

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, May 26,
4 2004.

5

6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson (Tuckahoe)
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairperson (Brookland)
8 Mr. C. W. Archer, C.P.C. (Fairfield)
9 Mr. E. Ray Jernigan, C.P.C. (Varina)
10 Mr. John Marshall (Three Chopt)
11 Mr. James B. Donati, Jr., (Varina) Board of Supervisors
12 Representative

13

14 Others Present: Mr. Randall R. Silber, Director of Planning, Secretary
15 Mr. David D. O'Kelly, Jr., Director of Planning
16 Ms. Leslie A. News, CLA, County Planner
17 Mr. James P. Strauss, CLA, County Planner
18 Mr. E. J. (Ted) McGarry, III, County Planner
19 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
20 Mr. Michael F. Kennedy, County Planner
21 Ms. Christina L. Goggin, AICP, County Planner
22 Mr. Michael P. Cooper, County Planner
23 Mr. Michael Jennings, Assistant Traffic Engineer
24 Ms. Diana B. Carver, Recording Secretary

25

26 **Mr. James B. Donati, Jr., the Board of Supervisors Representative, abstains on all cases**
27 **unless otherwise noted.**

28

29 Mrs. Ware - The Planning Commission will come to order. Good morning, welcome
30 to the May 26 meeting of the Planning Commission public hearing for subdivisions and plans
31 of development. Good morning, everyone. I will turn the meeting over to our Secretary, Mr.
32 Silber.

33

34 Mr. Silber - Thank you, Madam Chairman, we have all members of the Planning
35 Commission present this morning. The first item of business this morning would be to
36 consider the requests by the applicants for deferral and withdrawals. There are a number of
37 those, and, Mr. O'Kelly, if you could walk us through those please.

38

39 Mr. O'Kelly - Yes, Mr. Secretary. Good morning, Madam Chairman and member of
40 the Commission. The staff is aware of three requests for deferrals and withdrawals that were
41 brought to our attention earlier in the week and we also have two additional requests that we
42 learned of just this morning. The first is on page 21.

43

44

44 **PLAN OF DEVELOPMENT**

45

POD-42-04
Dominion Place –
Dominion Boulevard

Foster & Miller, P.C. for Papec Richmond II LLC and Highwoods Properties: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct ~~10~~ 3, one-story office buildings and five, two story office buildings totaling ~~66,550~~ 78,000 square feet. The 6.28-acre site is located at 4403 Sadler Road on parcel 747-763-4389. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

46

47 Mr. O’Kelly -
48 Meeting.

The applicant is requesting a deferral to your June 10, 2004, Rezoning

49

50 Mrs. Ware -

Is there any opposition to the deferral of POD-42-04, Dominion Place in the Three Chopt District? No opposition. Mr. Marshall.

52

53 Mr. Marshall -

Madam Chairman, I move POD-42-04, Dominion Place be deferred to the June 10 Planning Commission meeting, at the request of the applicant.

55

56 Mr. Vanarsdall -

Second.

57

58 Mrs. Ware -

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

60

61 At the applicant’s request, the Planning Commission deferred POD-42-02, Dominion Place, to its June 10, 2004, meeting.

63

64 **PLAN OF DEVELOPMENT & MASTER PLAN**

65

POD-45-04
Hindu Center of Virginia
6051 Springfield Road
(POD-105-83 Revised)

Balzer & Associates, Inc. for Hindu Center of Virginia: Request for approval of a revised plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,444 square foot dining hall addition to an existing multipurpose hall, a one-story, 2,947 square classroom building and a one-story, 4,869 square foot temple on parcels 760-768-8263 and 760-769-9631. The 15.0-acre site is located at 6051 Springfield Road (State Route 157). The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Brookland)**

66

67 Mr. O’Kelly -

The applicant is requesting a deferral to your June 23, 2004, meeting.

68

68 Mrs. Ware - Is there any opposition to the deferral of POD-45-04, Hindu Center of
69 Virginia, in the Brookland District? No opposition. Mr. Vanarsdall.

70

71 Mr. Vanarsdall - I move POD-45-04, Hindu Center of Virginia, be deferred at the
72 applicant's request to June 23, 2004.

73

74 Mr. Marshall - Second.

75

76 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.
77 All in favor say aye...all opposed say nay. The motion passes.

78

79 At the applicant's request, the Planning Commission deferred POD-45-04, Hindu Center of
80 Virginia, to its June 23, 2004, meeting.

81

82 **PLAN OF DEVELOPMENT**

83

POD-47-04
Retail Building & Bank
Town Center @ Twin
Hickory

Hankins & Anderson for Edens and Avant: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,040 square foot retail building and a one-story, 3,594 square foot bank with a drive-thru and associated parking. The 1.61-acre site is located at the southwest intersection of Old Nuckols and Nuckols Road in the Town Center @ Twin Hickory Shopping Center on parcel 745-773-9641. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

84

85 Mr. O'Kelly - The applicant is requesting a deferral to your July 28, 2004, meeting.

86

87 Mrs. Ware - Is there any opposition to the deferral of POD-47-04, Retail Building &
88 Bank, Town Center @ Twin Hickory, in the Three Chopt District? No opposition. Mr.
89 Marshall.

90

91 Mr. Marshall - I move POD-47-04, Retail Building & Bank Town Center, be deferred to
92 the July 28, 2004, Planning Commission meeting, at the request of the applicant.

93

94 Mr. Archer - Second.

95

96 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Archer.
97 All in favor say aye...all opposed say nay. The motion passes.

98

99 At the applicant's request, the Planning Commission deferred POD-47-04, Retail Building &
100 Bank Town Center @ Twin Hickory, to its July 28, 2004, meeting.

