. When the Planning
789 Commission last reviewed this case, this entrance was on to Old Hungary Road. After the
790 review at the Board of Supervisor's meeting, it was felt that this entrance should be moved
791 west onto Hungary Road and that the Planning Commission should again consider this
792 application. That is why the case is again in front of you today.

793

794 The proposed proffer amendment also states that the Hungary Road entrance would be a
795 contingency entrance with the primary entrance being Parham Road on the south side. The
796 proffers also state that the Hungary Road entrance could only be used if the Parham Road
797 entrance is unavailable. And the FBI has indicated that the Hungary Road entrance would only
798 be used when the main Parham Road entrance is physically blocked. Vehicular access was
799 restricted from Hungary Road and Old Hungary Road during the original rezoning of this site
800 in 1985 because these roads are mainly residential in character. The mixing of office traffic
801 with residential traffic was not desired. Because of this, the applicant has worked to limit the
802 impact of office traffic onto Hungary Road through the proffered security system. Staff is
803 confident that the FBI could implement a secure access system. Staff recommends approval of
804 this application. I'll be happy to answer any questions you may have.

805

806 Mr. Vanarsdall - Are there any questions of Mr. Bittner from Commission members?
807

808 Mr. Archer - Mr. Bittner, in essence, then, the proffer conditions haven't changed at
809 all with reference to how the road will be used, is that correct?
810

811 Mr. Bittner - That's correct. The only thing that has changed is the location has been
812 moved west.
813

814 Mr. Taylor - Mr. Bittner, somewhere I saw an elevation of that entrance, I believe,
815 showing that gated it access. Is that in the package?
816

817 Mr. Bittner - I have it here, I'll put it on the document table. This is an elevation of
818 the building that's now under construction (referring to picture on the screen).
819

820 Mr. Taylor - And this is an oblique view from Parham Road?
821

822 Mr. Bittner - I believe so.
823

824 Mr. Taylor - From the southeast?
825

826 Mr. Bittner It's almost directly from the south off on Parham Road looking directly
827 north. And in the top, left, corner you can see the proposed gated entrance that would be on
828 the Hungary Road side of the property.
829

830 Mr. Taylor - Not the scale actually, it would be sort of behind the corner behind those
831 trees, would it not?
832

833 Mr. Bittner - Right. The gated entrance is not in scale with the property and it's not
834 in the relative position it would be on the site. It's simply there for illustration purposes.
835

836 Mr. Taylor - And that would only be used for special purposes.
837

838 Mr. Bittner - For special FBI purposes. There is a FBI representative here today and
839 he might be able to answer that better, but, it would only be used if and when the Parham
840 Road entrance can't be used. If that is physically blocked, they would have to use Hungary
841 Road, but other than that, they would not use it.
842

843 Mr. Taylor - Is the FBI representative here?
844

845 Mr. Vanarsdall - He's not the FBI agent, he's sitting beside him.
846

847 Mr. Condlin - I'm definitely not the FBI agent, nor do I have any Krispy Kreme
848 Doughnuts with me so I'm at a disadvantage here. Mr. Chairman and members of the
849 Commission, my name is Andrew Condlin from Williams Mullen. I have with me Mr. Doug
850 Jones from the FBI, being the FBI representative. We have been here before as you know and

851 had received unanimous recommendation for approval from this body where it went to the
852 Board of Supervisors where the real concern was about the use of Old Hungary Road in any
853 way for any access. Since that time, or during that same time period, the FBI has received
854 POD approval for this building, has begun construction, received a variance from the BZA to
855 reduce the parking because of the low intensity of the type of office use that they actually are.
856 I was joking earlier to say that this is the first zoning case I've had where construction is
857 actually going to beat my zoning case to get the building up.

858

859 The only substantive change that we have to return to you, I believe, is to relocate the access
860 that we are requesting to Hungary Road versus Old Hungary Road. We have actually reduced
861 the size or the width of the access to 12 feet as well, since that time. But, since the Board of
862 Supervisor's the only change has been the exact location. This facility overall, again, is not
863 unlike your typical office building in that it has the personnel to support the FBI. It's also
864 used for communications, analyzing evidence and the support services for the agents. While
865 there are times when that the agents are at the facility, most FBI agents most of the time are
866 out in the field doing their investigating work and only return to do their paper work and to
867 report in from time to time. It's not unusual for the FBI agents to leave from their home to
868 the location where they are working and not ever go into the FBI facility for that day. This
869 facility, as structured, is large enough to hold about 400 people but at any given time the FBI
870 estimates that there is less than 100 people at this facility, less than 100 employees at any
871 given time.

872

873 As far as this access, part of the FBI's prototype facility is to allow for a contingency
874 accessing in case there is a need to exit the facility and the main access road is unavailable.
875 This access is to be used only by the FBI, and it's only to be used in a very specific and very
876 rare but necessary instance. That is, in the event that there is to be an emergency response,
877 the FBI will dispatch its agents from the field. When that first call come into the facility or
878 have them leave from this facility. It's only upon the happening of three circumstances all at
879 the same time that this Hungary Road access would be used. That is, that there is an
880 emergency that the FBI has to response to. The field agents that need to respond, need to
881 respond from this facility and Parham Road or the entrance to Parham Road is blocked from
882 use. If all three occur, it is my contention that the FBI, the neighborhood, the County and the
883 general public would want the FBI to be able to respond as quick as possible.

884

885 I would like to point out, Mark, I would like to put this up. That guard booth is the guard
886 booth for the front of the facility and not for the rear from the Hungary Road access. The
887 picture that's a part of this facility, that's the rendering that we proffered (referring to picture
888 on screen). As you can see it's got a key pad, it's a gated security system that's part of this
889 fencing that surrounds the entire facility for security purposes.

890

891 Mr. Silber - Mr. Condlin, if I can just interrupt you for just a minute. I think you
892 are aware of the Planning Commission's policies, rules and regulations relative to your
893 presentation and the amount of time given to the opposition, but let me just remind you that
894 you have 10 minutes to present this case. Any of that 10 minutes can be saved for rebuttal.
895 You have taken about three minutes of your time. The opposition, likewise, has 10 minutes to

896 speak in opposition to this case, it's collectively 10 minutes total. So, if we can just remind
897 you of that and any opposition that speaks, you also have 10 minutes total.

898

899 Mr. Condlin - Fortunately, for both of us, I'm a paragraph away from my conclusion.
900 Again, the proffer amendments haven't changed other than the location of the access. Again,
901 it may only be used by FBI personnel. It's 12 feet in width. It has a gated security system
902 that you see there. The primary access has been proffered to be from Parham Road and the
903 Hungary Road access shall only be used if Parham Road or the entrance is unavailable to the
904 FBI. In other words, if they can't obtain access to Parham Road itself. One final point. Once
905 the FBI moves out this proffer is very personal to the FBI so that once the FBI moves out from
906 this building, the currently tenant, this gate must be secured in a manner dictated by the
907 County and within a timeframe dictated by the County. So, the County has complete control
908 after the FBI moves out so that it is not used general office use or general office access. So
909 there is no concern with that. Ultimately, I believe that this case is still a very simple case.
910 The rear access would be used for the benefit of the community in the mission of the FBI.
911 The bottom line is this is a single lane access, again, to be used only as a contingency means if
912 Parham Road is blocked. I would ask that you follow your previously recommendation to the
913 Board of Supervisors by recommending this again to the Board of Supervisors for approval.
914 At this time I'll be happy to answer any questions you may have and, again, I have Doug
915 Jones with me to assist with any of the facility questions you may have.

916

917 Mr. Vanarsdall - Are there any questions for Mr. Condlin?

918

919 Mr. Condlin - Thank you.

920

921 Mr. Vanarsdall - Thank you, Mr. Condlin. Mr. Taylor, would you like to hear from the
922 FBI agent?

923

924 Mr. Taylor - No, Mr. Chairman. I think we might want to hear from the opposition
925 first.

926

927 Mr. Vanarsdall - I'm going to hear from the opposition, I want to know if you want to
928 hear from him.

929

930 Mr. Taylor - Certainly, if Mr. Jones is available. Would you care to make a few
931 comments, sir?

932

933 Mr. Jones - I have no additional comments.

934

935 Mr. Taylor - Then I would have one question for you, not on Mr. Condlin's time.
936 Noting that this would only be used by the FBI, according to Mr. Condlin, for the benefit of
937 the community and by the FBI in times of emergency and in times to respond from the facility
938 and at times when Parham Road is closed or blocked, those three conditions, do you have any
939 idea what percentage that might be that you would get those three conditions happening? It
940 looks to me like it would have to be extremely rare. One that Parham was closed, two there

941 was a concurrent emergency and you had to respond from that facility and not from your
942 agents in the field.

943

944 Mr. Jones - I would agree, sir, that it would be very rare and that it would almost be
945 impossible to measure in terms of a percentage. It is nothing more than a contingency exit in
946 the event that those three things occur.

947

948 Mr. Taylor - Would it be once a year, once every three years?

949

950 Mr. Jones - Maybe.

951

952 Mr. Taylor - Once every three years?

953

954 Mr. Jones - Yes.

955

956 Mr. Taylor - Thank you, sir.

957

958 Mr. Vanarsdall - Thank you. All right, Mr. Row.

959

960 Mr. Rowe - Good morning. My name is Dan M. Rowe. I live at 1823 Hungary
961 Road, which is adjacent to the FBI property. I have, of course, been here before, before you.
962 I'm in opposition to changing this proffer. Mr. Chairman, if I seem a little groggy this
963 morning it's because at 4:30 a.m. I was awoken from a sound sleep by construction work,
964 heavy equipment, beep, beep, beep, backing up right outside of my bedroom window over
965 there.

966

967 Mr. Vanarsdall - At 4:30 a.m. this morning?

968

969 Mr. Rowe- Yes, at 4:30 a.m. this morning. I apologize for....

970

971 Mr. Vanarsdall - Excuse me for a just a minute. Mr. Condlin, would you pick up on that
972 and find out why they have to do that that time of morning. I would appreciate it. Go ahead,
973 Mr. Rowe.

974

975 Mr. Rowe - I am here in opposition to changing the proffer that was put on this
976 property approximately 10 years ago when it was zoned for office use. At that time, it was a
977 proffer that there would be no vehicular traffic to Hungary Road or Old Hungary Road during
978 construction and permanently. Now, if this... I understand what the request is and what the
979 new proffers would be but I question.... If this proffer is to be changed now and the proffer of
980 the previous Board, you know, if that is not going to be honored at this time, in 10 years, in
981 20 years, the FBI decides to leave this property at the end of their 20-year lease, I believe it is,
982 why is a Board then going to have to honor a proffer that says that there will be an exit onto
983 Hungary Road or would have to be closed up at that time. Why are they going to honor that?
984 If somebody else can just come in and say "oh we would like to use that exit too." It's
985 proffered that you can't use it. But, if it doesn't mean anything it's no good. I think that the

986 proffer should not be changed. The FBI knew what the proffer was when they selected this
987 site, unless somebody told them, oh yeah you will be able to do that. I assume that no
988 decision has been made until this Board makes a decision and until the Supervisors make a
989 decision. So, they knew what the proffer was. They took a chance that they could get the
990 proffer changed, but they are not building that building to the point that it is already
991 constructed over there without some alternate plan in case they don't get this proffer changed.
992 Now, I can't believe that. If this proffer is not changed, then they say well we don't have a
993 contingency exit here we will have to shut this down and go someplace else. That's not going
994 to happen. They have an alternate plan. I don't know what it is. They can go out to Parham
995 Road someplace else. Now I was told while they can't go out to Parham Road for one reason
996 because they have built their, I suppose it's a storm water containment lake or whatever. But,
997 you know, if they need this contingency exit, they shouldn't have put that lake their right
998 where it could have gone out to Parham Road before this was ever settled. It looks to me like
999 they are building this thing from the top down. If they don't get this proffer changed, then are
1000 they not going to be there, of course, the are not going to do that, they have an alternate plan.
1001 I am just opposed to changing the proffer. I've been into many details before. It is as though
1002 there's no use my arguing about the very, very, slim possibility that they would ever use this.
1003 Although, in one letter that I have here where is says: Based on similar FBI facilities elsewhere
1004 in the country such a secondary access is used on average for less than five vehicles per week.
1005 Well, that's a whole lot more than one every three years. Now, less than, of course, is one.
1006 One is less than five but if it is one vehicle per week, that's a whole lot more than one every
1007 three years.

1008

1009 Mr. Silber - Mr. Rowe, if I can interrupt, please. We do have other people that want
1010 to speak in opposition. You have used six of the ten minutes. So, if you can began to wrap it
1011 up, please.

1012

1013 Mr. Rowe - Very, well, I will just close then. I will just say that I am opposed to
1014 changing the proffer. I think they have an alternate plan that they can put into effect or else
1015 they would not be at the point of construction that they are. Thank you.

1016

1017 Mr. Vanarsdall - Thank you, Mr. Row. Anyone else like to speak?

1018

1019 Ms. Barrett - Good morning, Mr. Chairman and Commission members. My name is
1020 Gladys Barrett. I am president of North Run Terrace Civic Association a community of 107
1021 homes and we are located just to the northeasterly of the area that we have been discussing.
1022 We have had several meetings with the attorney's representing the FBI and we have had those
1023 meetings with members of, the attorneys present and as well as representatives from the FBI.
1024 We discussed many issues. First of all, we examined the possibility of exactly how many
1025 times within the last three or five or ten years that access to Parham Road has been unavailable
1026 for use. We have examined the possibility since in each meeting the use of such an exit was
1027 greatly minimized. So then our thoughts were well then if it's just going to be of such
1028 insignificant use what is the real necessity of having it. Even this morning we have heard it
1029 discussed that it will be very, very, minimally used. Our question still remain, what is the
1030 necessity to have it? We are pleased and grateful of the concessions that have been made. The

1031 size of the exit, and now this morning I learn it has, in fact, been discussed to be moved more
1032 in a westerly direction. That is also helpful because it would not align at that point with
1033 Benham Court, which is a part of our subdivision. That is all encouraging but my thoughts go
1034 back, and I will probably be repeating part of what Mr. Rowe has said, that we had in writing
1035 in 1985 protection for our community as far as mobility is concern and access to that section of
1036 Hungary Road. It was agreed upon by the Board, in existence at that time, and it was put in
1037 writing the word "permanently" and that's where we have a lump in our throats, so to speak.
1038 The changes now, and you very well may decide to change it, but in its succeeding Board, ten
1039 or 10 years down the road, could very well do the same thing and abandon a decision that the
1040 existing Commission makes today. That's entirely possible. So, I thank you for your time, but
1041 we remain opposed to an exit onto, an access road, onto Hungary Road. We don't know how
1042 it's going to go but just wanted to let you know how we felt about violating that proffer and
1043 the agreements surrounding that proffer, which was done in 1985. And I thank you for your
1044 time.

1045

1046 Mr. Vanarsdall - Ms. Barrett, last time you all didn't oppose it. You said you were not
1047 for it or you were not against it.

1048

1049 Ms. Barrett - Yes, I did make that statement because I guess my community members,
1050 many of them, had just reached the point of abandonment in their thoughts, but the majority of
1051 us feel the same way today that we would hope that that agreement made in 1985 would not be
1052 abandon with this Commission. Again, we thank you.

1053

1054 Mr. Vanarsdall - Mr. Silber, do you have anything to say about the potential proffer
1055 change, amended?

1056

1057 Mr. Silber - Mr. Chairman, maybe I can....

1058

1059 Mr. Vanarsdall - I understand what they are saying.

1060

1061 Mr. Silber - Well, maybe I can alleviate some concerns because there are processes,
1062 obviously, that have to be followed and a proffer amendment is not as simple as just coming
1063 forward and making changes. A change to a proffer condition goes though the same process
1064 as the rezoning of property. So, it is not a quick process, it is not a process that excludes
1065 surrounding property owners. In fact, whenever there is a proffer change, the same legal
1066 processes, notification, requirements apply. So, as you can see with this somewhat simple
1067 change and the wording of a proffer, it goes though the same process as a rezoning. I think in
1068 this case, I think Mr. Rowe indicated that if this change is made what would keep someone
1069 from coming back in the future and making another change to loosen it further. That point is
1070 well taken, but I think it does give the citizens an opportunity and the adjacent property
1071 owners an opportunity to evaluate each proposed change on its merits and come forward and
1072 express their concerns. I think what this process has allowed to take place is a set of proffer
1073 conditions that not only perhaps loosen what was provided before but also tightens it up in
1074 many regards. These proffer conditions do go well beyond just allowing access to this road
1075 that provides many restrictions as to its location, the driveway size, the frequency of its use,

1076 etc. So, staff believes that this is very restrictive in nature, the frequency of use will be very
1077 rare. Therefore, we believe the impact on adjacent property owners is very slight. So, I just
1078 share that with the Commission and the public.