101

101 Mr. Vanarsdall - Mr. O'Kelly, you may want to ask Mike.... I think we have another
102 deferral on page 3.

103

104 Mr. O'Kelly - Yes, sir. We have two additional deferrals and the first one is on page
105 3. It's a transfer of approval, POD-28-86, Fairfield Inn.

106

107 **TRANSFER OF APPROVAL**

108

POD-28-86
Fairfield Inn -
7300 W. Broad Street

Amratlal R. Patel for A&B Richmond Hotel, LLC: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from HHProperties-1, Inc. to A&B Richmond Hotel, LLC. The 4.031-acre site is located at 7300 W. Broad Street (U.S. Route 250) approximately 140 feet north of the intersection of Willard Road and W. Broad Street on parcel 766-749-5530. The zoning is B-2, Business District. County water and sewer.
(Brookland)

109

110 Mr. O'Kelly - The applicant is requesting a deferral to your June 23, 2004, meeting.

111

112 Mrs. Ware - Is there any opposition to the deferral of the transfer of approval for
113 POD-28-86, Fairfield Inn - 7300 W. Broad Street, in the Brookland District? No opposition.

114 Mr. Vanarsdall.

115

116 Mr. Vanarsdall - I move POD-28-86, Fairfield Inn, be deferred to June 23, 2004, at the
117 request of the applicant.

118

119 Mr. Marshall - Second.

120

121 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.
122 All in favor say aye...all opposed say nay. The motion passes.

123

124 At the applicant's request, the Planning Commission deferred the transfer of approval request
125 for POD-28-86, Fairfield Inn - 7300 W. Broad Street, to its June 23, 2004, meeting.

126

127 **PLAN OF DEVELOPMENT**

128

POD-38-04
Richmond Federal Credit
Union - Brook Road and
New York Avenue

F. J. Keith for Richmond Federal Credit Union: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to renovate an existing daycare for use as a bank. The 0.83-acre site is located on Brook Road (U.S. Route 1) at 1200 New York Avenue on parcel 783-762-9359. The zoning is 0-2C Office District (Conditional). County water and sewer. **(Fairfield)**

129

130 Mr. O’Kelly - The applicant is requesting a deferral to your June 23, 2004, meeting.

131

132 Mrs. Ware - Is there any opposition to the deferral of POD-38-04, Richmond Federal
133 Credit Union, in the Fairfield District? No opposition. Mr. Archer.

134

135 Mr. Archer - Madam Chairman, I move deferral of POD-38-04, Richmond Federal
136 Credit Union, to the June 23, 2004, at the request of the applicant.

137

138 Mr. Vanarsdall - Second.

139

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

142

143 At the applicant’s request, the Planning Commission deferred POD-38-04, Richmond Federal
144 Credit Union, to its June 23, 2004, meeting.

145

146 Mr. Jernigan - Mr. O’Kelly, I have one here. Let me find out what page it is on. It
147 will be page 10, POD-34-04, Roma’s East.

148

149 **PLAN OF DEVELOPMENT (Deferred from the April 21, 2004, Meeting)**

150

POD-34-04
Roma’s East -

325 E. Williamsburg Road

Timmons Group and Gooss & Associates AIA for Giaman, 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, 3,606 square foot restaurant and a 2,051 square foot retail building. The 0.71-acre site is located at 325 E. Williamsburg Road (U.S. Route 60) on parcels 829-715-3035, 4034, and 8918. The zoning is B-1, Business District, R-3, One-Family Residence District and ASO (Airport Safety Overly) District. County water and sewer. **(Varina)**

151

152 Mrs. Ware - Is there any opposition to the deferral of POD-34-04, Roma’s East, in
153 the Varina District? No opposition. Mr. Jernigan.

154

155 Mr. Jernigan - I’ll make a motion to defer POD-34-04, Roma’s East, to the June 10,
156 2004, Rezoning Meeting, by the request of the Planning Commission.

157

158 Mr. Vanarsdall - Second.

159

160 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

161

162 The Planning Commission deferred POD-34-04, Roma’s East, 325 E. Williamsburg Road, to
163 its June 10, 2004, Rezoning meeting.

164

165 Mr. O'Kelly - That's all of the requests for deferrals that staff is aware of.
166

167 Mr. Silber - Okay. Next on the agenda would be the Expedited Items. These are
168 items that are under consideration by the County. All of the plans have been reviewed by the
169 staff and there are no outstanding issues by the administration or the Planning Commission
170 member from that district. The Planning Commission member from that district is aware of
171 the plan and has accepted the proposal and there is no opposition that the County is aware of.
172 So these are placed on the Expedited Agenda so that they can be heard without hearing. If
173 there is opposition to any of these, they will be pulled off of the Expedited Agenda and will be
174 heard in the order that they are found on the agenda. We do have a number of these that we
175 will have Mr. O'Kelly walk us through.

176

177 Mr. O'Kelly - Yes, Mr. Secretary. The staff has 11 cases that are requested for
178 approval on the Expedited Agenda. The first is on page 4 of your agenda.

179

180 **TRANSFER OF APPROVAL**

181

POD-118-87 Gerber's Children Center - 9307 Quioccasin Road	Charles W. Leopold/Minnieland Child Care Center: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Gerber's Children's Center to Charles W. and J. M. Leopold. The .94- acre site is located on the west line of Shane Road approximately 200 feet south of Quioccasin Road on parcel 749-745-5274. The zoning is O-2, Office District. County water and sewer. (Tuckahoe)
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182

183 Mr. O'Kelly - There is a condition listed on page 1 of your addendum.

184

185 Mrs. Ware - Is there anyone in the audience in opposition to the transfer of approval
186 request for POD-118-87, Gerber's Children Center, in the Tuckahoe District? No opposition.

187

188 There's no opposition, then I will move for approval of the transfer of approval for POD-118-
189 87, Gerber's Children Center, in the Tuckahoe District, including condition No. 1.

190

191 Mr. Vanarsdall - Second.

192

193 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall.
194 All in favor say aye...all opposed say nay. The motion passes.