1079

1080 Mr. Vanarsdall - Thank you. This is an unusual case because the building is in the
1081 Brookland district and the impact that it would make, if it made any, would be in Fairfield.
1082 So, therefore, we have had several meetings together and Mr. Archer, and I believe there was
1083 an FBI man there from the New Jersey or New York area.

1084

1085 Mr. Archer - New York, I think it was.

1086

1087 Mr. Vanarsdall - Would you shade some light on what he said about it and anything else
1088 you would like to say about it?

1089

1090 Mr. Archer - As I recall, the FBI man from New York indicated that in 25 years a
1091 similar entrance has never been used. I think that's what was said. I'm also a little bit
1092 confused in that, I guess we recommended this for approval, the Board took no action on it, so
1093 it is back to us again. And, it appeared to me that this case represented a significant
1094 improvement over the one we approved before, in that we had moved it away from Mr.
1095 Rowe's house and I think we had tighten the proffer to the extent that the three conditions that
1096 Mr. Taylor talked about this morning would all have to be present at the same time in order
1097 for this entrance to be used. And I'm of the same vent, you know FBI is the chief law
1098 enforcement office that we have in the country. I can't fathom why we would want to lock
1099 them into this location if a situation arose where they needed to get out. And given the rarity
1100 of when this could occur, I'm a little bit baffled at the opposition. And I would also like to
1101 add to something to what Mr. Silber said. The very reason we are here today discussing this
1102 is because of how powerful the previous proffer was. We have not changed it yet because it
1103 hasn't been accepted by the Board and until it is accepted by the Board we can't really do
1104 anything with this. So, in 15 to 25 years from now and this case should come up again, or a
1105 similar case, we would have to go through the same process. Nobody can just wave their hand
1106 and make this go away. So, I guess that's all I've got to say.

1107

1108 Mr. Vanarsdall - Thank you. Anyone else wants to speak?

1109

1110 Ms. Dwyer - I was just going to supplement what Mr. Archer said. I understand the
1111 argument that if it is going to be used rarely if never, then why even have it. And I think the
1112 answer to that, as I see the case, is that the FBI needs to be prepared for the unlikely event and
1113 it's their job, as it is the job of any law enforcement organization, to be prepared for things
1114 that probably won't happen but it's conceivable that they may.

1115

1116 Mr. Vanarsdall - Thank you. Is there anyone else.

1117

1118 Mr. Taylor - I would just like to add to what Commissioner Dwyer said. In my years
1119 of Coast Guard experience I've worked with the FBI many times. I've always found them to
1120 be a profoundly professional organization. Most of the time their law enforcement function is

1121 a public safety function. And I can see, even with one case in three years, every three years,
1122 where that might be a matter of grave life and death. And I just wouldn't want to recognize
1123 the fact that FBI could not respond to a key emergency because there was no other access
1124 there. I just want to think, as citizens, in looking at the law enforcement mission, we would
1125 all find to be intolerable, particularly if you recognize some of the grave circumstances that the
1126 FBI finds themselves in. I think public safety is best served by having the FBI having the
1127 ability to go, even though it's one chance in over 1000, that's really to slim for the balance of
1128 the FBI functions. And I've enjoyed my association in the past, and wish you well.

1129

1130 Mr. Vanarsdall - Thank you. In 1985, when this process was put on this case, it was put
1131 there because it could be a total of six buildings built on this property. And you wouldn't
1132 want six offices full of office people coming out on Hungary Road. That was the idea of it
1133 then. Now, a whole lot of things have changed since then, the six buildings are not there.
1134 And even, say, they were built as we speak, they still could not use this. This would be used
1135 by no one but the FBI. You can't in to it through the gate and you can't get out of it unless
1136 you have access to it. I agree with Mr. Rowe and Ms. Barrett that we shouldn't just arbitrarily
1137 change proffers, and we do have requests continually to amend proffers. But, when we do it,
1138 there is usually a good reason for it. There has been a lot done on this. I talked to the
1139 Director of Public of Works, Mr. Pinkerton, and asked him could they just develop the part
1140 where the road comes out and so we waived the sidewalk, we waived the curb and gutter.
1141 They don't have to build it all the way down the end of the property and all they are going to
1142 do is just have an entrance and exit there, or an exit. There would be no entrance. I also went
1143 one step further and talked to Mr. Priestas who is the Assistant Director and in charge of
1144 traffic. And I know that the County has never been in favor of what is know as a "dog leg."
1145 In other words, they like to align the intersections up. And that's why when Ms. Barrett spoke
1146 of Bayham Court, that's not why it is not lined up there. It is as far west on the FBI property
1147 as it can possibly get and it is not lined up with any intersection. And I can tell you now, for
1148 the County of Henrico to approve that for traffic, public work, through that has to be a real
1149 exception. I mean, a tremendous exception because they do not allow "dog legs" in our
1150 County. And they approved this because it is totally different. There is no traffic going to be
1151 coming out of it at all. One good example of the FBI having to have another way out is they
1152 have witnesses sometime where a witness does not want to see another witness and they take
1153 them out the back. If they had a bank robbery, let's say the First Virginia Bank up the road
1154 there, at the corner of Woodman and Hungary, let's say that was robbed. It wouldn't make
1155 any sense for them to come out Parham Road and go all the way around the block. The
1156 robber would be half way back from where they came from. So, there are good reasons for it.
1157 And this is an entirely different situation then having six office buildings and people working
1158 there going and coming to lunch and everything. Mr. Bittner, let me ask you a question. Do
1159 you have a way of checking on, so to speak, of this exit?

1160

1161 Mr. Bittner - Do you mean monitoring how much it is used?

1162

1163 Mr. Vanarsdall - Do you have something written in there about how often....

1164

1165 Mr. Bittner - No. There is no monitoring mechanism included.

1166 Mr. Vanarsdall - We talked about reviewing it.

1167

1168 Mr. Bittner - We did talk about it, yes, but no proffer was submitted.

1169

1170 Mr. Vanarsdall - Okay. That's all right. So, if it is abused it would be the same as Mr.
1171 Row said this morning, if I seem groggy it's because I was awoken at 4:30 a.m. in the
1172 morning. We did not know that, we have now made note of that, and I am sure that will be
1173 stopped. Mr. Condlin would go through the inspectors. It's the same way if this is abused.
1174 It's going to come to our attention and it will be stopped. I have no doubt that it would ever
1175 be abused. What happen was that it came back from the Board for us to review it because the
1176 exit had been moved like a target, it had been in four different places I believe it was, wasn't
1177 it, Mr. Archer?

1178

1179 Mr. Archer - Yes.

1180

1181 Mr. Vanarsdall - And then finally, we thought we had it when it was close to Mr. Row's
1182 house, he allegedly said it was okay and then he said it wasn't, and so with respect to him, we
1183 move it. Also, the reason I asked for a deferment two weeks ago because Mr. Row said he
1184 didn't notice of that two-week ago meeting. So, we move it to here today. I don't know of
1185 anything else we could do to improve this. As Mr. Archer said, it's improved over the case
1186 we recommended to the Board before. Mr. Condlin, do you want to say anything in rebuttal?

1187

1188 Mr. Condlin - No.

1189

1190 Mr. Vanarsdall - I just don't know what else we can do it, so I'm going to go ahead in
1191 send it on to the Board, hopefully. I recommend C-47C-99 be recommended for approval to
1192 the Board of Supervisors.

1193

1194 Mr. Taylor - Second.

1195

1196 Mr. Vanarsdall - The motion was made by Vanarsdall and seconded by Mr. Taylor. All
1197 in favor say aye...all opposed say nay. The motion carries. And I thank you all for coming
1198 and I appreciate your input.

1199

1200 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
1201 Commission voted 5 to 0 (Mrs. O'Bannon was absent) to recommend that the Board of
1202 Supervisors **accept the amended proffered conditions** imposed with **C-113C-85** because it
1203 was determined to be reasonable; and the changes do not greatly reduce the original intended
1204 purpose of the proffers.

1205

1206 **Deferred from the May 11, 2000 Meeting:**

1207 **C-28C-00 Henry L. Wilton for Wilton Development Corp.:** Request to conditionally
1208 rezone from A-1 Agricultural District and R-3 One Family Residence District to M-1C Light
1209 Industrial District (Conditional), Parcels 49-A-33 and 34 and 49-5-0-9, containing
1210 approximately 4.35 acres, located at the northeast intersection of Springfield Road and Huron

1211 Avenue. A self-storage mini-warehouse is proposed. The use will be controlled by proffered
1212 conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban
1213 Residential 1, 1.0 to 2.4 units net density per acre.

1214

1215 Mr. Vanarsdall - Is there anyone in the audience in opposition to C-28C-00? I believe
1216 Mrs. Via is going to handle that.

1217

1218 Mrs. Via - Thank you, Mr. Secretary, Mr. Chairman, and members of the Planning
1219 Commission. You have before you case C-28C-00. The applicant in this case Wilton
1220 Development is proposing to construct a mini warehouse self-storage facility on the northeast
1221 corner, shown here on the aerial, of Springfield Road to the left of the screen, Springfield
1222 Road coming down to W. Broad Street and Huron Road a collector going into the
1223 neighborhood of the Huntington subdivision down at the bottom, southern part of the screen.
1224 There is, just off of Broad Street, please note that this is the Price Club/Costco development
1225 right here (referring to screen) Seven-Eleven located in this area. There is a formal men's
1226 wear, a bridal shop in this location and then all of the commercial along W. Broad Street.
1227 Moving up Springfield Road is a collection of urban residential uses, townhouse and
1228 apartments. There is a day care center, La Petite Academy, in this location here just north of
1229 the subject site that is on land that is currently zoned A-1.

1230

1231 The site has been the subject of repeated zoning requests for nonresidential land uses. Without
1232 exception, these requests have all been denied based on the inconsistency of intense
1233 commercial uses within the Land Use Plan. The precedent these uses would set on nearby
1234 undeveloped properties and the potential such uses have for a negative impact on adjoining
1235 neighborhoods. In 1993, there was a similar request it's underneath the self-storage mini
1236 warehouse sign. And this location here, next to the Costco, this request was strongly opposed
1237 by the community and also denied by this Commission on the same three points. Again, that
1238 was in 1993. Staff will take each of these points as it relate to this case. First, the Land Use
1239 Plan does recommend suburban residential and therefore this request is inconsistent with the
1240 current plan. Previous studies have shown that development under an R-2A district would
1241 yield, roughly, 12 lots and it would probably be accessed here (referring to screen) from
1242 Greenford Drive and be an addition to the Huntington subdivision. This is appropriate and the
1243 site could be developed residentially. However, the frontage of Springfield Road, if you have
1244 been out there lately, is under construction. It is being improved from a two-lane road to a
1245 four-lane divided roadway. And there is a mixture, as I mentioned, of commercial uses along
1246 Broad Street, moving up Springfield and transitioning from office into urban residential and
1247 townhouses. So, while the site could be developed residentially, the likelihood that it will is
1248 debatable and I think that's why this Commission has seen three requests in the past 10 years
1249 for a non-residential zoning.

1250

1251 Concern has also been expressed regarding the precedent that a M-1C on this site would have
1252 on adjacent properties, while office zoning would be preferable, the M-1C zoning would be
1253 heavily conditioned including restricting the site to just this use and just this plan that is in
1254 your package. Precedent was a major issue in the case across the street. It shows up clear on
1255 this map here, this office piece here. When this was rezoned, C-41C-93, when the applicant

1256 requested a rezoning from office to light industrial also for the construction of a self storage.
1257 At that time, both these sites were vacant and approval of that case would have taken office
1258 zoning out of the County's inventory for economic development purposes and influence the
1259 development of this site that is here before us this morning, making a stronger case for the
1260 auto storage yards that were the subject of two of the previous rezonings on the subject site in
1261 1994 and 1997. Since then the site across the street, a POD that you will be getting in the
1262 future, has been submitted for an office building and the rendering is shown here. This is
1263 Springfield Commons. This is red brick, a very nice looking building, that will be built across
1264 the street from the subject site next to the Costco. And this is one of the reasons why design is
1265 going to be an issue in the case that we are discussing today, which I will go back to in just a
1266 moment. Just to go back to the precedent issue, the remaining vacant sites in this area that
1267 have to develop, if the applicant picks up this piece, which is the A-1, the subject. As I
1268 mentioned, there is a day care on an underutilized site right there (referring to screen) that
1269 could be redeveloped in the future. That is still zoned A-1 and then this O-1C has yet to be
1270 developed. And that could potentially come in for development in the future. With the
1271 condition on this case and if properly designed to appear office and residential in scale, staff is
1272 less concerned with the precedent issue and because of the fact that there is just these parcels
1273 left, there is simply less land to influence with this case. Lastly, the applicant has proffered
1274 several conditions. I'll go to the exhibit briefly. The applicant has proffered several
1275 additional conditions that are proposed to mitigate any impact the use would have on adjacent
1276 residences. In particular, these include a 50-foot transitional buffer, landscape greenbelts,
1277 screening walls, additional landscaping beyond what the code requires and the limitation of
1278 climate control the units to the front of the site. This is very important to the residential
1279 community, which is located here (referring to screen). That climate control units only be at
1280 the front of the site negating any noise that may be heard toward the rear of the property.

1281

1282 These proffers address primarily the majority of staff's concern. In the staff report that you
1283 have there was additional concern about the design of the building. The applicant has
1284 submitted a new "Exhibit B" and is prepared to speak a little bit more about the details of this
1285 exhibit. We understand that the applicant is prepared to discuss that the frontages of Huron
1286 and Springfield Roads will be reddish brown brick and that the remainder of the visible walls
1287 will be of an ornamental block that will match the reddish brown. With these changes to the
1288 building, including the reddish brown brick, the windows, the peak roof, staff is more
1289 comfortable with the design and prepared to recommend approval at this time. And I'll ask
1290 you if you have any questions?

1291

1292 Mr. Vanarsdall - Are there any questions of Mrs. Via?

1293

1294 Mr. Taylor - Mrs. Via, I have one question. If the façade of the office building, does
1295 that face directly, the location that we are seeing?

1296

1297 Mrs. Via - Yes, sir. The rendering that I showed you earlier for Springfield
1298 Commons, actually, who's working that POD? Is the façade facing Springfield Road....

1299

1300 Mr. Wilhite - The main part of the façade is facing into the site.

1301 Mrs. Via - Yes, into the site. Those buildings will be actually perpendicular to
1302 Springfield Road. So, no, that façade that I showed you would not face this site, it would be
1303 interior to the building.

1304

1305 Mr. Taylor - But the color matches pretty close or the same?

1306

1307 Mrs. Via - That's what we are trying to do is to get the color scheme to match
1308 across from Springfield Road, yes.

1309

1310 Mr. Taylor - Could you go back to that elevation on that former slide?

1311

1312 Mrs. Via - Certainly, sir. The office building that you are referring to is
1313 Springfield Commons, this is a rendering that was giving to me by that developer, which
1314 shows a reddish brown brick that that building will be developed in.

1315

1316 Mr. Taylor - That's fine. Thank you very much.

1317

1318 Ms. Dwyer - Mrs. Via, several of the proffers refer to, well, I'm looking specifically
1319 at the architecture treatment proffer No. 3 and the greenbelt proffer No. 10. They reference
1320 frontage on the Huntington subdivision, I guess, wall surfaces facing Huntington subdivision,
1321 Huron and Springfield. When they refer to Huntington subdivision does that just refer to the
1322 eastern property line or does it include that section of the property that looks like it borders
1323 some residences along I guess the northern property line?

1324

1325 Mrs. Via - Our interpretation would be that this is all Huntington subdivision.

1326

1327 Ms. Dwyer - Okay. So, the wall surface proffer and the greenbelt proffer would
1328 apply to that portion of the northern property line.

1329

1330 Mrs. Via - That's correct.

1331

1332 Ms. Dwyer - Okay. That's what I assume, I just wanted to make sure there was
1333 clarity on that. The transitional buffer, the agreement not to reduce to 50 feet, it says only at
1334 the rear of the property, so would that apply to that portion of the northern border as well or
1335 would it apply to the whole entire northern border?

1336

1337 Ms. Via - That's generally, I believe, he is showing the 50 feet in both locations.

1338

1339 Ms. Dwyer - But the proffer doesn't necessarily support that.

1340

1341 Ms. Via - Yes, that's a good point. I didn't catch that. We might want to ask the
1342 applicant to comment on that and maybe clarify that proffer.

1343

1344 Ms. Dwyer - No. 15. It just refers to the eastern property line, I believe.

1345

1346 Ms. Via - At the rear of the property which would be interpreted to be this portion
1347 here (referring to screen) and here. We can ask the applicant to address that in his remarks. I
1348 believe the exhibit, which is proffered, is showing 50 feet on both those ends.

1349

1350 Ms. Dwyer - It looks like the 50 feet goes all the way to Springfield, but I'm not clear
1351 on that. The proffer you spoke about earlier, relating to the bricks, would the brick along
1352 Huron and Springfield but not along the northern and eastern property line.