195

196 The Planning Commission approved the transfer of approval request for POD-118-87,
197 Gerber's Children Center - 9307 Quioccasin Road, on the Expedited Agenda subject to the
198 new owners accepting and agreeing to be responsible for continued compliance with the
199 conditions for the original approval, and the following additional condition:

200

200 1. The site deficiencies, as identified in the inspection report, dated May 14, 2004 shall be
201 corrected by October 31, 2004.

202

203 **PLAN OF DEVELOPMENT**

204

POD-40-04

Mountain Road Shopping
Center ~~Retail Shops~~
1574 Mountain Road

**Jordan Consulting Engineers, P.C. for Needle's Eye
Ministries Inc and Boze Properties, 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
14,600 square foot shopping center. The 2.18-acre site is
located at the southeast corner of Mountain Road and New
York Avenue on parcel 781-761-8665. The zoning is B-3,
Business District. County water and sewer. **(Fairfield)**

205

206 Mr. O'Kelly - A revised recommendation and caption change is on page 4 of the
207 addendum. The staff would also request that the Commission eliminate condition No. 30.
208 There is no need for that condition since this is now considered a shopping center.

209

210 Mrs. Ware - Is there anyone in the audience in opposition to the approval of POD-40-
211 04, Mountain Road Shopping Center, in the Fairfield District, on the Expedited Agenda? No
212 opposition. Mr. Archer.

213

214 Mr. Archer - Madam Chairman, I move approval of POD-40-04, Mountain Road
215 Shopping Center, subject to the standard conditions for developments of this type, additional
216 conditions Nos. 23 through 29, Nos. 31 through 40 and we are deleting condition No. 30.
217 And I believe that's it.

218

219 Mr. Vanarsdall - Second.

220

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

223

224 The Planning Commission approved POD-40-04, Mountain Road Shopping Center, 1574
225 Mountain Road, on the Expedited Agenda subject to the standard conditions attached to these
226 minutes, the annotations on the plans, and the following additional conditions:

227

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

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

235 23. The right-of-way for widening of Mountain Road and New York Avenue as shown on
236 approved plans shall be dedicated to the County prior to any occupancy permits being

- 237 issued. The right-of-way dedication plat and any other required information shall be
238 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
239 occupancy permits.
- 240 24. The easements for drainage and utilities as shown on approved plans shall be granted to
241 the County in a form acceptable to the County Attorney prior to any occupancy permits
242 being issued. The easement plats and any other required information shall be submitted
243 to the County Real Property Agent at least sixty (60) days prior to requesting
244 occupancy permits.
- 245 25. The developer shall provide fire hydrants as required by the Department of Public
246 Utilities and Division of Fire.
- 247 26. Employees shall be required to use the parking spaces provided at the rear of the
248 building(s) as shown on the approved plans.
- 249 27. Outside storage shall not be permitted.
- 250 28. The developer shall install an adequate restaurant ventilating and exhaust system to
251 minimize smoke, odors, and grease vapors. The plans and specifications shall be
252 included with the building permit application for review and approval. If, in the
253 opinion of the County, the type system provided is not effective, the Commission
254 retains the rights to review and direct the type of system to be used.
- 255 29. Prior to issuance of a building permit, the developer must furnish a letter from
256 **Dominion Virginia Power** stating that this proposed development does not conflict
257 with their facilities.
- 258 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in
259 a form acceptable to the County Attorney prior to final approval of the construction
260 plans.
- 261 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
262 approved by the County Engineer prior to final approval of the construction plans by
263 the Department of Public Works.
- 264 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
265 of the Henrico County Code.
- 266 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the
267 drainage plans.
- 268 34. Insurance Services Office (ISO) calculations must be included with the plans and
269 contracts and must be approved by the Department of Public Utilities prior to the
270 issuance of a building permit.
- 271 35. Approval of the construction plans by the Department of Public Works does not
272 establish the curb and gutter elevations along the Henrico County maintained right-of-
273 way. The elevations will be set by Henrico County.
- 274 36. The location of all existing and proposed utility and mechanical equipment (including
275 HVAC units, electric meters, junction and accessory boxes, transformers, and
276 generators) shall be identified on the landscape plans. All equipment shall be screened
277 by such measures as determined appropriate by the Director of Planning or the
278 Planning Commission at the time of plan approval.
- 279 37. Only retail business establishments permitted in a B-3 zone may be located in this center.
280

280 38. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
281 of the total site area.

282 39. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

283

284 **PLAN OF DEVELOPMENT**

285

POD-41-04
Eubank Center
4104 Eubank Road
(POD-65-99 Expired)

Engineering Design Associates for John A. and Wyatt L. Heisler, IV and J. A. Heisler Contracting Company, Inc.:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two, one-story buildings totaling 11,482 square feet of office/warehouse. The 0.71-acre site is located at 4104 Eubank Road on parcel 813-713-4716. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay) District. **(Varina)**

286

287 Mr. O'Kelly - The next item is on page 20 of your agenda, POD-41-04, Eubank
288 Center.

289

290 Mrs. Ware - Is there anyone in the audience in opposition to POD-41-04, Eubank
291 Center in the Varina District on the Expedited Agenda? No opposition. Mr. Jernigan.

292

293 Mr. Jernigan - Madam Chairman, I move for approval of POD-41-04, Eubank Center,
294 subject to the annotations on the plans and the standard conditions for developments of this
295 type and the following additional conditions Nos. 23 through 30.

296

297 Mr. Vanarsdall - Second.

298

299 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
300 All in favor say aye...all oppose say nay. The motion passes.

301

302 The Planning Commission approved POD-41-04, Eubank Center – 4104 Eubank Road (POD-
303 65-99 Revised) on the Expedited Agenda subject to the standard conditions attached to these
304 minutes for developments of this type, the annotations on the plan and the following additional
305 conditions:

306

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

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

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

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

316 contracts and must be approved by the Department of Public Utilities prior to the
317 issuance of a building permit.
318 27. Approval of the construction plans by the Department of Public Works does not
319 establish the curb and gutter elevations along the Henrico County maintained right-of-
320 way. The elevations will be set by Henrico County.
321 28. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
322 Planning Office and approved prior to issuance of a certificate of occupancy for this
323 development.
324 29. The certification of building permits, occupancy permits and change of occupancy
325 permits for individual units shall be based on the number of parking spaces required for
326 the proposed uses and the amount of parking available according to approved plans.
327 30. Prior to issuance of a building permit, the developer must furnish a letter from
328 **Dominion Virginia Power** stating that this proposed development does not conflict
329 with their facilities.
330

331 **PLAN OF DEVELOPMENT**

332

POD-43-04

Virginia Home for Boys –
Homeview Drive

Jordan Consulting Engineers, P.C. for Virginia Home for Boys: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 15,800 square foot school building with administrative offices. The 32.1-acre site is located along the northern line of Broad Street (U.S. Route 250), approximately 340 feet east of the intersection of Homeview Drive and Broad Street (U.S. Route 250) on parcel 760-757-5611. The zoning is A-1, Agricultural District, B-3, Business District and R-3, One-Family Residence District. County water and sewer. **(Brookland)**

333

334 Mr. O’Kelly - There is a revised recommendation on page 5 of the addendum.

335

336 Mrs. Ware - Is there anyone in the audience in opposition to POD-43-04, Virginia
337 Home for Boys, in the Brookland District on the Expedited Agenda? No opposition. Mr.
338 Vanarsdall.

339

340 Mr. Vanarsdall - I move POD-43-04, Virginia Homes for Boys, be approved on the
341 Expedited agenda with conditions Nos. 23 through 28 and the addendum on page 5 says that
342 this is recommended by staff for approval.

343

344 Mr. Marshall - Second.

345

346 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr.
347 Vanarsdall. All in favor say aye...all oppose say nay. The motion passes.

348

349 The Planning Commission approved POD-43-04, Virginia Home for Boys – Homeview Drive,

350 on the Expedited Agenda subject to the standard conditions attached to these minutes for
351 developments of this type, the annotations on the plan and the following additional conditions:

352

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

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

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

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

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

369 28. The location of all existing and proposed utility and mechanical equipment (including
370 HVAC units, electric meters, junction and accessory boxes, transformers, and
371 generators) shall be identified on the landscape plans. All equipment shall be screened
372 by such measures as determined appropriate by the Director of Planning or the
373 Planning Commission at the time of plan approval.

374

375 **PLAN OF DEVELOPMENT**

376

POD-44-04

Saxon Capital Headquarters
Innsbrook North
(POD-52-90 Revised)

**Foster & Miller, P.C. for OMI Specialty Inc and
Highwoods Properties:** Request for approval of a plan of
development, as required by Chapter 24, Section 24-106 of the
Henrico County Code, to construct a four-story, 116,455
~~115,000~~-square foot office building. The 9.497-acre site is
located along the west line of Cox Road, approximately 1100
feet north of Nuckols Road on parcels 752-768-0441 and 751-
768-9518. The zoning is O-3C, Office District (Conditional).
County water and sewer. **(Three Chopt)**

377

378 Mr. O'Kelly - The staff additional recommendations is listed on page 6 of the
379 addendum, there are two additional conditions listed by staff.

380

381 Mrs. Ware - Is there anyone in the audience in opposition to POD-44-04, Saxon
382 Capital Headquarters in the Three Chopt District on the Expedited Agenda? No opposition.
383 Mr. Marshall.

384 Mr. Silber - Mr. O'Kelly, we've just been handed a revised plan. Can you tell us
385 maybe what has changed on this plan and tell us about these two conditions?

386

387 Mr. O'Kelly - I'll have to defer to Mr. Wilhite to answer that question.

388

389 Mr. Wilhite - The revised plan was already included in your packet. These are just
390 staff's annotations to it. The building was arranged in orientation and so was the entrance into
391 the site as well. The building has gotten a little bit larger because they did not include the
392 square footage for the connector with the existing building. The two conditions on the
393 addendum deal with vacation of an existing utility easement that was caused with the relocation
394 of the building, that's required to be done prior to the issuance of an the building permit. And
395 also evidence of the elimination of the property line between this parcel and the parcel with the
396 existing building, they need to provide evidence to the Planning Office also prior to the
397 issuance of a building permit for the connector.

398

399 Mr. Silber - And the square footage for the building has changed as well?

400

401 Mr. Wilhite - Yes, because originally they did not include the connector building that
402 connects the existing building. They didn't count that in the square footage and it's just been
403 updated to include that as well.

404

405 Mr. Marshall - Madam Chairman, I move approval of POD-44-04, Saxon Capital
406 Headquarters, subject to the annotations on the plans, the standard conditions for developments
407 of this type along with additional conditions Nos. 23 through 32 and Nos. 33 and 34 on page 6
408 of the addendum.

409

410 Mr. Vanarsdall - Second.

411

412 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
413 All in favor say aye...all oppose say nay. The motion passes.

414

415 The Planning Commission approved POD-44-04, Saxon Capital Headquarters Innsbrook North
416 (POD-52-90 Revised) on the Expedited Agenda, subject to the standard conditions attached to
417 these minutes for developments of this type, the annotations on the plan and the following
418 additional conditions:

419

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

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

429 25. The developer shall provide fire hydrants as required by the Department of Public
430 Utilities and Division of Fire.