1353

1354 Mrs. Via - Right. What we have been working on with the applicant, literally, up
1355 until seven o'clock last night, originally the project came in with ornamental block with just
1356 ribbons of brick, which staff wasn't satisfied with. What we are currently discussing with the
1357 applicant, and I believe they will comment so that it's in the minutes during their presentation,
1358 is that this façade and this façade (referring to screen) the facades facing Huron and
1359 Springfield would all be reddish brown brick. The applicant would reserve the right to do
1360 matching block on these two. Actually, that's the only other façade, of walls, at the rear of
1361 the property line.

1362

1363 Ms. Dwyer - And then what would be on the other?

1364

1365 Mrs. Via - This is actually, I believe, a wrought iron appearing gate. Let me go
1366 back. I'm sorry this exhibit did not scan well, which shows up on the document view finder.
1367 No, I'm afraid it doesn't. Do you have the drawing in front of you, Ms. Dwyer?

1368

1369 Ms. Dwyer - Yes, I do.

1370

1371 Mrs. Via - Actually, let me leave the podium for just a moment.

1372

1373 Ms. Dwyer - So, does that mean that some of the houses in Huntington subdivision
1374 will be looking at the ornamental fence and then into the ends of the buildings?

1375

1376 Mrs. Via - On the subject site, there would be the ornamental fencing that is now
1377 shown on the graphic in front of you. However, the applicant is in the process of working on
1378 an agreement and we do have a letter to the Planning Director that the applicant, at his
1379 expense, but on the adjacent property, would construct a six-foot opaque board fence. And I
1380 believe the applicant can elaborate on that a little bit more.

1381

1382 Mr. Vanarsdall - Are there any more questions?

1383

1384 Ms. Dwyer - One more question. On the last page in our packet there was a space
1385 that said reserved along Huron, does that still apply?

1386

1387 Mrs. Via - The last page of your packet would be the zoning map, ma'am?

1388

1389 Ms. Dwyer - Yes.

1390

1391 Mr. Silber - Ms. Dwyer, I think what that is... I believe there was a portion of the
1392 subdivision that was reserved, that piece is a part of this rezoning request.

1393

1394 Mrs. Via - I think that was reserved originally maybe for some type of right-of-
1395 way, but it is a subject of the zoning request.

1396

1397 Ms. Dwyer - Thanks.

1398

1399 Mr. Vanarsdall - Are there any more questions? Thank you, Mrs. Via. Mr. Wilton,
1400 before you get started. Last night I talked to the gentleman, I believe Mrs. Felts told you
1401 about, his name is Brent Johnson. You might want to write his name down, his name is Brent
1402 Johnson. And he is the gentleman that lives right there... you see Meadowgreen Road, he's
1403 over on that side. I believe he's the one that asked you for that fence, isn't he?

1404

1405 Mr. Wilton - I believe he's one of the three people that I... and I sent him a letter
1406 that I would be happy to put up the fence.

1407

1408 Mr. Vanarsdall - He didn't have any objection to what you are doing except he said there
1409 are a couple of big trees back there and I think staked them off and it may be in the 50-foot
1410 buffer.

1411

1412 Mr. Wilton - In the 50-foot buffer, I had already told them that I would meet them out
1413 there.

1414

1415 Mr. Vanarsdall - And he wanted you to plant some Leyland Cypress and everything.

1416

1417 Mr. Wilton - Right. We were going to come back and landscape that entire area
1418 between the new fence I'm putting up for him and the wrought iron fence I'm putting up for
1419 the POD, which will be back before this body.

1420

1421 Mr. Vanarsdall - I told him that you told me that you are going to have a meeting with
1422 them later and get that all taking care of.

1423

1424 Mr. Wilton - Yes, sir. I'll take care of that.

1425

1426 Mr. Vanarsdall - I have his phone number. His address is 9615 Meadowgreen Road and
1427 his phone number is 346-4373. So, he's satisfied now so far as to what you are doing.

1428

1429 Mr. Wilton - Yes, sir. Thank you. Mr. Chairman, members of the Commission,
1430 today I represent Wilton Development. We are requesting a rezoning on 4.35 acres for a mini
1431 warehouse self storage. As you know now many a zoning cases have come through here
1432 unsuccessfully. I believe I have found a use for the property that the majority of the adjacent
1433 landowners and this body can support. The proposed use is consistent with the surrounding
1434 pattern of commercial development along Springfield Road, which is now a four-lane
1435 highway. But, the least intense commercial use, given the low number trip generation, I

1436 would suggest that the rendering, which is proffered now, is compatible with the neighboring
1437 commercial uses such as, obviously, the Price Club, the new office building going up across
1438 the street from it. This is the new proffered rendering, even though there is a question as to
1439 what that material is, that will be brick. I will be back before this body with the brick color
1440 selections, the mortar selection and the roof color so it will be compatible to the buildings in
1441 the area. And we will go ahead and do that obviously when we file this up, if I'm successful
1442 in the rezoning, obviously with a POD and I'll come back before this body with those
1443 selections to make sure that it does conform. We believe this is a good transition between the
1444 residential area and the retail and office concentration in the area. We have taken a
1445 considerable amount of time with the staff, with Mr. Vanarsdall and he has been very helpful
1446 in the neighborhood's comments in regard to the proffers. The proffers we have gone through
1447 a number of transitions as far as the proffers are concerned. Just to go through the proffers
1448 quickly. Again, the only use for this site is the proffered uses. Access limitation, as the
1449 people did not want any access to Huron. The architectural treatment of the buildings is in
1450 reference to "Exhibit B" which is by Sherman & Associates and it does note that we will have
1451 the use of reddish brick or ornamental block. The ornamental block, we may put that on the
1452 back of the property but in this case it will be conditioned, it will be brick along Springfield
1453 Road and Huron. That would be a condition of this case now that we have worked it out, I
1454 believe. In the back we may end up... I will meet with the people one more time, have a
1455 meeting between now and the Board of Supervisors and I will know at that time if I'm going
1456 to use, on the back section of that property, as it abuts Huntington, I will go ahead and have a
1457 decision at that point if I'm going to use the same brick or the ornamental block. I do not
1458 know at this time.

1459

1460 The architectural treatment, we tried to make it as residential or I mean as office as we could
1461 to make it a better transition for the residential neighborhood. And, again, we put in the
1462 windows, we made it brick and we gave it an office characteristic look. And that was the
1463 reason behind that. The hours of operation, again, we have discussed with the neighborhood
1464 at length of seven to nine. Lighting, so that we avoid any type of glare into the adjacent
1465 neighborhood. Security, a six-foot brick or block fence around the majority of the site except
1466 as shown on the exhibit. On the side that Ms. Dwyer was referring to earlier on, there is a
1467 minimum six-foot ornamental metal (unintelligible) fence. In addition to that, there is a 50-
1468 foot buffer that's shown on the plan, right now. And then we are putting up a six-foot fence
1469 which I have details with a letter showing a six-foot privacy fence for those people, in
1470 addition. In between the fence and the wrought iron fencing that I'm putting up on that
1471 section, there will also be planting and landscaping that will go in there to, again, help
1472 additional buffering.

1473

1474 The signage as requested would not exceed six feet in height. It will be the same. It will have
1475 a brick base to it. The landscape greenbelt will come back before this board, but I've given
1476 them basically a minimum type of look with this rendering, which is proffered with the case.
1477 Noise, HVAC systems to be screened, trash receptacle. In regard to the buffer, the
1478 transitional buffer on No. 15, the people adjacent to the property in the back did want a 50
1479 foot. The regulation is 35 feet. We have put in for a 50-foot buffer in the back with
1480 additional landscaping as needed after we construct the building. And again, this was at the

1481 request of the neighborhood when we met with them. And then the climate control it was,
1482 just, again, a suggestion in case there was any noise to move that to the front of the site. This
1483 request is consistent with the Land Use Plan, if appropriate buffers are granted, in the rear,
1484 which we have included as a proffered condition. We are also in agreement with the goals,
1485 objectives, and policies, which note that this proposed use would be a good transition and
1486 buffer between the residential developments and the retail and service uses currently in the
1487 area. For these reasons, I respectfully request approval of case C-28C-00. If you have any
1488 questions, I'll be happy to answer them.

1489

1490 Mr. Vanarsdall - Mr. Wilton, Ms. Dwyer has a couple of questions for you.

1491

1492 Mr. Wilton - Yes, Ms. Dwyer.

1493

1494 Ms. Dwyer - I was looking at proffer No. 15 where there is a commitment not to seek
1495 reduction of the transitional buffer.

1496

1497 Mr. Wilton - Yes, ma'am.

1498

1499 Ms. Dwyer - And that only applies to the rear property line and not the northern
1500 property line? It sounds like you are committed to do that, would you be willing to just put
1501 that in the proffer?

1502

1503 Mr. Wilton - As far as, do you mean additional buffer in the front or the side, is that
1504 what your request is?

1505

1506 Ms. Dwyer - Well, it looks on the plan as though you have committed to a 50-foot
1507 transitional buffer on the eastern and northern property lines, to the rear and the side.

1508

1509 Mr. Wilton - I would like to defer that question until I come back for the POD. The
1510 only reason is that it's been suggested that on Huron Avenue, they may want to go ahead and
1511 move the building back 10 feet. In that case, we would have to reduce the side yard setback to
1512 40 feet.

1513

1514 Ms. Dwyer - So, you may be reducing that side first.

1515

1516 Mr. Wilton - Maybe reducing that only because of the discussions I've had with staff
1517 to maybe move the building off a little bit and to make sure we move it off of Springfield
1518 Road as much as possible too to compact the site. So, I would like to leave that question up...
1519 certainly if I can leave it at 50 I will. If the staff and your direction would be to move the
1520 building back off of Huron, that would be reduced to 40 feet. So I would rather not proffer
1521 that at this time but I will be back in discussions with you and the staff on that issue, during
1522 the POD stage.

1523

1524 Mr. Silber - Ms. Dwyer, I think also, we do need to work on this proffer because my
1525 interpretation is that it says transitional buffer at the rear of the property adjacent to residential

1526 properties, there are residential properties toward the rear on both the north and eastern side.
1527 The technical code requirement says the shorter on a corner lot the shorter the dimension
1528 would be to front yards. The rear would be in fact the northern side. So, it gets more
1529 complicated the more we dig into it.

1530

1531 Mr. Wilton - We can adjust that proffer between now and the Board of Supervisors.

1532

1533 Ms. Dwyer - Which goes back to my other question, and that is all the proffers that
1534 referenced walls and landscaping that will be adjacent to the residential areas, include the
1535 residential areas on the north as well as to the east.

1536

1537 Mr. Wilton - But I think it does reference the exhibit as far as the layout. The layout
1538 shows that we... Again, through the back section right here (referring to screen) because that's
1539 where our BMP is going to be. Our plan is not to run a masonry wall but you know, again,
1540 the wall that you see on the rendering behind you, right there, and then again additional
1541 landscaping adjacent to that and then another six-foot privacy fence to be built on the adjacent
1542 neighborhood property.

1543

1544 Ms. Dwyer - The board fence is going to be along the residential.

1545

1546 Mr. Wilton - Yes, ma'am, it would be on their property.

1547

1548 Ms. Dwyer - And then the ornamental....

1549

1550 Mr. Wilton - Will be on my property 50 feet in and that strip in between the privacy
1551 fence and the ornamental fence would be, additional landscaping would be put in there too.
1552 That's where I think he wants to save those additional trees, which we have no problem with
1553 and I will meet the gentleman out there.

1554

1555 Ms. Dwyer - All right. Just looking at the property line along the eastern property
1556 line, will there be a fence or is that just landscaping between the property line and the building
1557 wall?

1558

1559 Mr. Wilton - Adjacent to in the rear of the property?

1560

1561 Ms. Dwyer - What we will call the rear of the property.

1562

1563 Mr. Wilton - Okay. The 50-foot buffer.

1564

1565 Ms. Dwyer - Yes.

1566

1567 Mr. Wilton - The 50-foot transitional buffer which I have agreed to in the back, we
1568 will come in and....

1569

1570 Ms. Dwyer - Is there going to be a fence along the property line?

1571 Mr. Wilton - No, there is not going to be a fence there, it's going to be an ornamental
1572 block or a brick wall right there, a minimum of six feet in height.

1573

1574 Ms. Dwyer - On the property line or around....

1575

1576 Mr. Wilton - No. It's going to be 50 feet, 50 feet into the property will be a
1577 ornamental block wall or a brick wall.

1578

1579 Ms. Dwyer - So, there will be nothing then between the property line and the
1580 building.

1581

1582 Mr. Wilton - Right. There are trees and bushes all the way back there, heavily. And
1583 they don't want to take those large trees out. What I did tell the people is I would be back and
1584 where we do have pockets I will go ahead and put in some trees, hollies, something that is
1585 going to live in that area right there.

1586

1587 Ms. Dwyer - And then, just for clarification, on the northern property line there is
1588 going to be the six-foot fence, kind of on the residential property, and then at the point where
1589 that becomes A-1, is that fence line going to be continued with ornamental fence or is the
1590 ornamental fence going to be inside the 50 foot area?

1591

1592 Mr. Wilton - The ornamental fence is 50 feet into the property line.

1593

1594 Ms. Dwyer - So, will there be anything between the end of the board at the end of the
1595 R-3 to Springfield Road? Will there be any fencing or anything along there?

1596

1597 Mr. Wilton - The fencing will come up prior, as far as the six-foot privacy fence for
1598 the people, will come up to approximately where the parking lot is located where that house is
1599 in the front. It's not going to go all the way up. In the file there is a letter to Mr. Marlls as
1600 far as the fence coming up that far. We don't want the fence to go all the way to Springfield
1601 Road. It would look funny. But, basically, we've ended that probably 10 or 15 feet past the
1602 ornamental as it's shown, adjacent to the BMP.

1603

1604 Ms. Dwyer - Okay. I think I'm clear on that now. In other words, that's not for
1605 security purposes, that's just at the request of the neighbors.

1606

1607 Mr. Wilton - No, ma'am. Right, it's a buffer for the neighbors.

1608

1609 Mr. Vanarsdall - Are there any more questions for Mr. Wilton? Mr. Wilton, on the last
1610 set of proffers that I reviewed or looked at was on May 8 and you had as the use, use on the
1611 property shall be limited to a mini warehouse self storage facility. But on the current ones you
1612 have and accessory uses there too.

1613

1614 Mr. Wilton - Yes, sir. The house would be an accessory use because that's where the
1615 office is. And I met with Mr. Silber and that was a suggestion on his part when I met with

1616 him to make sure the accessory uses were included otherwise I might not be able to use the
1617 house.

1618

1619 Mr. Vanarsdall - Mr. Silber, can you think of anything else other than a house that could
1620 come under the category as an accessory uses there too?

1621

1622 Mr. Silber - Not off the top of my head. The reason for that was to cover the
1623 dwelling...

1624

1625 Mr. Vanarsdall - That would be used as an office.

1626

1627 Mr. Silber - Yes, sir.

1628

1629 Mr. Vanarsdall - All right. Thank you. Are there anymore questions for Mr. Wilton? I
1630 move that.... Well, first of all, since I've been involved this is the best proposal that's ever
1631 came on this corner. And Mr. Wilton did have his community meetings and Mrs. Via was
1632 present. We didn't have very many people and we thought something was wrong so one of the
1633 lady's suggested that maybe some of them didn't get a notice so they sent out, I forgot how
1634 many notices, and we still got very little response. And this is the first case I've ever seen on
1635 this corner that didn't have a lot of opposition and it's not because it's a daytime meeting. The
1636 way he is going to make it look, of course we know it's low-volume and quiet and he's going
1637 to make it look like anything but a mini storage. There won't be any traffic through the
1638 neighborhood as would the last applicant. So, with that, I recommend approval.

1639

1640 Mrs. Via - Mr. Chairman, if I might interrupt. I'm sorry, but you do need to waive
1641 the time limits to accept these proffers. I'm sorry I did not address that earlier in my remarks.

1642

1643

1644 Mr. Vanarsdall - I move we waive the time limits on the proffers on C-28C-00.

1645

1646 Ms. Dwyer - Second.

1647

1648 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.
1649 All in favor say aye...all opposed say nay. The motion carries.

1650 Acting on a motion by Mr. Vanarsdall and seconded by Ms. Dwyer, the Planning Commission
1651 waived the time limits on C-28C-00.

1652

1653 Mr. Vanarsdall - I move that C-28C-00 be recommended to the Board of Supervisors for
1654 approval.

1655

1656 Ms. Dwyer - Second.

1657

1658 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.
1659 All in favor say aye...all opposed say nay. The motion carries.

1660

1661 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Ms. Dwyer, the Planning
1662 Commission voted 5 to 0 (Mrs. O'Bannon was absent) to recommend that the Board of
1663 Supervisors recommend approval of C-28C-00 because the proffered conditions will assure a
1664 level of development otherwise not possible.