- 431 26. Outside storage shall not be permitted.
- 432 27. The proffers approved as a part of zoning cases C-26C-85, and C-77C-88 shall be
433 incorporated in this approval.
- 434 28. The certification of building permits, occupancy permits and change of occupancy
435 permits for individual units shall be based on the number of parking spaces required for
436 the proposed uses and the amount of parking available according to approved plans.
- 437 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in
438 a form acceptable to the County Attorney prior to final approval of the construction
439 plans.
- 440 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
441 approved by the County Engineer prior to final approval of the construction plans by
442 the Department of Public Works.
- 443 31. Insurance Services Office (ISO) calculations must be included with the plans and
444 contracts and must be approved by the Department of Public Utilities prior to the
445 issuance of a building permit.
- 446 32. The location of all existing and proposed utility and mechanical equipment (including
447 HVAC units, electric meters, junction and accessory boxes, transformers, and
448 generators) shall be identified on the landscape plans. All equipment shall be screened
449 by such measures as determined appropriate by the Director of Planning or the
450 Planning Commission at the time of plan approval.
- 451 33. Any easements in conflict with the building footprint shall be vacated prior to the
452 issuance of a building permit for this development.
- 453 34. Evidence of the consolidation of parcels 752-768-0441 and 751-768-9518 shall be
454 provided to the Planning Office prior to the issuance of a building permit for the
455 connector building.

456
457 Mr. Jernigan - Mr. O'Kelly, when did this plan come into the office?

458
459 Mr. O'Kelly - Around the middle of last week, Mr. Jernigan.

460
461 Mr. Jernigan - Thank you.

462
463 **SUBDIVISION**

464
Autumn Chase **Foster & Miller, P.C. for Mary C. Spiers, Martha A. Luck**
(May 2004 Plan) **(Trustee Est. of Bernard L. Jones), Blake Brothers, Inc.**
and RRI, LLC: The 7.08-acre site proposed for a subdivision
of 21 single-family homes is located at the intersection of
Yeates Lane and Brooks Road, 5616 Yeates Lane on parcel
816-724-5826, 6950 and 3854. The zoning is R-2A, One-
Family Residence District and R-4, One-Family Residence
District. County water and sewer. **(Varina) 21 Lots**

465
466 Mr. O'Kelly - The staff revised recommendation is listed on page 8 of the addendum.
467

468 Mrs. Ware - Is there anyone in the audience in opposition to hearing the subdivision
469 Autumn Chase (May 2004 Plan) in the Varina District on the Expedited Agenda? No
470 opposition. Mr. Jernigan.

471

472 Mr. Jernigan - Madam Chairman, I recommend approval of subdivision Autumn
473 Chase (May 2004 Plan). There are some changes on the addendum. Number 12 is amended,
474 number 13 is amended and added conditions Nos. 13, 14, 15 and 16 and this is subject to the
475 standard conditions for developments of this type and those following additional conditions.

476

477 Mr. Vanarsdall - Second.

478

479 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
480 All in favor say aye...all oppose say nay. The motion passes.

481

482 The Planning Commission granted conditional approval on the Expedited Agenda to
483 subdivision Autumn Chase (May 2004 Plan) subject to the standard conditions attached to these
484 minutes for subdivisions served by public utilities, the annotations on the plan and the
485 following additional conditions:

486

487 12. The extension of Brooks Road shall be dedicated and constructed to connect Dendron
488 Drive to Yates Road.

489 13. Brooks Road shall be improved adjacent to Lots 15 and 16.

490 14. Provide area of lots within and without floodplain. Floodplain shall not be included in
491 minimum lot area.

492 15. Provide minimum side yard setback from any remaining wetlands. Wetlands located
493 within minimum yards shall be considered impacted.

494 16. The location of the Stream Protection Area (SPA) along the western boundary of the
495 subdivision shall be identified in accordance with the requirements of the Director of
496 Public Works and adequate buildable areas shall be located outside the SPA.

497

498 **SUBDIVISION**

499

Maiden Hills
(May 2004 Plan)

Foster & Miller, P.C. for John O. H. Maiden and Attack Properties, Inc.: The 4.90-acre site proposed for a subdivision of 4 single-family homes is located approximately 675 feet east of Nuckols Road on the north line of Opaca Road at 11122 Opaca Lane on parcel 748-772-3954. The zoning is A-1, Agricultural District. County water and septic tank/drainfield.
(Three Chopt) 4 Lots

500

501 Mr. O'Kelly - The staff's revised recommendation is listed on page 8 of the addendum.

502

502 Mrs. Ware - Is there anyone in the audience in opposition to subdivision Maiden Hills
503 (May 2004 Plan) in the Three Chopt District on the Expedited Agenda? No opposition. Mr.
504 Marshall.

505

506 Mr. Marshall - Madam Chairman, I move approval of subdivision Maiden Hills (May
507 2004 Plan) subject to the annotations on the standard conditions for developments of this type
508 and the staff recommendation on page 8 of the addendum.

509

510 Mr. Vanarsdall - Second.

511

512 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
513 All in favor say aye...all oppose say nay. The motion passes.

514

515 The Planning Commission granted conditional approval on the Expedited Agenda to
516 subdivision Maiden Hills (May 2004 Plan) subject to the standard conditions attached to these
517 minutes for subdivisions served by public water and septic tank/drainfield, and the annotations
518 on the plan.

519

520 **SUBDIVISION**

521

Windsor Oaks, Section 3
(May 2004 Plan)

E. D. Lewis & Associates for Continental Development: The
9.18-acre site proposed for a subdivision of 4 single-family
homes is located on the south end of Oakington Drive on parcel
823-694-4202. The zoning is R-2AC, One-Family District
(Conditional). County water and sewer. **(Varina) 4 Lots**

522

523 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision
524 Windsor Oaks, Section 3 (May 2004 Plan) in the Varina District on the Expedited Agenda?
525 No opposition. Mr. Jernigan.

526

527 Mr. Jernigan - Mr. O'Kelly, do we have to make a motion for the special exception?

528

529 Mr. O'Kelly - No, sir. I don't think so. I think the Commission can consider that, in
530 the past, with this subdivision the additional five lots.

531

532 Mr. Jernigan - I just wanted to make sure that we didn't have to have a separate motion
533 on that. This increases this subdivision by one lot and those three lots were nine acres and
534 now there are four lots, right?

535

536 Mr. O'Kelly - Correct.

537

537 Mr. Jernigan - Okay. But, I don't feel at this point that we need to go with a second
538 access. The rest of that subdivision has been built. This was actually just to satisfy the County
539 on finishing this up. So with that, I will move for approval of subdivision Windsor Oaks,
540 Section 3 (May 2004 Plan) with the standard condition for subdivisions served by public
541 utilities and the following additional conditions Nos. 11, 12, and 13.

542

543 Mr. Vanarsdall - Second.

544

545 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
546 All in favor say aye...all oppose say nay. The motion passes.

547

548 The Planning Commission granted conditional approval to subdivision Windsor Oaks, Section
549 3 (May 2004 Plan) on the Expedited Agenda subject to the standard conditions attached to
550 these minutes for subdivisions served by public utilities, the annotations on the plan and the
551 following additional conditions:

552

553 11. The proffers approved as part of zoning case C-20C-99 shall be incorporated in this
554 approval.

555 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
556 foot-wide planting strip easement along Doran Road shall be submitted to the Planning
557 Office for review and approval prior to recordation of the plat.

558 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
559 the maintenance of the common easements by a homeowners association shall be
560 submitted to the Planning Office for review. Such covenants and restrictions shall be in
561 form and substance satisfactory to the County Attorney and shall be recorded prior to
562 recordation of the subdivision plat.

563

564 **LANDSCAPE PLAN**

565

LP/POD-70-02
Welborne Office -
1107 Welborne Drive

William Spell for Ms. Helen Konstantinacos: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The .28-acre site is located on the east line of Welborne Drive, south of Weldon Drive at 1107 Welborne on parcel 753-741-3086. The zoning is B-1, Business District. **(Tuckahoe)**

566

567 Mrs. Ware - Is there anyone in the audience in opposition to hearing landscape plan
568 LP/POD-70-02, Welborne Office, in the Tuckahoe District on the Expedited Agenda? Can
569 you step to the front please, ma'am, and let us know what your objection is.

570

571

571 Ms. Fitzgerald - I must confess that I am woefully unprepared as I haven't had an
572 opportunity to look at the landscaping plan. However, I live right across from this property
573 and a good bit of landscaping has already been done including a large sign that was placed in
574 the front yard. I've never heard of any zoning meeting where we have the opportunity to
575 discuss that becoming, changing from a residential property, which it was, to commercial in
576 the front place. And now that it has, I am very concerned about what's going to be done there
577 in terms of increase traffic, trash and things of which I already have a problem with that now
578 because of the location of the dry cleaners there with a back entrance.

579

580 Mrs. Ware - Can you give us your name please and your address.

581

582 Ms. Fitzgerald - My name is Janet Fitzgerald. Do you need my address as well?

583

584 Mrs. Ware - And I believe you have spoken to Mr. Strauss in the past.

585

586 Ms. Fitzgerald - Yes. I've spoken with someone, but I can't remember the gentleman's
587 name.

588

589 Mrs. Ware - What we will do right now, is pull this case from the Expedited Agenda
590 and, Mr. Strauss, can you show her the plan, perhaps in the lobby, and we will hear it in the
591 order in which it appears on the agenda.

592

593 Ms. Fitzgerald - Thank you so much.

594

595 Mrs. Ware - Sure. Thank you.

596

597 **THIS CASE WAS REMOVED FROM THE EXPEDITED AGENDA AND CONTINUED**
598 **LATER DURING THE MEETING (SEE PAGE ? OF THESE MINUTES)**

599

600 **LANDSCAPE PLAN**

601

LP/POD-87-02

The Shoppes @ Staples Mill

Carter Robertson for Cugini LLC: Request for approval of a
landscape plan, as required by Chapter 24, Sections 24-106 and
24-106.2 of the Henrico County Code. The 3.181-acre site is
located at 8300 Staples Mill Road on the west line of Staples
Mill Road (U.S. Route 33) at the intersection of Staples Mill
Road and Hermitage Road on parcel 771-752-0193. The zoning
is B-2C, Business District (Conditional). **(Brookland)**

602

603 Mr. O'Kelly - The staff recommendation for this case is on page 9 of the addendum.

604

605 Mrs. Ware - Is there any opposition to hearing landscaping plan, LP/POD-87-02, The
606 Shoppes @ Staples Mill, in the Brookland District, on the Expedited Agenda? No opposition.

607 Mr. Vanarsdall.

608

609 Mr. Vanarsdall - I move that LP/POD-87-02, The Shoppes @ Staples Mill, be approved
610 on the Expedited Agenda with the annotations on the plan and the standard conditions for
611 landscape plans and the addendum on page 9 that simply says that the staff has incorporated
612 things and they approved it.

613

614 Mr. Marshall - Second.

615

616 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.
617 All in favor say aye...all oppose say nay. The motion passes.

618 The Planning Commission approved the landscape plan for LP/POD-87-02, The Shoppes @
619 Staples Mill, on the Expedited Agenda subject to the standard conditions attached to these
620 minutes for landscape plans and the annotations on the plan.