1665

1666 Mr. Vanarsdall - Do we want to take a break now or just start into the cases?

1667

1668 Mr. Silber - Well, since we have passed ten o'clock and if you could just hold your
1669 break another minute, maybe we should deal with the expedited and deferred cases for the ten
1670 o'clock agenda. Also, we had past LP/POD-3-99, Home Depot, by and it is my
1671 understanding that Home Depot would like to defer that case so if we could also deal with
1672 that.

1673

1674 Mr. Vanarsdall - All right. Thank you. Mr. McGarry.

1675

1676 Mr. McGarry - Staff is now aware of three deferral requests for your ten o'clock
1677 agenda. The first one is on page 25.

1678

1679 **LANDSCAPE PLAN**

1680

LP/POD-3-99
Home Depot

Home Depot U.S.A., Inc.: Request for a approval of a
landscape plan as required by Chapter 24, Sections 24-106 and
24-106.2 of the Henrico County Code. The 22.76 acre site is
located on the south west corner of W. Broad Street (U.S.
Route 250) and Horsepen Road on parcels 92-A-39, 40, 41,
47; 92-9-D-11, 12, 18; 92-9-F-3, 4, 5, 6 and 7. The zoning is
B-3, Business District. **(Three Chopt)**

1681

1682 Mr. McGarry - The applicant is now requesting deferral of this case, LP/POD-3-99,
1683 Home Depot, to the June 28 meeting.

1684

1685 Mr. Vanarsdall - Is there anyone in the audience in opposition to deferring LP/POD-3-99,
1686 Home Depot? No opposition. All right. Entertain a motion, Mr. Taylor.

1687

1688 Mr. Taylor - Mr. Chairman, I would move that the landscaping plan for LP/POD-3-
1689 99, Home Depot, on W. Broad Street be deferred to the 28th of June, at the request of the
1690 applicant.

1691

1692 Mrs. Quesinberry - Second.

1693

1694 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.
1695 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1696

1697 Pursuant to the applicant request, the Planning Commission deferred LP/POD-3-99, Home
1698 Depot, to its June 28, 2000, meeting.

1699 Mr. McGarry - On page 30 of your agenda, this is POD-42-00, Springfield Commons.
1700

1701 **PLAN OF DEVELOPMENT**

1702

POD-42-00
Springfield Commons

Jordan Consulting Engineers for R.A.S. LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 11,640 square foot office building, a one-story, 15,240 square foot office building and a one-story, 14,640 square foot office building. The 4.44 acre site is located along the west line of Springfield Road (State Route 157), approximately 900 feet north of W. Broad Street (U.S. Route 250) on parcel 48-A-23B. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Three Chopt)**

1703

1704 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-42-
1705 00, Springfield Commons? No opposition. Mr. Taylor.

1706

1707 Mr. Taylor - Mr. Chairman, I would move that POD-42-00, Springfield Commons,
1708 be deferred to the 28th of June, at the request of the applicant.

1709

1710 Mrs. Quesinberry - Second.

1711

1712 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.
1713 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1714

1715 Pursuant to the applicant request, the Planning Commission deferred POD-42-00, Springfield
1716 Commons, to its June 28, 2000, meeting.

1717

1718 Mr. McGarry - Lastly, on page 36 of your agenda, this is POD-40-00, Gaskins Centre
1719 Towers.

1720

1721 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1722

POD-44-00
Gaskins Centre Towers -
Gaskins Road

E. D. Lewis & Associates for Gaskins Centre, L.C.: Request for approval of a plan of development and special exception for buildings exceeding three stories in height as required by Chapter 24, Sections 24-106 and 24-94 of the Henrico County Code to construct two eight-story, condominiums with a total of 80 units and a two-level parking deck. The 6.72 acre site is located at the northern intersection of Gaskins Road and Castile Drive on part of parcel 99-A-12. The zoning is R-6C, One-Family Residence District (Conditional). County water and Sewer. **(Tuckahoe)**

1723

1724 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-44-
1725 00, Gaskins Centre Towers? No opposition. Ms. Dwyer.
1726
1727 Ms. Dwyer - I move that POD-44-00, Gaskins Centre Towers, be deferred to our June
1728 28 meeting, at the applicant's request.
1729
1730 Mr. Archer - Second.
1731
1732 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All
1733 in favor say aye...all opposed say nay. The motion carries.
1734
1735 Pursuant to the applicant request, the Planning Commission deferred POD-44-00, Gaskins
1736 Centre Towers, to its June 28, 2000, meeting.
1737
1738 Mr. McGarry - That is all that staff is aware of.
1739
1740 Mr. Vanarsdall - All right. You done good, Ted. Mr. Secretary, do the Commission
1741 want to take a break now or start into the cases? The Commission will now take a short break.
1742
1743 **AT THIS TIME THE COMMISSION TOOK A BREAK AND THEN RECONVENED**
1744 **AND MR. MARLLES CAME IN DURING THIS TIME AND REPLACED MR. SILBER**
1745 **WHO WAS STANDING IN FOR HIM.**
1746
1747 Mr. Vanarsdall - The Planning Commission will now reconvene. We have a case that we
1748 did not include on the Expedited Agenda. So, we are going to do that first. Mr. Secretary,
1749 Mr. Marlles, would you like to call that case.
1750
1751 Mr. Marlles - We do have a request that POD-45-00, Katherman - Lexington
1752 Commons be added to the Expedited Agenda.
1753
1754 Ms. Dwyer - What page is that on?
1755
1756 Mr. Marlles - That is on page 34.
1757
1758 Ms. Dwyer - Was this on the Expedited Agenda for ten o'clock?
1759
1760 Mr. Marlles - I believe this is on the ten o'clock, yes, ma'am.
1761
1762 Mr. Vanarsdall - All right. Mr. McGarry.
1763

1764 **PLAN OF DEVELOPMENT**

1765

POD-45-00
Katherman - Lexington
Commons

Balzer & Associates, P.C. for Katherman Investments:
Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 8,000 square foot office building and a one-story, 21,000 square foot office building. The 3.01 acre site is located at 10148 W. Broad Street (U. S. Route 250), approximately, 370 feet east of intersection of W. Broad Street (U. S. Route 250) and Fort McHenry Parkway on parcel 48-A-14E. The zoning is O-2C, Office District (Conditional). County water and Sewer. **(Three Chopt)**

1766

1767 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-45-00, Katherman
1768 - Lexington Commons? No opposition. Mr. Taylor.

1769

1770 Mr. Taylor - Before we go on, Mr. Chairman, if I could, Mr. Katherman who is the
1771 developer of this project is here with us today, and he and Mr. Scherzer and Mr. Whitney and
1772 myself met with the local neighbors of this project and I wonder if he might want to just say a
1773 few words.

1774

1775 Mr. Scherzer - Good morning, Mr. Chairman, members of the Commission. My name
1776 is Andy Scherzer, for the record. I'm from Balzer & Associates. We did indeed meet and we
1777 had a very productive meeting. Most of the discussion centered upon the transition, the
1778 landscaping and/or fencing that would be provided in the area between us and the townhouses.
1779 And the developer here very cordially promised to do whatever the citizens wanted him to do.
1780 We agreed to bring back the landscape plan at a later date and we'd have separate private
1781 meetings with them to determine what they actually want to do and we do ask for your
1782 favorable motion in this matter and we look forward to coming back to you with another
1783 positive situation at the landscape plan time.

1784

1785 Mr. Vanarsdall - Thank you, very much. And out of 34 conditions you don't have any
1786 problems and we appreciate that.

1787

1788 Mr. Scherzer - Thank you, sir.

1789

1790 Mr. Taylor - Mr. Katherman, would you like to say just a little bit or just give us a
1791 few words on your perception of this project, please.

1792

1793 Mr. Katherman - Ladies and gentlemen my name is B. K. Katherman and I'm the
1794 developer and owner of this property. We met with the neighbors. We had a very productive
1795 meeting and they had a lot of concerns as to how this project was going to be oriented to their
1796 homes. The one thing that we promised them was that we will do everything within our power
1797 to blend in with their neighborhood. We offered a fence but we also offered to do additional
1798 landscaping and what our thought process was once we got the site cleared, then we wanted to

1799 give them an opportunity to see how the building was going to be oriented and how we could
1800 best landscape to protect the homes that were closest to this project and if they felt the fence
1801 was needed, that was great and we were happy to do that. If they felt that they wanted more
1802 landscaping additionally, we also offered that in the area, as you look there is sort of a triangle
1803 piece that's directly behind there that has a lot of dead trees and debris and things like that in
1804 and we offered to clean that area up, if they would give us permission to do that so that we can
1805 make a very nice transition in their backyards into our project. Everybody seemed to be very
1806 pleased with the fact that we were willing to go the extra mile for them in this particular
1807 project. So, I look forward to your favorable conclusion.

1808

1809 Mr. Vanarsdall - We appreciate you coming. If you don't live up to all of that, Mr.
1810 Taylor will hear about it.

1811

1812 Mr. Katherman - Well, one of the funny things, we made a lot of the promises to these
1813 people and there is sometime they don't always believe that this is what is going to happen, but
1814 I assured them that when we go to get our occupancy permit that we hadn't done what we said
1815 we were going to do, Mr. Taylor would certainly make sure that we didn't get an occupancy
1816 permit and that was the best card that they could have.

1817

1818 Mr. Taylor - There were a lot of concerns....

1819

1820 Mr. Vanarsdall - Mr. Taylor, do you want to make a motion for the Expedited Agenda?

1821

1822 Mr. Taylor - Mr. Chairman, I'll move approval for POD- 45-00, Katherman -
1823 Lexington Commons, subject to the annotations on the plan and the standard conditions for
1824 developments of this type, and additional conditions Nos. 23 through 34.

1825

1826 Mrs. Quesinberry - Second.

1827

1828 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.
1829 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1830

1831 The Planning Commission approved POD-45-00, Katherman - Lexington Commons, subject to
1832 the standard conditions attached to these minutes for developments of this type, the annotations
1833 on the plans and the following additional conditions:

1834

1835 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1836 the County in a form acceptable to the County Attorney prior to any occupancy permits
1837 being issued. The easement plats and any other required information shall be submitted
1838 to the County Real Property Agent at least sixty (60) days prior to requesting
1839 occupancy permits.

1840 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
1841 approved by the Virginia Department of Transportation and the County.

1842 25. A notice of completion form, certifying that the requirements of the Virginia
1843 Department of Transportation entrances permit have been completed, shall be submitted

- 1844 to the Planning Office prior to any occupancy permits being issued.
- 1845 26. The developer shall provide fire hydrants as required by the Department of Public
1846 Utilities in its approval of the utility plans and contracts.
- 1847 27. The certification of building permits, occupancy permits and change of occupancy
1848 permits for individual units shall be based on the number of parking spaces required for
1849 the proposed uses and the amount of parking available according to approved plans.
- 1850 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1851 County Attorney prior to final approval of the construction plans by the Department of
1852 Public Works.
- 1853 29. Deviations from County standards for pavement, curb or curb and gutter design shall
1854 be approved by the County Engineer prior to final approval of the construction plans by
1855 the Department of Public Works.
- 1856 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1857 drainage plans.
- 1858 31. Insurance Services Office (ISO) calculations must be included with the utilities plans
1859 and contracts and must be approved by the Department of Public Utilities prior to the
1860 issuance of a building permit.
- 1861 32. Approval of the construction plans by the Department of Public Works does not
1862 establish the curb and gutter elevations along the Henrico County maintained right-of-
1863 way. The elevations will be set by Henrico County.
- 1864 33. Approval of the construction plans by the Department of Public Works does not
1865 establish the curb and gutter elevations along the Virginia Department of Transportation
1866 maintained right-of-way. The elevations will be set by the contractor and approved by
1867 the Virginia Department of Transportation
- 1868 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1869 Planning Office and approved prior to issuance of a certificate of occupancy for this
1870 development.

1871

1872 **PLAN OF DEVELOPMENT (Deferred from the May 11, 2000, Meeting)**

1873

POD-22-00

The Goddard School - Town
Center @ Twin Hickory

**Balzer & Associates and RealtiCorp for Retlaw 100 L.L.C.
and Katherman & Company:** Request for approval of a plan
of development as required by Chapter 24, Section 24-106 of
the Henrico County Code to construct a one-story, 10,305
square foot day care facility in a shopping center. The 1.43
acre site is located along the south line of Old Nuckols Road
approximately 600 feet west of Nuckols Road on part of parcel
18-A-22E. The zoning is B-2C, Business District
(Conditional). County water and sewer. **(Three Chopt)**

1874

1875 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-22-00, The
1876 Goddard School - Town Center @ Twin Hickory? No opposition. Mr. Wilhite.

1877

1878 Mr. Wilhite - Good morning. Thank you, Mr. Chairman. You do have a revised plan
1879 that was just handed out to you. We received this since the deferral from the May 11 meeting.

1880 At that time, there was a problem with the fenced in playground area along Old Nuckols Road
1881 not meeting the setback requirements for the shopping center. This revised plan takes the
1882 building and the playground and shifts it more towards the east, inside the site, to meet the
1883 setback requirements. The parking lot also has been relocated. The parking will be off the
1884 interior drive aisles in the shopping center. The traffic engineer has looked at this situation
1885 and he finds it acceptable. Staff has recommended that the circular design feature at the
1886 intersection of the drives, as shown on the master plan, be retained. That is agreeable to the
1887 applicant as well. Water quality calculations have been looked at by Public Works. They are
1888 okay with the information provided to them. As of yesterday, I did receive a letter from the
1889 developer concerning the color and use of materials here. They have committed to matching
1890 the brick already approved as part of the first phase of the shopping center. The roof color,
1891 they are down to two different colors. One is a patina color, the other copper. And once they
1892 decide on this color, this color will be used for the rest of the outparcels out there, according
1893 to my discussions with Neal Rankin. With that, staff can recommend approval of this revised
1894 plan with its annotations, standard conditions, and conditions Nos. 23 through 30 as they
1895 appear on your agenda.

1896

1897 Mr. Vanarsdall - Are there any questions for Mr. Wilhite? Mr. Taylor, would you like to
1898 hear from the applicant?

1899

1900 Mr. Taylor - Is the applicant here?

1901

1902 Mr. Scherzer - Mr. Chairman and members of the Commission, my name is Andy
1903 Scherzer, for the record. And we do offer this case as shown and do ask for your favorable
1904 motion. We have been working with the developer and with the staff to make this an
1905 approvable plan and we do offer it. Thank you.

1906

1907 Ms. Dwyer - I have a question about the design feature. Mr. Wilhite, maybe you can
1908 answer that. Will this circular design feature, how will that be constructed? Will it be a curb,
1909 curbing around the circle or will it just be a flat brick....

1910

1911 Mr. Wilhite - This design feature has been used approximately about a half dozen other
1912 times in the shopping center itself. I think it is mostly brick or concrete paver blocks. The
1913 regular curb and gutter will be there but the design feature include the paved areas and then
1914 spreads out onto the green spaces as well to end up with a circular feature.

1915

1916 Ms. Dwyer - So, the curb will intrude then within the circular design feature?

1917

1918 Mr. Wilhite - The curb and gutter will be included within that design feature. It does
1919 show up at the corners, here (referring to screen) at the ends of the cross walk designs.

1920

1921 Ms. Dwyer - Okay.

1922

1923 Mr. Vanarsdall - Are there any more questions? All right, Mr. Taylor.

1924

1925 Mr. Taylor - Mr. Chairman, I move approval on POD-22-00, Goddard School -
1926 Town Center @ Twin Hickory, subject to the standard conditions for developments of this
1927 type, Nos. 9 and 11 amended and additional conditions Nos. 23 through 30.

1928

1929 Mrs. Quesinberry - Second.

1930

1931 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.
1932 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1933

1934 The Planning Commission approved POD-22-00, The Goddard School - Town Center @ Twin
1935 Hickory, subject to the standard conditions attached to these minutes, the annotations on the
1936 plans and the following additional conditions:

1937

1938 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1939 review and Planning Commission approval prior to the issuance of any occupancy
1940 permits.

1941 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
1942 depictions of light spread and intensity diagrams and fixture mounting height details
1943 shall be submitted for Planning Office review and Planning Commission approval.

1944 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1945 the County in a form acceptable to the County Attorney prior to any occupancy permits
1946 being issued. The easement plats and any other required information shall be submitted
1947 to the County Real Property Agent at least sixty (60) days prior to requesting
1948 occupancy permits.

1949 24. The developer shall provide fire hydrants as required by the Department of Public
1950 Utilities in its approval of the utility plans and contracts.

1951 25. A standard concrete sidewalk shall be provided along the south side of Old Nuckols
1952 Road.

1953 26. Outside storage shall not be permitted.

1954 27. Deviations from County standards for pavement, curb or curb and gutter design shall
1955 be approved by the County Engineer prior to final approval of the construction plans by
1956 the Department of Public Works.

1957 28. Insurance Services Office (ISO) calculations must be included with the utilities plans
1958 and contracts and must be approved by the Department of Public Utilities prior to the
1959 issuance of a building permit.

1960 29. The ground area covered by all the buildings shall not exceed in the aggregate 25
1961 percent of the total site area.

1962 30. No merchandise shall be displayed or stored outside of the building(s) or on
1963 sidewalk(s).

1964

1965 **PLAN OF DEVELOPMENT REVISED ELEVATION**

1966

POD-101-98
Trampton Center -
Office/Warehouse

Engineering Design Associates for P & T Associates:
Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to authorize a revised elevation plan for building A. The 2.1 acre site is located along the east line of Trampton Road approximately 200 feet north of Audubon Drive on parcels 163-5-G-1 and 6 and part of parcels 163-A-19G and 19D. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer **(Varina)**

1967

1968 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-101-98, Trampton
1969 Center - Office/Warehouse? No opposition. Mr. Kennedy.

1970

1971 Mr. Kennedy - Mr. Chairman and ladies and gentlemen on the Commission, this is a
1972 little bit of an unusual request because it is an after the fact amendment to a plan of
1973 development. This amendment would amend the elevation plan approval for an elevation that
1974 was approved with the original plan of development in October of 1998. It would authorize
1975 painted common concrete masonry block in lieu of the previous approved painted fluted
1976 blocks. I've got examples of the building should look like because the second building is
1977 being constructed correctly. I've got pictures of how the building was constructed and the
1978 remediation that the applicant has done. Basically, the proffers on the property require
1979 specific Planning Commission approval for the use of painted masonry units. What I would
1980 like to do is read the specific proffer language. It says: No portion of the exterior wall
1981 surfaces shall contain unfinished concrete painted or untreated concrete masonry units, sheets
1982 or corrugated aluminum or asbestos unless specifically requested and approved by the Planning
1983 Commission at the time of plan of development review. So, that's basically what you are
1984 being asked to do today, is just to substitute material which fits into that category. Basically,
1985 what they did was, not construct the original building as it was proffered.... This is what the
1986 building looks like today (referring to screen), this is how the building was constructed
1987 originally. The pictures are very hard to see but the covered bands are actually just painted
1988 masonry, common masonry blocks. This is an up close picture of what it looks like (referring
1989 to screen) it's just typical painted block and that was not approved on the original. What they
1990 subsequently did was come back and did a treatment to those blocks and this is the first version
1991 of the treatment, where basically you kind of lose the lines and what we wanted to try to do,
1992 we worked with the applicant on that, and wanted to lose the separation and the contrast so as
1993 not to attract as much attention. This is a close up of how they actually treated it. You lose
1994 the lines a little bit because of the treated paint that they are using. It's basically a texture
1995 paint acrylic surface that they have placed on it. This is what it should have looked like which
1996 was fluted bands with the split face block, and this is how it is looking today. This is the end
1997 elevation as it's visible from the street and this is a close up of it (referring to screen). You
1998 lose most of the lines, because of the texture treatment, although there are still some lines that
1999 are visible, but basically what they have done is they have done a remedial treatment with this

2000 texture finish to get rid of the lines to the extent they feel they can. And that's what they are
2001 requesting approval of. Because of the nature of the request, it needs specific approval of the
2002 Planning Commission. The applicant is here.

2003

2004 Mr. Vanarsdall - Are there any questions of Mr. Kennedy?

2005

2006 Mrs. Quesinberry - Mr. Kennedy, when we looked at this we also added a condition that
2007 they would keep this building painted an earth tone color, solid, to help hide some of the
2008 contrast.

2009

2010 Mr. Kennedy - To hide it the building would be painted an earth-tone color and it has to
2011 be the same color as the rest of the buildings so it's not a contrast, it would be the same color
2012 as the block itself. Those are the conditions on it. I also have pictures of the surrounding
2013 buildings, if the Commission is interested.

2014

2015 Mrs. Quesinberry - We can hear from the applicant.

2016

2017 Ms. Isaac - Good morning. My name is Larrine Isaac and I'm representing P & T
2018 Associates. The elevation that was originally approved for this building was for painted,
2019 fluted and split white face block. While the building was under construction, a field decision
2020 was made because fluted block was not available that they would go with the smooth face
2021 block. Wrong decision. That was compounded with the problem with bad masonry work.
2022 Those two mistakes were compounded by painting those bands a different color than the split
2023 face. In all, it really didn't look very good and the first time I saw it, I was really shocked
2024 because the building was supposed to be really nice looking. Anyway, we met with the staff,
2025 we met with Mrs. Quesinberry. The first thing was that the masonry work was cleaned up,
2026 voids were filled. Then the area with the smooth face block I had an acrylic texture coating
2027 put on it, which minimized the seams in the block work and it was all painted the same color.
2028 We've worked, since January, with the staff and Mrs. Quesinberry to try and rectify the
2029 situation and make the best of a very bad situation. So, we have submitted revised elevations
2030 showing what the building looks like now and are requesting approval from this Commission
2031 for those elevations.

2032

2033 Mrs. Quesinberry - Thank you. This is kind of a sad case of, as Ms. Isaac eluded to, a bad
2034 field decision, lousy masonry work and then accent painting that just brought it all together. I
2035 think we have worked as best we could. Mr. Kennedy was a great save when he was out in
2036 the field and actually found this and brought it to our attention so that we could work with the
2037 applicant and get them to do some improvement on the block work. It's not perfect and I
2038 wouldn't want anybody to leave here and think this was a beautiful job because it's not. It's
2039 improved but it is far from beautiful job. And the things that make it tolerable, are the fact
2040 that they have agreed to and gone to the a single color textured paint that is an earth tone
2041 color, does tend to hide the bands that are the plain basic block. And using the textured coating
2042 paint which they will have to continue when they paint over the years and keep that
2043 maintenance up and help to hide it somewhat as well. We looked at alternatives and this is in
2044 an industrial area and from the street and the traffic in that area, it is tolerable and the

2045 adjoining buildings around it will be built to the original proffer specifications. But, we felt at
2046 this time, in this particular case, this was the best solution that we could do. Everybody is
2047 sorry that it occurred and certainly don't want to see this happen again, but this was the best
2048 solution that we could do to get this building up to a level and a street look, that at least in
2049 spirit would meet what the intention of the Planning Commission was at the time the original
2050 POD was approved. So, with that, I would like to recommend approval of POD-101-98,
2051 Trampton Center Office/Warehouse, subject to the annotations on the original staff plan, the
2052 standard conditions for developments of this type and the original conditions on the previously
2053 approved plan.

2054

2055 Mr. Taylor - Second.

2056

2057 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr.
2058 Taylor. All in favor say aye...all opposed say nay. The motion carries.

2059

2060 The Planning Commission approved the revised elevation for POD-101-98, Trampton Center
2061 Office/Warehouse, subject to the standard and additional conditions approved on the previous
2062 approved plan.

2063

2064 **PLAN OF DEVELOPMENT**

2065

POD-35-00
Pitts Property Access

**Foster & Miller, P.C. for First Union National Bank and
Atack-Lakepointe, L.C.:** Request for approval of a plan of
development as required by Chapter 24, Section 24-106 of the
Henrico County Code to construct an access drive. The 13.291
site is located at the northern terminus of Dominion Boulevard
on part of parcels 37-A-47, 48 and 37-2-E-1A. The zoning is
O-3C, Office District (Conditional). County water and sewer.
(Three Chopt)

2066

2067 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-35-00, Pitts
2068 Property Access? All right. We have opposition in the back. Mr. Wilhite.

2069

2070 Mr. Wilhite - Since the agenda has been put together, we have met with the applicant
2071 and staff has completed its review of the project. A copy of the staff's annotations is being
2072 handed out to you. The applicant is proposing an access drive to serve property that has not
2073 been developed yet. We have not seen a POD submitted on it. The rezoning was done in
2074 1999, including the Pitts property. At that time, one of the proffers precluded any access to
2075 Sadler Road. As part of the agreement between Sidney Gunst and the property owner, this
2076 access drive needs to be constructed to provide access to their property for future development.
2077 Also included in your packet, originally, is a conceptual layout plan for the Pitts property.
2078 This is not before you for any type of approval, it's strictly for informational purposes only.
2079 On page 4 of the addendum there are some additional conditions proposed. The first four that
2080 appear are miscellaneous conditions that are usually standard for any POD. Condition No. 27
2081 requires that the access drive, once it is constructed, be gated or chained off to prohibit any

2082 vehicular access on this until development of the property has occurred. Also, I will need to
2083 relate to you that Public Utilities still has some issues that have to be resolved with them in
2084 order for them to approve utility plans. However, I believe that our standard condition No. 2,
2085 and I'll read that to you, will cover Public Utilities concerns. This is a condition standard for
2086 all POD's and I believe will cover the situation here. It reads: The approval of this plan of
2087 development does not constitute approval of the utilities layout or construction plans. The
2088 development shall comply with the requirements as stated in the utilities contract approved by
2089 the Department of Public Utilities. The Department of Public Utilities shall be notified at least
2090 24 hours prior to the start of any utilities construction. So, I believe the issues Public Utilities
2091 still has with this project, the opportunity is there for the developer to work out with them
2092 prior to signing of the utility plans for this project. I'll be happy to answer any questions, but
2093 staff is in the position to recommend approval with the conditions that appear on the addendum
2094 and any annotations on this revised plan.

2095

2096 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members? All
2097 right. Mr. Taylor, would you like to hear from the applicant?

2098

2099 Mr. Taylor - I would enjoy that, Mr. Chairman, if he is here.

2100

2101 Mr. Parker - Good morning Commission members. My name is Philip Parker with
2102 Foster & Miller and I'm here to represent the applicant. This simply is a private access road
2103 that is per a real estate agreement that was made between First Union and Highwoods
2104 Properties and Pavilion Associates for a portion of the First Union's expansion property that
2105 they currently own. We are working within the recorded easements meeting the County
2106 requirements. The question for the utility department, just so that you would understand what
2107 their issues are, revolves around the concern of designing the utilities within this roadway for a
2108 site that does not currently have a POD or a formal utility plan submitted. And as I explained
2109 to the Utility Department, we are designing based on the rezoning of that property and its
2110 maximum use, it's maximum in density of use relative to water demand, sewer demand,
2111 parking, etc. It's no different than if we had filed a tentative plan and submitted this road
2112 separate from a true POD. It's simply an issue of timing. And I believe we can work through
2113 any issues relative to that. We have provided the Utility Department with all the information
2114 they have asked for. I feel that they probably just have not had a chance, with that workload,
2115 to fully review everything that's been provided them. I can answer any questions you all may
2116 have.

2117

2118 Mr. Vanarsdall - All right. Are there any questions?

2119

2120 Mr. Taylor - Mr. Parker, how long will it be before the work on this is completed in
2121 this phase?

2122

2123 Mr. Parker - The work on the actual roadway?

2124

2125 Mr. Taylor - The work on the transitional work or the work on the whole site?

2126

2127 Mr. Parker - Do you mean the actual site construction? We have all of the permits in
2128 hand outside of County approvals. Once we can obtain County approval, we are prepared to
2129 begin the work, I would expect three to six months on the outside for construction based on
2130 whatever approvals occur. And it's 1200 feet of 24-foot roadway.

2131

2132 Mr. Silber - Mr. Taylor, are you talking about the access driveway or are you talking
2133 about the property for which it would serve?

2134

2135 Mr. Taylor - My thought was the access driveway. How long would it be in existence
2136 there?

2137

2138 Mr. Parker - Without the POD's around the property, I do not know that answer
2139 directly. I do know the rights of refusal for the property that this would serve. That entity is
2140 prepared to began, a POD pending, an actual user. We have done various slabs on that. First
2141 Union has met with the County in the past on their expansion requirements, which this
2142 roadway also serves. If this works out as expected, it's not more than a few years.

2143

2144 Mr. Taylor - Okay. Thank you.

2145

2146 Mr. Vanarsdall - Thank you, Mr. Parker. Mr. Taylor.

2147

2148 Mr. Taylor - Mr. Chairman, with that I would move approval of POD-35-00, Pitts
2149 Property Access, subject to the standard conditions Nos. 23 through 27 for developments of
2150 this type and the annotations on the plan.

2151

2152 Mrs. Quesinberry - Second.

2153

2154 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.
2155 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

2156

2157 The Planning Commission approved POD-35-00, Pitts Property Access, subject to the standard
2158 conditions attached to these minutes for developments of this type, the annotations on the plan,
2159 and the following additional conditions:

2160

2161 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2162 the County in a form acceptable to the County Attorney prior to any occupancy permits
2163 being issued. The easement plats and any other required information shall be submitted
2164 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2165 permits.

2166 24. The developer shall provide fire hydrants as required by the Department of Public
2167 Utilities in its approval of the utility plans and contracts.

2168 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
2169 approved by the County Engineer prior to final approval of the construction plans by the
2170 Department of Public Works.

2171 26. Insurance Services Office (ISO) calculations must be included with the utilities plans and

2172 contracts and must be approved by the Department of Public Utilities prior to the
2173 issuance of a building permit.

2174 25. Should the access drive be constructed prior to the full development of this parcel or the
2175 adjacent parcel for which it is intended to serve, the said drive shall be chained or gated
2176 to prohibit vehicular access.

2177

2178 Mr. Vanarsdall - Mr. Secretary, our next case.

2179

2180 Mr. Marlles - All right. Mr. Chairman, our next case is on page 29, POD-40-00,
2181 Second Baptist Church on River Road.

2182

2183 Mr. Vanarsdall - We have a very distinguish gentleman this morning with us in behalf of
2184 this case, it's Mr. Clarke Jones III. Is there anyone in the audience in opposition to POD-40-
2185 00, Second Baptist Church? No opposition. Mr. Strauss. Oh. Wait a minute. We had
2186 opposition on the last case, didn't we?

2187

2188 Mr. Loving - Yes, we did.

2189

2190 Mr. Vanarsdall - Mr. Marlles, let's go back to page 28, Pitts Property. Sorry about that
2191 do you want to come down?

2192

2193 Mr. Loving - Mr. Chairman, members of the Board (sic), my name is Willie L.
2194 Loving and I live directly in front of the Pitts Property. Their property is about 95% in front
2195 of my home. I don't know if any of you have ever seen these pictures I took, would you like
2196 to see them?

2197

2198 Mr. Vanarsdall - Yes, sir.

2199

2200 Mr. Loving - That's for each one of you all to look at, if you get a chance. The Pitts
2201 keep their property looking very well. The grass is cut low and it's been like that since I've
2202 been there for the last 30 years. Property has been sold on Sadler Road and the last time I was
2203 here I had a complaint about who is to keep up the maintenance of the property. Do you
2204 remember? And, it seems like no one in here remembers who is supposed to keep it up.
2205 Finally, they made a decision that the purchaser and the developer were supposed to keep up
2206 the property up and down Sadler Road. But, the next two or three days after that, they had
2207 maintenance come out there and they really have been doing a beautiful job. They really have
2208 been keeping that road up. Now, this property is directly in front of my home and were a
2209 couple of houses up the road that they have sold, which was the Pryor's and Houston's
2210 property. They have someone living in the Pryor's property now. I think they have a six-
2211 month lease to live in the house since it's been sold. After that, I think it's about a 30-day
2212 lease that they can continue to live there. But, the Houston's property is vacant and it
2213 beginning to grow like the wilderness. Although, the property that has been sold, they have
2214 some dead trees and limbs all about and yet who is going to keep it up? Now, since the Pitt's
2215 has sold their property, they haven't move out yet, but those pictures that you see there now, I
2216 took those so that all of you can look at it, I'm wondering if it is going to continue to be that

2217 way since it has been sold. Now, the last time I told you all about the snakes that we had. I
2218 killed one last week, although, there's going to be more than that now if they do not continue
2219 to keep the grass cut. And I'm just wondering do I have to come before this Board (sic) to ask
2220 them are you going to keep up this property and keep the grass cut like you see on those
2221 pictures. Mr. Taylor asked a question, and it was a very good question, on how soon will
2222 they start the developing. He asked that question a few minutes ago and I thought it was very
2223 nice of him to ask that question because that's the questions I wanted to ask myself. When are
2224 the developers going to start and what are they going to do since this property has been sold?
2225 I'm not kicking against the fact that.... I'm not opposing it, but I just want to know what are
2226 they going to do about this land and who will be the ones to take care of it?

2227

2228 Mr. Vanarsdall - All right, Mr. Marlles.

2229

2230 Mr. Marlles - Mr. Chairman, at this point I would suggest that we ask the applicant if
2231 he can address the concerns of this citizen, assuming there is no other opposition.

2232

2233 Ms. Dwyer - I think the discussion I remember at zoning time was the upkeep of the
2234 adjacent property as well. There's not a good history of maintaining that berm. Is that right?

2235

2236 Mr. Loving - That's right.

2237

2238 Mr. Taylor - Sir, which one of those is the Pryor's house, is that the one to the north?

2239

2240 Mr. Loving - The Pryor's house is the second house coming from Broad Street coming
2241 down. The first house is the Houston's house and the next house is the Pryor's house.