621

622 **LANDSCAPE & LIGHTING PLAN**

623

LP/POD-5-03
St. Mary's MOB NW
Monument Avenue

Higgins & Gerstenmaier, P.C.: Request for approval of a
landscape and lighting plan, as required by Chapter 24,
Sections 24-106 and 24-106.2 of the Henrico County Code.
The 11.108-acre site is located at the southwest corner of
Monument Avenue and Bremono Road on parcels 768-737-4978,
2490, 3397, and 2576; 768-738-4003 and 2201. The zoning is
O-3, Office District and O-3C, Office District (Conditional).
(Three Chopt)

624

625 Mr. O'Kelly - Madam Chairman, this is the last case on the Expedited Agenda.

626

627 Mrs. Ware - Is there anyone in the audience in opposition to hearing the landscape
628 and lighting plan for LP/POD-5-03, St. Mary's MOB NW, in the Three Chopt District on the
629 Expedited Agenda? No opposition. Mr. Marshall.

630

631 Mr. Marshall - Madam Chairman, I move approval of LP/POD-5-03, St. Mary's
632 Hospital, subject to the annotations on the plan and the standard conditions for landscape and
633 lighting plans.

634

635 Mr. Vanarsdall - Second.

636

637 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
638 All in favor say aye...all opposed say nay. The motion passes.

639

640 The Planning Commission approved the landscape and lighting plan for LP/POD-5-03, St.
641 Mary's MOB NW, on the Expedited Agenda, subject to the annotations on the plan and the
642 standard conditions for landscape and lighting plans.

643

643 Mr. Silber - Okay, moving back to the top of the agenda, we have information to
 644 share with the Planning Commission on Extension of Conditional Subdivisions Approvals.
 645 There are three subdivisions that are up for extension of conditional approval. None of these
 646 three require, however, action by the Planning Commission. This is simply for informational
 647 purposes only. Mr. O’Kelly, is there anything that the Commission should know specifically
 648 about these?

649

650 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 651 **FOR INFORMATIONAL PURPOSES ONLY**

652

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Brookland Gardens (May 2003 Plan)	Brookland	3	3	0	1 Year 5/25/05
Four Mile Run (April 2003 Plan)	Varina	167	67	2	1 Year 5/25/05
The Ponds @ Dandridge Farm (May 2003 Plan)(Formerly Old Mill Pond)	Brookland	21	21	0	1 Year 5/25/05

653

654 Mr. O’Kelly - Just one correction, Mr. Secretary. The first subdivision request for an
 655 extension, Brookland Gardens, we understand that that property has changed hands. It’s under
 656 new ownership. We have no way of contacting the new owner, but there was no formal request
 657 to extend the subdivision approval, therefore it should not be extended.

658

659 Mr. Silber - So if it should not be extended, we can just remove it from this list.

660

661 Mr. O’Kelly - It is shown on your addendum, page 1, to be deleted.

662

663 Mr. Silber - Okay. Moving on to page two of your agenda.

664

665 Mr. Vanarsdall - Mr. Secretary, Madam Chairman, and fellow Commissioners, I have an
 666 announcement to make. Diana Carver who has been with us for many years, back there in the
 667 booth, and hears everything we say and takes everything down and corrects anything that is not
 668 right. And today is her 49th birthday, and she informed us this morning that on her 50th
 669 birthday, which will naturally be next year, that she is going to Hawaii and anybody who
 670 wants to go can go with her. But, she didn’t say she was going to pay for the trip. I just
 671 thought we could wish Diana a Happy Birthday. Happy Birthday, Diana! (Diana
 672 acknowledges with a wave from the booth) I already sang to her this morning. I could have
 673 gotten Mr. Theobald over here with the guitar to play while I was singing but he hadn’t arrived
 674 yet. And, Mr. Theobald, it looks odd for you and Penny to be sitting to the right of the
 675 audience, of the Board Room. Did somebody run you off over there?

676 Mr. Theobald - We are changing the dynamics.

677

678 Mr. Vanarsdall - Thank you.

679

680 Mr. Silber - All right. Are we ready to move on to the zoning case?

681

682 Mrs. Ware - Yes.

683

684 **THREE CHOPT:**

685 ***Deferred from the February 12, 2004 Meeting:***

686 **C-10C-04 Ukrop's Super Market, Inc.:** Request to conditionally rezone from B-2C
687 Business District (Conditional) and O/SC Office Service District (Conditional) to B-2C
688 Business District (Conditional), Parcels 746-773-8345 and 747-773-2781, containing
689 approximately 14.943 acres, located on the east line of Nuckols Road between Twin Hickory
690 Road and Wyndham Forest Drive. A grocery store and other retail uses are proposed. The
691 use will be controlled by proffered conditions and zoning ordinance regulations. The Land
692 Use Plan recommends Commercial Concentration, Office/Service and Environmental
693 Protection Area.

694

695 Mrs. Ware - Is there anyone in the audience in opposition to C-10C-04 for Ukrop's
696 Super Market, Inc. in the Three Chopt District? No opposition. Mr. Bittner, good morning?

697

698 Mr. Bittner - Thank you, Mrs. Ware. We just handed out some revised proffers on
699 this case which includes the following new items; A prohibition on outside sales by third party
700 vendors, except for civic and charitable organizations; the addition of a sidewalk along
701 Nuckols Road; and the addition of decorative pavers at new entrances to the site similar to the
702 pavers at the existing entrances to the Walgreen's site. These items help to insure the quality of
703 this proposed development.

704

705 However, staff still encourages the applicant to consider the additional quality measure of:
706 Supplying provisions to address necessary transportation infrastructure improvements created
707 by the pressure of new development in this area.

708

709 In addition, we have also handed out a letter, which we received late yesterday from the
710 Wyndham Forest Homeowners Association. They have some concerns with this application
711 including the view along the Twin Hickory Road corridor; sufficient protection for
712 neighboring residences; a sufficient limit on the density of development; and also they would
713 like to see lower detached signage of 10 feet or less. Currently, the proffers say signage can be
714 no more than 12 feet in height.

715

716 If the applicant could address the transportation issue, which I talked about earlier, staff could
717 fully support this request. This concludes my presentation, and I'll be happy to answer any
718 questions you may have.