2242

2243 Mr. Taylor - And the Houston's house is the one that is occupied?

2244

2245 Mr. Loving - No, the Pryor's house is occupied. Although, they have moved, it's
2246 now being rented out.

2247

2248 Mr. Taylor - Okay. Well, let's see what the developer has to say. Just yield to Mr.
2249 Parker, we will recognize Mr. Parker.

2250

2251 Mr. Parker - Sir, again, my name is Philip Parker with Foster & Miller. I wasn't
2252 aware of a maintenance issue along Sadler Road. This is the first that it has been brought to
2253 my attention. I'm assuming the areas we are talking about are along this stretch of Sadler
2254 Road. Is this your residence, sir?

2255

2256 Mr. Loving - Yes, it is.

2257

2258 Mr. Parker - This is the old Pryor and Houston's properties. First Union now owns
2259 that property. I will contact First Union's facilities department and make sure that they are
2260 maintaining that area. Now, there have been no improvements so maintenance would be
2261 probably held only to what lawn existed through that area and anything within the right-of-way

2262 on the road side ditches, which the County usually maintains. But, I can definitely get in
2263 touch with the correct people at First Union to make sure that that is maintained.

2264

2265 Mr. Taylor - I think, Mr. Parker, is really the concern of the neighbors is that the
2266 maintenance of that property is at least the same level as if it were occupied during the period
2267 we are waiting for construction. And I think that's the only assurance you are seeking.

2268

2269 Mr. Loving - That's right.

2270

2271 Mr. Vanarsdall - You just want it to be kept up just like if it were your property or
2272 anyone else property.

2273

2274 Mr. Parker - I will, upon my return to the office, contact First Union and find out
2275 what we can do about getting somebody out there pretty quickly. That's not a problem.

2276

2277 Ms. Dwyer - Mr. Marlles, isn't there a community maintenance organization that the
2278 citizens could call if in fact this is not kept up for the summer?

2279

2280 Mr. Marlles - Yes, ma'am. I was going to mention that. Within the Planning Office
2281 there is a Community Maintenance Program, which deals with such problems as weeds,
2282 overgrown lawns, also inoperable vehicles and other types of problems. But, that's also a
2283 potential remedy for maintaining the property or seeing that the property is maintained. But,
2284 sir, you can certainly contact the Planning Office, in fact, based on what I know, we can
2285 already send an inspector out there to take a look at the property.

2286

2287 Mr. Vanarsdall - Would that come under Mr. Short's jurisdiction?

2288

2289 Mr. Marlles - Actually, it's Mr. Paul Johnson in the Community Maintenance
2290 Division. It's not a zoning violation, it's a Community Maintenance issue.

2291

2292 Mr. Archer - Mr. Chairman, I believe the way that works, and that's largely a
2293 complaint, and I think if the grass if it reaches the maximum height of 11 inches, the County
2294 will cut it and bill somebody for it. I think this gentleman would like to make sure that it
2295 doesn't get to 11 inches because by that time you could hide a small zebra in there.

2296

2297 Mr. Taylor - I don't think he was interested in zebras it is the snakes he's worried
2298 about. Will you accept those assurances, sir?

2299

2300 Mr. Loving - Oh, yes. I have one other question I would like to ask.

2301

2302 Mr. Vanarsdall - Now, if this doesn't come about you will have to let us know.

2303

2304 Mr. Loving - I will. Thank you very much. Now my other question is you were
2305 saying as far as sewer and water is concern on this property, I'm wondering if this would be in
2306 reference to the people on Sadler Road or either Thorncroft whether of not they will be able to

2307 tie into this sewer and water? And how close is it coming to Sadler Road and Dublin Road
2308 and also on (Thornboro?). Do you have a map to show exactly where it's coming?

2309

2310 Mr. Parker - Actually, I would like to answer that question. The County's existing sewer
2311 divide is Sadler Road. Water and sewer west of Sadler Road goes west through a different
2312 system than the sewer and water of east Sadler Road sheds in into a different system. We are
2313 providing for the design of the existing sewage should that the County would require. It
2314 would take a deviation from the Utility Department to change that divide. As to when sewer
2315 improvements will be made west of Sadler Road, it would obviously depend upon when new
2316 development occur in that area and brought those facilities up through.

2317

2318 Mr. Marlls - Sir, we can also have, if I can catch your name and get your telephone
2319 number, I can also have a representative from the Public Works Department to call you
2320 specifically with that information.

2321

2322 Mr. Loving - My name is Willie L. Loving. My telephone number is 270-6207.

2323

2324 Mr. Marlls - Thank you, Mr. Loving.

2325

2326 Mr. Taylor - Here is my card.

2327

2328 Mr. Loving - Thank you very much. Thank you for your attention.

2329

2330 Mr. Vanarsdall - All right. We appreciate it, Mr. Loving. I didn't mean to leave you
2331 out.

2332

2333 Mr. Loving - That's okay. I understand.

2334

2335 Mr. Vanarsdall - Now we can go back to Second Baptist, right?

2336

2337 **PLAN OF DEVELOPMENT**

2338

POD-40-00

Second Baptist Church -
River Road

Koontz-Bryant, P.C. for Second Baptist Church: 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, 32,226 square foot family life center with offices, and a two-story, 4,278 square foot sanctuary addition and additional parking. The 10.0 acre site is located on the northeast corner of the intersection of South Gaskins Road and River Road on parcels 111-A-11 and 12. The zoning is R-1, One-Family Residence District. County water and sewer.
(Tuckahoe)

2339

2340 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-40-00, Second
2341 Baptist Church? No opposition. Mr. Strauss.

2342

2343 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. This
2344 application is for approval of a plan of development for the expansion of the existing Second
2345 Baptist Church at River Road. The plan proposes construction of a number of two-story
2346 buildings including a life center, a music building and expansion of the existing sanctuary.
2347 The new structures will be of brick to match and compliment the existing structures. The
2348 expansion of the sanctuary will allow for a total of 963 seats. The proposal also includes
2349 expanded parking area for a total of 342 parking spaces. You will note in your addendum
2350 from this morning that we have a revised staff plan, which I received last Friday. This plan
2351 was annotated last night to eliminate the 11 parking spaces that were proposed along the
2352 eastern property line adjacent to the Devilbiss property. The reason for this annotation was to
2353 respond to a neighbors concern about losing existing trees in that location. There were a
2354 number of large Cedars about 14 to 15-inch diameter range in that location. Staff was
2355 interested in saving those trees. We have also annotated the plans so that we can take a look at
2356 the tree protection to be provided at the time of construction plan approval. Staff can now
2357 recommend approval of this application in accordance with the annotations on the revised staff
2358 plan dated May 24, 2000, the additional conditions on the addendum, which includes Nos. 9
2359 and 11 amended, conditions Nos. 23 through 28, and I would like to now add condition No.
2360 29, which the applicant is agreeable to. Based on meetings with the neighborhood, that
2361 condition would read: Trash pick up will not occur prior to 8:30 a.m. in the morning. And
2362 with that, we can recommend approval and I will be happy to answer any questions you may
2363 have.

2364

2365 Mr. Vanarsdall - Are there any questions for Mr. Strauss?

2366

2367 Ms. Dwyer - I have a few. Mr. Strauss, your annotation relating to tree protection
2368 along the, I guess that would be the eastern property line, does that apply to the entire property
2369 line or just the portion near a road.

2370

2371 Mr. Strauss - We'll certainly use the opportunity to go out there to look at all the tree
2372 protection.

2373

2374 Ms. Dwyer - Okay. I think it should. If there is any question about that, I think it
2375 should be noted for the record that that comment applies to the entire property line.

2376

2377 Mr. Strauss - Very well.

2378

2379 Ms. Dwyer - We had a number of issues that we discussed with the applicant, many of
2380 which have been taken care of with the annotations. I did want to have the applicant to come
2381 forward. So, I guess I don't have any more questions from you, Mr. Strauss. I would like to
2382 hear from the applicant.

2383

2384 Mr. Strauss - We do have Mr. Russell Harper who represents the applicant and Mr.
2385 Paul Hinson of Koontz-Bryant, who are here this morning.

2386

2387 Mr. Hinson - Good morning. Thank you for the opportunity to speak with us.
2388

2389 Mr. Vanarsdall - Would you state your name please?
2390 Mr. Hinson - Excuse me. My name is Paul Hinson with Koontz-Bryant we are the
2391 civil engineer on the project. We have met with all of the neighborhoods in the immediate
2392 vicinity and beyond in putting together this application. We have had numerous discussions
2393 with the staff concerning the different items that we have done. We presented several layouts
2394 to try to alleviate some of these concerns and we are going to make every effort we can to
2395 preserve as many existing trees along the perimeters of the property that we can. If you have
2396 any further questions, our architect and also the representative the church is present and we
2397 would be happy to answer them for you.
2398

2399 Ms. Dwyer - Most of my questions relates to some of the commitments that have been
2400 made to neighbors as of results of meetings that have been held fairly recently so I just want to
2401 clarify those agreements for the record. Okay.
2402

2403 Mr. Hinson - I'm going to have Mr. Harper answer those questions. He was the one
2404 directly involved with those meetings.
2405

2406 Ms. Dwyer - Well, don't go away you might be able to contribute to some of this too.
2407

2408 Mr. Harper - I'm Russell Harper.
2409

2410 Ms. Dwyer - Mr. Harper, we have discussed at length the chiller and the potential
2411 noise from that. And it is my understanding that the enclosure around the chiller will have
2412 sound baffle blocks inside of it to dampen the noise and also that all of the chiller mechanisms
2413 will be sunk about four feet into the ground, is that right?
2414

2415 Mr. Harper - That's correct.
2416

2417 Ms. Dwyer - And the dumpster location that was moved in the corner of the property
2418 that's near the residences, I will assume that that will be enclosed in a brick enclosure.
2419

2420 Mr. Harper - Yes, it will.
2421

2422 Ms. Dwyer - I knew that we talked about that for the one near the front. I just wanted
2423 to verify that. There is also a commitment to the neighbors that the glass that faces the
2424 neighborhood of George's Bluff would be the type of glass that would allow light but would
2425 not be crystal clear. Could you give us a little bit more information about the type of glass
2426 you are thinking about?
2427

2428 Mr. Harper - I'm going to turn that question over to Harry Harris.
2429

2430 Ms. Dwyer - I'll get you all down here before we are done.
2431

2432 Mr. Harris - Good morning. My name is William Henry Harris. I'm the architect on
2433 the project. The glass that we are proposing would be an obscured glass. It would be frosted.
2434 It would allow light to come into the building but it would not allow vision to go out. So, it
2435 would obviously not create any kind of opportunity for light to come from the building.

2436

2437 Ms. Dwyer - And these are all the windows on the family life center that are facing
2438 basically in the northerly directions.

2439

2440 Mr. Harris - That's correct.

2441

2442 Ms. Dwyer - We also had a commitment, I believe, Mr. Harper, relating to lighting,
2443 that the lighting will be essentially at security level and not invasive.

2444

2445 Mr. Harper - That's correct.

2446

2447 Ms. Dwyer - That evergreen shrubs will be planted along the entire length of the
2448 northern property line. And I think, as you and I discussed, we are going to extend that
2449 around the parking area along the eastern property line as well. And, also as we discussed,
2450 Mr. Strauss, this might be appropriate for an annotation on the plan. We are not quite sure
2451 which trees are going to have to go along this parking lot along the eastern property line, so
2452 we would like to supplement, at landscape time, those trees along that parking lot. Okay.
2453 Thank you. And well as the tree protection that you have already included. I believe that's all
2454 I had. Thank you very much.

2455

2456 Mr. Harper - I would just like to clear up one matter. The chiller pad is on the same
2457 level, same finished floor elevation as the family life center, it's not depressed four feet under
2458 the family life center.

2459

2460 Ms. Dwyer - But the family life center itself, is, as I understand, slightly below grade.

2461

2462 Mr. Harper - That is correct.

2463

2464 Ms. Dwyer - And so is the chiller, so the whole thing is below grade?

2465

2466 Mr. Harper - Right.

2467

2468 Ms. Dwyer - Okay. Thank you. Mr. Secretary, I would like to submit to the records
2469 these two memorandums I received from Mr. Harper. One is dated May 22, 2000 and one is
2470 dated May 18, 2000. And in it these memos memorialize the commitments made to the
2471 neighborhood. They are basically the same ones that I have reviewed or commitments that are
2472 reflected in the annotations and/or the conditions. But, I would like to submit these for the
2473 record, for informational purposes.

2474

2475 Mr. Marlles - Yes, ma'am.

2476

2477 Ms. Dwyer - Okay. Are there any other questions?
2478

2479 Mr. Vanarsdall - Are there any other questions? No questions. Entertain a motion.
2480 Ms. Dwyer - Okay. I just want to thank the church and its representatives for
2481 working with the neighbors. I know that you have either spoken to or tried to speak to
2482 everyone affected. And we did make a few last minute changes because of some last minute
2483 contacts that we did get from the neighbors and I appreciate you being accommodating in that
2484 way. So with that, I would like to move for approval of POD-40-00, Second Baptist Church -
2485 River Road, subject to the annotations on the plans, the standard conditions for developments
2486 of this type and including the additional conditions Nos. 23 through 29, also Nos. 9 and 11
2487 amended, additional condition No. 29 is not on our addendum but it relates to trash pick up
2488 not occurring before 8:30 a.m. in the morning. The other conditions are on the addendum.
2489

2490 Mrs. Quesinberry - Second.
2491

2492 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs.
2493 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.
2494

2495 The Planning Commission approved POD-40-00, Second Baptist Church - River Road, subject
2496 to the standard conditions attached to these minutes, the annotations on the plans, and the
2497 following additional conditions:
2498

2499 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2500 review and Planning Commission approval prior to the issuance of any occupancy
2501 permits.

2502 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2503 depictions of light spread and intensity diagrams and fixture mounting height details
2504 shall be submitted for Planning Office review and Planning Commission approval.

2505 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2506 the County in a form acceptable to the County Attorney prior to any occupancy permits
2507 being issued. The easement plats and any other required information shall be submitted
2508 to the County Real Property Agent at least sixty (60) days prior to requesting
2509 occupancy permits.

2510 24. The developer shall provide fire hydrants as required by the Department of Public
2511 Utilities in its approval of the utility plans and contracts.

2512 25. Insurance Services Office (ISO) calculations must be included with the utilities plans
2513 and contracts and must be approved by the Department of Public Utilities prior to the
2514 issuance of a building permit.

2515 26. Approval of the construction plans by the Department of Public Works does not
2516 establish the curb and gutter elevations along the Henrico County maintained right-of-
2517 way. The elevations will be set by Henrico County.

2518 27. No Construction work shall occur before 7:00 a.m. or after 6:00 p.m. on weekdays,
2519 and prior to 7:30 a.m. or after 3:00 p.m. on Saturdays.

2520 28. Storm Water management Design and Water Quality measures (Best Management
2521 Practices) will be provided in accordance with the current requirements of the

2522 Department of Public Works.
2523 29. There will be no trash pickup occurring prior to 8:30 in the morning.

2524

2525 **PLAN OF DEVELOPMENT**

2526

POD-43-00
Westgate 1 - Westgate @
Wellesley

TIMMONS for Wellesley Centre, L.C. and Liberty Property Trust: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-story, 82,406 square foot office building and access drive. The 6.04 acre site is located along the north line of Three Chopt Road, approximately 290 feet east of Lauderdale Drive on part of parcel 36-A-49. The zoning is O-3C, Office District (Conditional) and WBSO (West Broad Street Overlay District). County water and Sewer. **(Three Chopt)**

2527

2528 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-43-00, Westgate 1?

2529 No opposition. Mr. Wilhite.

2530

2531 Mr. Wilhite - Thank you, sir. I have a revised plan being handed out to you. The
2532 original plan showed a proposed property line running between this building that is up for
2533 approval and the future building that is not a part of this approval, it's just being shown for
2534 informational purposes. The revised plan creates a jog in the property line to allow the
2535 building before you today to meet the required rear yard setback in the office district. This
2536 additional plan also adds approximately 20 parking spaces to the corner of the parking lot near
2537 the intersection of Three Chopt Road and the access drive. Staff has annotated it to
2538 recommend that they retain at least a 10-foot setback off the interior drive, and the applicant is
2539 agreeable to that annotation. In addition, I'll point out that the original annotations on the plan
2540 had a recommendation from Virginia Department of Transportation to forego the use of the
2541 entrance onto W. Broad Street. They would, at that point, like to have seen an entrance or
2542 access to Spring Oak Drive where a signalized intersection is planned for the future. The
2543 applicant has indicated to us that they had discussions with the adjacent property owner and at
2544 this time it is not feasible to gain access to Spring Oak Drive for this development. I would
2545 like to point out that the location of the entrance onto W. Broad Street is the same location
2546 that's shown on the master plan approved with the first POD and also shown at the time of
2547 rezoning of this property. Since that time, VDOT is now okay with that location and would
2548 recommend approval of that location with their annotations.

2549

2550 In addition, we have received some additional architectural information regarding the brick
2551 and the standing seam metal roof. The roof will be of the same color of the two existing
2552 buildings out there now, The Goddard School and the Virginia Credit Union. The brick will
2553 be similar to the color of The Goddard School. In addition, the drivit as part of this building
2554 is going to match the Virginia Credit Union. The applicant is here if you have any questions
2555 of him, and the architect is here too and I believe he has brought a presentation board if you
2556 need any additional information on the architectural design. But, staff can recommend

2557 approval of this revised plan and the annotations on it as well as the conditions that appear on
2558 your agenda.

2559

2560 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members? Mr.
2561 Taylor, would you like to hear from the applicant?

2562

2563 Mr. Taylor - I think I would enjoy hearing from the owner and the applicant.

2564

2565 Mr. Dunn - Good afternoon, Commission members. I'm Matt Dunn representing the
2566 client, the civil engineer, and I'll be happy to answer any questions you have on the site. And
2567 also is with me, Mr. Jack Shady, the architect and he can answer any questions regarding the
2568 architectural features.

2569

2570 Mr. Vanarsdall - You went so fast. What is your name?

2571

2572 Mr. Dunn - Matt Dunn.

2573

2574 Mr. Vanarsdall - Mr. Taylor, do you have any questions? Does anybody have any
2575 questions?

2576

2577 Mr. Taylor - No. I just thought you might have some extra comments. I think that
2578 Mr. Wilhite pretty much covered it, Mr. Chairman, and I think we are pretty satisfied with the
2579 design as amended. Mr. Shady, would you like to make some comments, general comments,
2580 if you will?

2581

2582 Mr. Shady - My name is Jack Shady president of Freeman & Morgan Architects. We
2583 have met with the Wellesley Community Association and received a favorable view from
2584 them. There were some details that they would like to address later on landscaping which we
2585 found no fault with. We also met on an informal basis with Odell who is the architectural firm
2586 that assisted Bon Secours in putting together architectural guidelines for the site. I received
2587 favorable comments from them and the formal meeting for the architect review will be set up
2588 probably within the next week. The materials are in keeping with the standards that were
2589 required on mechanical equipment. It is screened and all elevations as represented on the
2590 display will be adhered to on all phases.

2591

2592 Mr. Taylor - In the discussions with Wellesley, did they provide any kind of a letter
2593 to the file, that they admit and were totally satisfied.

2594

2595 Mr. Shady - I have not received a letter.

2596

2597 Mr. Taylor - This is really the final addition, I guess, along Three Chopt on this side
2598 of Three Chopt between the Virginia Credit Union and the Town Center.

2599

2600 Mr. Shady - It is the building between the Credit Union and the Goddard School site,
2601 there is another parcel I believe to the east that has been set up for multi-family that has still

2602 not been developed. To the north of this building, and there will be a sister building, mirror
2603 image, that will be, shall we say, the gateway to the town center site.

2604

2605 Mr. Taylor - And that's going to be right behind the Credit Union?

2606

2607 Mr. Shady - The town center site is opposite on Broad Street, at the intersection of
2608 Lauderdale and Broad.

2609

2610 Mr. Vanarsdall - Thank you, Jack.

2611

2612 Mr. Shady - Thank you.

2613

2614 Mr. Taylor - Are there any other comments?

2615

2616 Mr. Vanarsdall - No, sir.

2617

2618 Mr. Taylor - Then, Mr. Chairman, I would move for approval of POD-43-00,
2619 Westgate @ Wellesley, subject to the standard conditions for developments of this type and
2620 conditions Nos. 23 through 31 and the annotations on the plan.

2621

2622 Mrs. Quesinberry - Second.

2623

2624 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs.
2625 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

2626

2627 The Planning Commission approved POD-43-00, Westgate 1 - Westgate @ Wellesley, subject
2628 to the standard conditions attached to these minutes for developments of this type, the
2629 annotations on the plans and the following additional conditions:

2630

2631 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2632 the County in a form acceptable to the County Attorney prior to any occupancy permits
2633 being issued. The easement plats and any other required information shall be submitted
2634 to the County Real Property Agent at least sixty (60) days prior to requesting
2635 occupancy permits.

2636 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
2637 approved by the Virginia Department of Transportation and the County.

2638 25. A notice of completion form, certifying that the requirements of the Virginia
2639 Department of Transportation entrances permit have been completed, shall be submitted
2640 to the Planning Office prior to any occupancy permits being issued.

2641 26. The developer shall provide fire hydrants as required by the Department of Public
2642 Utilities in its approval of the utility plans and contracts.

2643 27. Outside storage shall not be permitted.

2644 28. The certification of building permits, occupancy permits and change of occupancy
2645 permits for individual units shall be based on the number of parking spaces required for
2646 the proposed uses and the amount of parking available according to approved plans.

- 2647 29. Deviations from County standards for pavement, curb or curb and gutter design shall
2648 be approved by the County Engineer prior to final approval of the construction plans by
2649 the Department of Public Works.
- 2650 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
2651 and contracts and must be approved by the Department of Public Utilities prior to the
2652 issuance of a building permit.
- 2653 31. The conceptual master plan, as submitted with this application, is for planning and
2654 information purposes only.

2655

2656 **PLAN OF DEVELOPMENT**

2657

POD-46-00

Hyatt Richmond

Brookfield

**Mozingo & Associates for Lend Lease Real Estate
@ Investments and Hyatt Richmond:** Request for approval of a
plan of development as required by Chapter 24, Section 24-106
of the Henrico County Code to construct a one-story, 7,112
square foot ballroom addition to an existing hotel. The 12.7
acre site is located at the southeast intersection of W. Broad
Street (U. S. Route 250) and I-64 on parcel 92-A-22. The
zoning is 0-3, Office District. County water and Sewer.
(Brookland)

2658

2659 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-46-00, Hyatt
2660 Richmond @ Brookfield? No opposition. Mr. Wilhite.

2661

2662 Mr. Wilhite - Thank you, sir. The revised plan you just received got to the Planning
2663 Office yesterday and it will require a waiver of time limits. The original plan submitted to us
2664 showed a deficiency of parking spaces on the site. The applicant is working out an agreement
2665 with G. E. Financial to use the existing parking deck to satisfy parking requirements. But, in
2666 order to do that they will need a variance from the Board of Zoning Appeals for off-site
2667 parking. What staff requested that they do is submit a revised plan that adds enough parking
2668 spaces on the site to meet the requirements of the zoning ordinance. And that's what they
2669 have shown here. On page three of your addendum there is a condition that addresses that and
2670 it says that these parking spaces would only be required in case they do not get approval from
2671 the Board of Zoning Appeals to use the parking deck to satisfy the parking requirements. In
2672 addition, on the addendum condition No. 26 addresses the existing fabric structure located out
2673 there and approved under POD's in 1994 and 1997. This would allow the existing structure to
2674 remain there for a period of one more year until May 24, 2001. It does grant a potential year
2675 extension at the discretion of the Director of Planning upon written request by the property
2676 owner. With those two conditions that appear on your addendum, and the conditions that
2677 appears on page 36 and the annotations on the revised plan, the staff would recommend
2678 approval.

2679

2680 Mr. Vanarsdall - Are there any questions for Mr. Wilhite? Does anyone have any
2681 questions for the applicant? If there aren't any then I don't need to talk to him. All right.
2682 Then I move that POD-46-00, Hyatt Richmond @ Brookfield, be approved with the

2683 annotations on the plans, the standard conditions for developments of this type, and I would
2684 like to add Nos. 9 and 11 amended. And then we will go from 23, 24 and take Nos. 25 and
2685 26 from the addendum.

2686 Mrs. Quesinberry - Second.

2687

2688 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.
2689 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

2690

2691 Mrs. Quesinberry - Don't we need to waive the time limits also?

2692

2693 Mr. Marlles - Oh, yes, we do. Mr. Wilhite pointed that out.

2694

2695 Mr. Wilhite - Yes, we need to waive the time limits. We received that plan on
2696 yesterday.

2697

2698 Mr. Vanarsdall - All right. I move we waive the time limit on case POD-46-00, Hyatt
2699 Richmond @ Brookfield.

2700

2701 Mrs. Quesinberry - Second.

2702

2703 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.
2704 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

2705

2706 The Planning Commission approved to waive the time limits on POD-46-00, Hyatt Richmond
2707 @ Brookfield.

2708

2709 The Planning Commission approved POD-46-00, Hyatt Richmond @ Brookfield, subject to
2710 the standard conditions for developments of this type attached to these minutes, the annotations
2711 on the plans and the following additional conditions:

2712

2713 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2714 review and Planning Commission approval prior to the issuance of any occupancy
2715 permits.

2716 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2717 depictions of light spread and intensity diagrams and fixture mounting height details
2718 shall be submitted for Planning Office review and Planning Commission approval.

2719 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2720 the County in a form acceptable to the County Attorney prior to any occupancy permits
2721 being issued. The easement plats and any other required information shall be submitted
2722 to the County Real Property Agent at least sixty (60) days prior to requesting
2723 occupancy permits.

2724 24. Deviations from County standards for pavement, curb or curb and gutter design shall
2725 be approved by the County Engineer prior to final approval of the construction plans by
2726 the Department of Public Works.

2727 25. The 29 additional parking spaces shown on the revised staff plan shall be included on

2728 the approved construction plans. A note will be included on the plans stating that
2729 construction of the said spaces is not required if Board of Zoning Appeals approval is
2730 granted for the use of existing parking deck on the adjacent property to meet parking
2731 requirements for this development.

2732 26. The existing fabric structure located at the southwest corner of the building shall be
2733 removed by May 24, 2001. The Director of Planning at his discretion may authorize a
2734 single one-year extension upon receiving a written request from the property owner
2735 stating the reasons the additional extension is necessary.

2736

2737 Mr. Vanarsdall - That kinds of brings us to the end of the day, doesn't it.

2738

2739 Mr. Marlles - I've got a few additional items. We do have a couple of additional
2740 items, Mr. Chairman. I believe Mrs. Hunter is going to be standing in for Ms. Anderson who
2741 is out sick. But we do have a resolution on the Short Pump Park addition. This is a
2742 substantial in accord resolution with the County's Comprehensive Plan. We also have a work
2743 session that's scheduled on the zoning ordinance amendments pertaining to Section 24-2. We
2744 may probably need to talk about this, but we may want to hear that after lunch but it's up to
2745 the Commission how you want to proceed on that. But the first item is the resolution dealing
2746 with the Short Pump Park addition.

2747

2748 Mr. Vanarsdall - All right. Hello, Mrs. Hunter.

2749

2750 **RESOLUTION: Short Pump Park Addition Site - Substantially In Accord with the**
2751 **County of Henrico Comprehensive Plan**

2752

2753 Mrs. Hunter - Good afternoon, members of the Commission. The County's Division
2754 of Parks and Recreation has recently purchased from Dongil Associates 31.4 acres of land
2755 adjoining the east side of Short Pump Park to expand the existing park site. The company also
2756 donated to the County an additional eight acres which is shown in the shaded area in gray on
2757 the screen, which is located at the northwest intersection of Three Chopt Road. The total
2758 acreage is 39 and the site is currently zoned A-1, Agricultural. Short Pump Elementary
2759 School is currently adjacent to the site here (referring to slide) and Pocahontas Middle School
2760 has just been recently constructed there (referring to slide). There are no improvements on the
2761 proposed park site expansion. The Henrico 2010 Land Use Plan recommends the site for
2762 office/development. However, the Commission is currently reviewing a land use plan
2763 amendment for this area. Through the process it was noted that there was a need for an
2764 expansion of the existing park to help protect the existing school sites from commercial
2765 development. The addition of this property would be consistent with the proposed small area
2766 plan as well as many of the goals and policies of the 2010 Land Use Plan. The site has
2767 frontage on Pump Road and the newly completed segment of Three Chopt Road. Access to
2768 the existing park is from Pump Road. The proposed park is also consistent with the Major
2769 Thoroughfare Plan. The proposed park expansion will support many of the goals and
2770 objectives and policies of the 2015 Open Space Plan. The existing facility contains 10 acres
2771 and is classified as a neighborhood park. It features include picnic shelters, play equipment,
2772 concession stands, softball fields, football fields and soccer fields. Its special feature is the

2773 Deep Run School historic site. Including the 39 acres of the proposed site would increase the
2774 existing facility to a community park classification. The site would compliment other public
2775 facilities in the area, such as the elementary school and middle school. Development of this
2776 park site would enhance and protect the existing schools from further commercial
2777 encroachment and the proposed development would also provide a useful service to the many
2778 neighboring communities. Therefore, the proposed site for the Short Pump Park addition is
2779 deemed by staff to be substantially in accord with the Comprehensive Plan of Henrico County.
2780 I'll be happy to answer any questions.

2781

2782 Mr. Vanarsdall - Are there any questions for Mrs. Hunter?

2783

2784 Ms. Dwyer - Mrs. Hunter, under the Major Thoroughfare Plan portion of the staff
2785 report it mentions that bicycles and pedestrian access to the site from neighborhoods would be
2786 beneficial. Do we know where those sidewalks will be?

2787

2788 Mrs. Hunter - They are going to be going through a planning process with the
2789 neighboring communities for any future improvements on this site as well as where access
2790 would be as well as what park facilities are going to be put in. And that is one of the things
2791 that they will look at, at that time.

2792

2793 Mr. Marlles - That will be conducted by Parks & Recreations.

2794

2795 Ms. Dwyer - So, I guess any other development on the other side of Three Chopt
2796 would have to have, or we would recommend that that would have sidewalks too to provide
2797 access to the park.

2798

2799 Mrs. Hunter - It seems logical.

2800

2801 Ms. Dwyer - Thank you.

2802

2803 Mr. Taylor - I think in the discussions that I've had with Mr. Thompson, he has
2804 assured me that there's.... Well, there are some sidewalks now, I guess, particularly along
2805 Pocahontas and portions of that road. But, essentially, sidewalks would go all the way from
2806 Pump Road, almost all the way along Three Chopt Road and there is no end in sight because it
2807 may go all the way down to Church Run, depending on what happens to that end of the
2808 property.

2809

2810 Mr. Silber - Ms. Dwyer, also this property lies within the West Broad Street Overlay
2811 District and it's one of the guidelines of the district to provide sidewalks along all the major
2812 roads, so it would be expected at the time of development for both sides of Three Chopt Road.

2813

2814 Ms. Dwyer - Okay. Thank you.

2815

2816 Mr. Vanarsdall - This was in the paper this morning, by the way.

2817

2818 Mr. Taylor - Mr. Silber, in that last comment, is there going to be sidewalks from
2819 Broad to Three Chopt along John Rolfe consistent with that?
2820
2821 Mr. Silber - Yes, sir.
2822
2823 Mr. Taylor - And then along Three Chopt Road on the north side.
2824
2825 Mr. Silber - The north and south side of Three Chopt.
2826
2827 Mr. Taylor - Okay. Good.
2828
2829 Mr. Vanarsdall - Are there any more questions for Ms. Hunter? If not, we need to make a
2830 motion. Right, Mr. Marlles?
2831
2832 Mr. Marlles - Mr. Chairman, there was a resolution that was a part of the mailing that
2833 was sent to the Commission. The Commission can simply make a motion to approve the
2834 resolution.
2835
2836 Mr. Vanarsdall - Right.
2837
2838 Mr. Taylor - Mr. Chairman, I would move the resolution for Short Pump Park
2839 Addition Site be approved by the Planning Commission.
2840
2841 Ms. Dwyer - Second.
2842
2843 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All
2844 in favor say aye...all opposed say nay. The motion carries.
2845
2846 The Planning Commission approved the Resolution for the Short Pump Park Addition Site,
2847 substantially in accord with the County of Henrico Comprehensive Plan.
2848
2849 Mr. Marlles - Mr. Chairman, we also have one additional discussion item that we have
2850 added to the agenda, dealing with multi-family standards. It's just a quick update and I
2851 believe Randy is going to handle that.
2852
2853 Mr. Vanarsdall - All right. Why don't we take that now? Mr. Silber.
2854
2855 Mr. Silber - Yes, sir. I have a handout and I would like to pass this down.
2856
2857 Mr. Vanarsdall - I understand this is a matter for information for us.
2858
2859 Mr. Silber - Yes, sir. If the Commission may recall, on April 26, 2000, you had a
2860 public hearing on the Multi-Family Design Standards Ordinance Amendment. Basically, you
2861 recommended its approval and suggested at that time, that when we look at the density bonus
2862 concept, that the Planning Office should revise the density bonus to reflect some weighted

2863 calculations. And you endorsed the staff's recommendation with some modifications on
2864 weights. We have looked at that. We have revised that. And you have been provided a copy
2865 of that in a separate mailing and we've asked for comments back from you by the 31st of this
2866 month. Between April 26 and today, we also have looked at two other issues that were
2867 discussed at the public hearings relative to the ordinance itself. And we had two suggested
2868 modifications that we wanted to provide you and also have you think about and provide us
2869 comments on those two by the 31st as well. The first one, I've just given you on the first page,
2870 is the parking. You may recall discussions throughout the process on the parking calculations.
2871 The development community felt that 2.25 parking spaces may be excessive for apartmetns.
2872 Since our last public hearing, we have looked at this closer. We've gone out and looked at
2873 some multi-family projects and have done some more evaluating and feel that two parking
2874 spaces per unit would be able to accurately provide parking and not provide too much
2875 impervious material. So, we believe that we can back off 2.25 and knock it down to two.

2876

2877 Secondly, under the open space requirement ordinance, previously we said that you need to
2878 provide at least no more than 40% impervious material and that included floodplains. And we
2879 are now saying that we believe that you could go up to 45% impervious if you exclude
2880 floodplains. So, in situations where there is....

2881

2882 Mr. Vanarsdall - Excuse me. It was 40%, it that what it was?

2883

2884 Mr. Silber - Yes.

2885

2886 Mr. Vanarsdall - I was thinking we had said 45% but that's fine.

2887

2888 Mr. Silber - The proposed ordinance said 40% and we are suggesting that we can go
2889 up to 45%, if you exclude the floodplains. So, in those situations where you have floodplains,
2890 you wouldn't count any of that area. All of that would be left open. All of that would not be
2891 counted toward it, so you would still have to meet your impervious coverage outside of the
2892 floodplain. You may recall, there was a case, the POD that was heard, I believe last month,
2893 where there was an apartment complex proposed in the Twin Hickory development and they
2894 had about a third of the site that was in the floodplain. You would not be able to count any of
2895 that toward your calculations. You would take the upland areas and then apply your 45%
2896 impervious.

2897

2898 Ms. Dwyer - So, if there is floodplain, site coverage is 45%.

2899

2900 Mr. Silber - That's correct. If there is no floodplain, the 45% applies to the site as a
2901 whole.

2902

2903 Mr. Vanarsdall - In any event, it's going to stay 45%?

2904

2905 Mr. Silber - Yes.

2906

2907 Ms. Dwyer - Okay. So, there is no 40%, it's always 45% exclusive of floodplain.

2908

2909 Mr. Silber - That's correct.

2910

2911 Ms. Dwyer - So, that means that we are increasing the amount permissible impervious
2912 cover even if there isn't a floodplain.

2913

2914 Mr. Silber - If there is no floodplain, yes, ma'am. If there is no floodplain, this is
2915 providing less open space.

2916

2917 Ms. Dwyer - And what was the rationale for that?

2918

2919 Mr. Silber - Because in many situations there is floodplain land associated with multi-
2920 family development and we are able to get more open space by excluding the floodplain.

2921

2922 Ms. Dwyer - Overall.

2923

2924 Mr. Silber - Yes, overall. It's a situation where if there is no floodplain we are
2925 providing less open space. Where there is floodplain you are assured of much more open
2926 space.

2927

2928 Ms. Dwyer - Because you are excluding that from the calculations.

2929

2930 Mr. Silber - Yes. The County ordinance, when it comes to calculation of density,
2931 always excludes floodplains. So, this makes it somewhat consistent with how we calculate
2932 density. And that was another concern expressed by Mr. Tyler, that in some cases you are
2933 counting floodplains and some cases you are not, so we have tried to make it consistent.

2934

2935 Ms. Dwyer - We could leave it at 40% exclusive of floodplain.

2936

2937 Mr. Silber - You could do that. I provided these to you... I know this is not the
2938 normal process of coming back and providing you with ordinance amendment changes. We
2939 are attempting to get a package to the Board of Supervisors that is as tied down and complete
2940 as possible. But, again, we want your input on this, if these are items that you can't live with
2941 we want to know that. Also, if the Commission wants to, after considering the density bonus
2942 and considering these two additional items, if you prefer to have this brought back to you for
2943 consideration, we can do that as well.

2944

2945 Mr. Taylor - Mr. Silber, are we going to have a meeting to discuss the density bonus
2946 system process that we can incorporate these within those discussions, or are you just
2947 expecting us to provide our own individual comments or changes on those densities incentive
2948 proposal by the 21st?

2949

2950 Mr. Silber - Mr. Taylor, I think the Planning Commission on the 26th suggested that
2951 we prepare the information, share it with you all, and you provide us with your comments or
2952 suggestions. So, we wouldn't necessarily have to come back unless you....

2953

2954 Ms. Dwyer - Well, what would happen if I provided you with a comment that said, I
2955 think we should leave at 40% exclusive of floodplain? Do you want to bring that back to the
2956 Commission if...

2957

2958 Mr. Silber - I think we would have to have some consensus so we would need to at
2959 least poll the Commission or bring something back to the Commission.

2960

2961 Ms. Dwyer - Well, I like the 40% exclusive of floodplains.

2962

2963 Mr. Silber - So you would prefer to leave the 40% in?

2964

2965 Mr. Vanarsdall - So you are suggesting to keep it at 40%?

2966

2967 Ms. Dwyer - Yes. Just leave it at 40% and if we want to exclude floodplains.

2968

2969 Mr. Vanarsdall - It suits me alright.

2970

2971 Mr. Taylor - It sounds like a consensus to me.

2972

2973 Mr. Archer - I concur.

2974

2975 Mrs. Quesinberry - I think we have a consensus here.

2976

2977 Mr. Silber - Okay. So, under open space we will leave it at 40% but exclude
2978 floodplain.

2979

2980 Mrs. Quesinberry - I also think, just following up on your other comment about having us
2981 provide comments, is really the way to go. We really want to get something before the Board
2982 of Supervisors as expeditiously as we can. This is a real important project that we have been
2983 working on for a long, long, time and there is certainly a lot of pressure on everyone in the
2984 area of multi-family housing throughout the whole County. So, I think they want to see
2985 something too. So, I just don't think we ought to tie it up any longer with any future
2986 meetings. It's about 99.9% where it needs to be. And if we can get it to them I think we
2987 should, if at all possible. I think that the two spaces per unit is probably okay, have you all
2988 reevaluated that too so that you can give your consensus on that as well.

2989

2990 Mr. Archer - That's fine.

2991

2992 Mr. Taylor - I go along with that.

2993

2994 Mr. Vanarsdall - All right.

2995

2996 Mr. Silber - Okay. So, we will change that to two spaces per unit and we will leave
2997 the open space at 40% exclusive of floodplains, and we will wait to hear from you on the

2998 density bonus. Thank you very much.

2999

3000 Mr. Vanarsdall - Thank you, Mr. Silber.

3001 Mr. Marlles - Mr. Chairman, we have two other items on the agenda. One is a
3002 housekeeping matter, approval of minutes for the March 22, 2000, meeting. You can go
3003 ahead and take care of that.

3004

3005 Mr. Vanarsdall - Yes, sir.

3006

3007 **APPROVAL OF MINUTES: March 22, 2000**

3008

3009 Ms. Dwyer - I move we approve the minutes as amended, as corrected.

3010

3011 Mr. Archer - Second.

3012

3013 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All
3014 in favor say aye...all opposed say nay. The motion carries.

3015

3016 The Planning Commission approved the March 22, 2000, Planning Commission minutes as
3017 corrected.

3018

3019 Mr. Marlles - Mr. Chairman, the last item on the agenda, and given the time and the
3020 fact that the key staff are here, I would suggest that we just go ahead and have the work
3021 session on the zoning ordinance amendments pertaining to Section 24-2, if that's okay with the
3022 Commission.

3023

3024 Ms. Dwyer - Sounds good.

3025

3026 Mrs. Quesinberry - I think that's a good idea. I'm going to the end of my path and I have to
3027 leave by 1:00 p. m. So, this works.

3028

3029 Mr. Vanarsdall - That's fine with me.

3030

3031 Mr. Marlles - Mr. Lawrence, would you like to give the staff's presentation?

3032

3033 Mr. Lawrence - Yes, sir.

3034

3035 **WORK SESSION: Zoning Ordinance Amendments Pertaining to Section 24-2, et al.**

3036

3037 Mr. Lawrence - As you are aware, last month staff presented this amendment to you all.
3038 It was more of a formal presentation and due to the lack of a quorum, and we had to work out
3039 some fine tuning of the language with the County Attorney's office, we brought it back this
3040 afternoon. At your pleasure I can make a formal presentation, if you would like to see the
3041 whole package again, or I can make a brief presentation and touch on the few editorial
3042 changes, if you will. Conceptually, the draft has not changed at all. Just a few words have

3043 been changed here and there.

3044

3045 Mrs. Quesinberry - Let's go with the brief.

3046 Mr. Lawrence - With the brief, okay. Probably the best way to do the brief is that I can
3047 walk you through the package, which was hand delivered to you on Monday and I'll just point
3048 out the few things that have changed. On page 1 of that package, at the very bottom, Uses,
3049 Section 24-11(j), "uses on property owned or leased by a government entity," that language
3050 has been added. Essentially, that has paraphrased what we removed from Section 24-11(b),
3051 just above it. As you turn through, on page 5 at the bottom, which is Section 24-65(d), just
3052 reworded that, maximum height sentence. It reads: "The maximum height of buildings shall
3053 be 45 feet unless a greater height is permitted under Section 24-94." Previously, it just made
3054 reference as accepted and addressed in Section 24-94, just a slight grammatical change. On
3055 page 7, for the R-5A district, we have included the (x) and the (w). (x) allows for the height
3056 provision to come to the Planning Commission and use the review criteria. And (w) is the
3057 setback requirement if it is adjacent to a residential district. And on page 11, which would be
3058 letter (z), which talks about building heights greater than 65 feet maybe authorized by
3059 provisional use permit. We have also included the last sentence there; "In no case shall
3060 buildings exceed 110 feet in height." That 110 feet in height is stated elsewhere in the
3061 ordinance but we felt it was appropriate to keep it with this footnote so that at a glance people
3062 would know what the limitations are. In Section 24-94 1(b), we haven't modified the
3063 language there but that will be the review criteria that the Planning Commission uses when
3064 considering height for buildings. And I believe those are the changes that staff has made to
3065 this. We would be happy to answer any questions. I notice Mr. Tokarz is here so if there are
3066 any legal side questions, he might be able to address them for you.

3067

3068 Ms. Dwyer - I just have one question, on page 1, 24-2, the interpretation where we
3069 changed the language and took out some of that language about "if you need both a special
3070 exception and a POD the POD would be sufficient." So, with that language change, does that
3071 change the process so you do in fact need the special exception as well as the POD?

3072

3073 Mr. Lawrence - That's correct.

3074

3075 Ms. Dwyer - But, does the process change? Does that mean that the special exception
3076 will go to the BZA?

3077

3078 Mr. Lawrence - That means that the special exceptions goes to the BZA unless it's
3079 dealing with height and we would establish review criteria where the Planning Commission
3080 can consider buildings up to 65 feet. And we have also modified, as far as nursing homes, in
3081 the R-5 districts, that it would be a by right use instead of a special exception.

3082

3083 Ms. Dwyer - Okay.

3084

3085 Mr. Marlls - Ms. Dwyer, the reason for having the heights up to 65 feet go to the
3086 Planning Commission was to try to keep the process as stream lined as possible. However, for
3087 extremely tall structures I think staff felt then that should come under the purview of the

3088 Board. I believe that was the decision of the, the recommendation of staff.

3089

3090 Mr. Lawrence - The staff reviewed, the past two or three years, the height exceptions
3091 that have come through the County, whether it's BZA or the Planning Commission, and found
3092 that a majority of them were under 65 feet. So, we use 65 as a cut off. So, the majority
3093 would be through the stream line process coming before you all and then the few that go above
3094 65 will go through the pup process, where the Board of Supervisors have the ultimate say.

3095

3096 Mr. Vanarsdall - All right. Are there any more questions of Mr. Lawrence? Thank you,
3097 Eric.

3098

3099 Mr. Lawrence - I would add, if you are comfortable we can schedule a public hearing
3100 date for this item.

3101

3102 Mr. Marlls - Mr. Lawrence or Mr. Silber, one or the other, do we have a time that
3103 the staff is recommending for the scheduling of the public hearing?

3104

3105 Mr. Silber - I was just going to ask Mr. O'Kelly what size load we have for June.
3106 We could do it on June 28. I think the agenda is pretty heavy. I'm not sure if there will be a
3107 lighter agenda in the next couple of months, though.

3108

3109 Mr. O'Kelly - We have in the neighborhood of, for the June 28 meeting, about 35
3110 applications plus the deferrals from today. So, it's a fairly normal agenda.

3111

3112 Mr. Vanarsdall - That's seven more than what we had today.

3113

3114 Mr. O'Kelly - I think it was more than seven, Mr. Vanarsdall, probably in the
3115 neighborhood of ten or so. That's a standard heavy agenda for June 28.

3116

3117 Mr. Vanarsdall - Is that all right with everybody?

3118

3119 Mr. Taylor - Bring your lunch.

3120

3121 Mr. Silber - I guess we could schedule a public hearing say first at nine o'clock and
3122 then start the PODs and the other items at 9:30 a.m., if you like. And then maybe if it's
3123 going to be a long agenda maybe I can convince you to do that with lunch.

3124

3125 Mr. Vanarsdall - Have the public hearing first. Is that all right with the rest of you?

3126

3127 Ms. Dwyer - This doesn't look real controversial.

3128

3129 Mrs. Quesinberry - Yes. I can't imagine the public hearing being very long on this. Of
3130 course, you never know.

3131

3132 Mr. Vanarsdall - Well, we can put it at the end.

3133
3134 Mr. Silber - Well, we could put it at the end, if we do that... We have to advertise it
3135 for a certain time, so we would have to take a stab at the time.
3136 Mr. Vanarsdall - Is everybody in agreement to 9:00 a.m.?
3137
3138 Ms. Dwyer - Sure.
3139
3140 Mrs. Quesinberry - We could probably be through with it within 30 minutes or so.
3141
3142 Ms. Dwyer - And then advertise the cases for 9:30 a.m.?
3143
3144 Mr. Silber - Or do you just want to advertise the cases at nine o'clock as well. I'm
3145 thinking that 24-2 may not even take 30 minutes.
3146
3147 Mr. Archer - Put that at the beginning of the agenda.
3148
3149 Mr. O'Kelly - You also possibly want to deal with the expedited agenda before the
3150 public hearing.
3151
3152 Ms. Dwyer - I don't think you can do that if it is advertised at 9:30 a.m.
3153
3154 Mrs. Quesinberry - So, we can advertise it all for 9:00 a.m.
3155
3156 Mr. Archer - Let's do it that way.
3157
3158 Mr. Vanarsdall - Okay. Nine o'clock on June 28, 2000, in the Board Room here. Thank
3159 you. All right. Mr. Marlles, what else?
3160
3161 Mr. Marlles - Mr. Chairman, I believe that is all the items on the agenda.
3162
3163 Mr. Archer - Mr. Chairman, I would like to announce for the benefit of my colleagues
3164 here and the staff, I will probably miss the August 23 POD meeting.
3165
3166 Mr. Vanarsdall - All right. Thank you for telling us that, Mr. Archer.
3167
3168 Mr. Marlles - Mr. Chairman, there is just one informational item that I would like to
3169 make the Commission aware of, if I can.
3170
3171 Mr. Vanarsdall - Go right ahead.
3172
3173 Mr. Marlles - I think all of the Commission members know Judy Thomas in our office.
3174 Judy has recently been diagnosed with a reoccurrence of a very serious illness she had
3175 previously. We are still getting information as to what her condition and outlook is, but I
3176 would like the Commission to know that the information that we have received thus far is that
3177 it is very serious. So, as we get a little bit more information and things settle down a little bit

3178 we will make the Commission aware of exactly what the status of her condition is.

3179

3180 Mr. Vanarsdall - Yes. I heard that when I got here this morning. I am certainly sorry and
3181 I appreciate you telling us. Also I want to thank Debra for making an extra effort to come
3182 because she thought she was going to be on crutches but she's on a cane and I hope all turns
3183 out well for you.

3184

3185 Mrs. Quesinberry - Thank you. I appreciate your kind wishes.

3186

3187 Mr. Taylor - Mr. Chairman, one other thing we might want to do is recognize the
3188 attendance of Mr. Hank Hartz who attended the Planning Commissioner's course that I also
3189 participated in. And he is with us today as a part of that exercise and we certainly welcome
3190 you Hank and we hope you have enjoyed this meeting.

3191

3192 Mrs. Quesinberry - If you saw any mistakes just forget about it.

3193

3194 Mr. Vanarsdall - Hank, like I told you at the break, any of us will help you at any time.

3195

3196 Mr. Hartz - I appreciate your offer.

3197

3198 Mr. Taylor - Thank you very much for being with us.

3199

3200 Mr. Vanarsdall - If there is no further business, we will adjourn.

3201

3202 Mr. Archer - Mr. Chairman, I move we adjourn.

3203

3204 Ms. Dwyer - Second.

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3206 On a motion by Mr. Archer and seconded by Ms. Dwyer, the Planning Commission adjourned
3207 its meeting at 12:35 p.m.

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Ernest B. Vanarsdall, C.P.C. Chairman

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John R. Marlles, AICP, Secretary

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