719

719 Mrs. Ware - Are there any questions for Mr. Bittner from the Commission? No
720 questions at this time. Mr. Marshall.

721

722 Mr. Marshall - I would like to hear from the applicant.

723

724 Mr. Theobald - Madam Chairman, ladies and gentlemen, my name is Jim Theobald and
725 I'm here on behalf of Ukrop's Super Market this morning. This is a request to rezone almost
726 15 acres from B-2 Conditional and Office/Service Conditional to B-2 Conditional for Ukrop's
727 grocery store in an ancillary retail development. The proffers in this case, some 17 of them,
728 are consistent with those that were previously proffered for the most part and served to
729 guarantee a quality development consistent with the high standards found in all of Ukrop's
730 shopping centers. These proffered conditions address buffers, berming, screening, setbacks,
731 we have proffered the site plan and building elevations, eliminates some 22 commercial uses.
732 It includes a 100-foot building setback from the property in the rear as well as property along
733 Twin Hickory Road and addresses screening and buffering within a 50-foot buffer area along
734 both of those borders. I did want to indicate for the record, in speaking with Mr. Parker and
735 Mr. Turner before the meeting, that we had in fact looked at rather or not this building could
736 be rotated in some fashion so that the loading area was oriented differently. And I can show
737 you many iterations of that plan including one that tried to pull it up essentially between the
738 Walgreen's and the Fast Mart. We just couldn't get the circulation to work on site with the
739 requisite numbers of parking. And we were also trying to accomplish the parking basically in
740 front of the buildings away from the residences on Twin Hickory as well as the residences in
741 back.

742

743 This should actually have a positive impact on traffic when you consider that currently the
744 people who live in the Twin Hickory/Wyndham area who wants to shop at a Ukrop's have to
745 travel down Pouncey Tract Road to get to the Ukrop's store at Pump and Broad and that traffic
746 will now be captured within those neighborhoods and should mitigate the very conditions I
747 think that was raised in the staff report. As to other specific improvements we have met with
748 Mr. Foster on a couple of occasions over the past few weeks and have agreed upon the specific
749 traffic improvements that need to be made with regard to turn lanes, restriping for some dual
750 left-turns and modification of a signal. Those have all been outlined in emails and discussions
751 between Mr. Foster, Mr. Tim White and Mr. Mills. So, we are on all floors on those and
752 those will be reflected on our POD.

753

754 You may remember that we long ago eliminated retail at the entrance, the literal entrance to
755 Wyndham near the residential area and basically consolidated the retail at this very intersection
756 where you now have a Food Lion shopping center across the street and the proposed Ukrop's
757 center on this location. Staff has suggested that this request is largely consistent with the
758 goals, objectives of the Land Use Plan and with that I'll be more than happy to answer any
759 questions that you may have and would respectfully ask that you recommend approval of this
760 request to the Board of Supervisors.

761

762 Mr. Marshall - Mr. Theobald, can you address the delivery question that was raised by
763 the Homeowners Association as far as the Ukrop's go?

764 Mr. Theobald - Yes. They get approximately two deliveries, three is the most that they
765 get between 5:00 p.m. and 11:00 p.m. There is usually one delivery between 6:00 p.m. and
766 7:00 p.m. and one other between 10:00 p.m. and 11:00 p.m. The third delivery only happens
767 if there is some extenuating circumstance. There is generally one delivery between 11:00 p.m.
768 and 6:00 a.m., two max. Those are the Ukrop's trucks so they basically have control of their
769 drivers. It's not the sort of situation where a third-party transport carrier shows up in the
770 middle of the night and leaves the generator or the truck going waiting for a store to open.
771 That's the extent of it.

772

773 Mr. Marshall - And that's normal for all their stores?

774

775 Mr. Theobald - Yes, sir.

776

777 Mrs. Ware - And so your client has no intention at this time of proffering delivery
778 hour restrictions? Is that what you are saying?

779

780 Mr. Theobald - Correct. Yes, ma'am.

781

782 Mrs. Ware - I do have in my district a Ukrop's at Ridgefield that does have issues
783 with deliveries from the Ukrop's in the middle of the night, leaving the truck running, the
784 generator running as far as backing up, noises. That is quite disruptive to the adjacent
785 property owners. So, I understand the questions from Mr. Marshall.

786

787 Mr. Theobald - Are those being addressed, Mrs. Ware?

788

789 Mrs. Ware - Unfortunately, they aren't being addressed as well as they could be. I
790 know that Ukrop's does have a couple of suppliers that prefer to deliver in the middle of the
791 night between midnight and 6:00 a.m.

792

793 Mr. Theobald - If you would show that specific information with me, I'll be happy to
794 take that up with their general counsel because we certainly don't need to aggravate any
795 residents or potential customers. They do need to get their deliveries in there but it shouldn't
796 be at the expense of the neighbors.

797

798 Mrs. Ware - Right. I understand that and I can provide that information to you
799 because that was on a recent case.

800

801 Mr. Theobald - I'll be happy to work on that.

802

803 Mrs. Ware - Thank you.

804

805 Mr. Vanarsdall - I will add that we had a request from the community one time to take the
806 backup bells off the vehicles, but of course we can't do that because that's against the OASHA
807 regulations, so that can't be solved by that either.

808

809 Mr. Marshall - I have no further questions.

810

811 Mr. Silber - Mr. Theobald, I have a question. In the letter that we received there is a
812 statement about the triangular piece of property. On the site plan that's on the screen now, I
813 assume they are referring to the bottom right-hand corner, will that be left in that state or is
814 there future potential development for that area?

815

816 Mr. Theobald - We don't need to have a BMP on this site so it's not a BMP location.
817 We have proffered a 50-foot buffer and we've left to the landscape plan whether or not the
818 neighbors think that should be a berm or trees supplemented with plantings. So, we thought
819 that we would see what the best approach there was. There is no room to build anything on it.
820 The most you could do would be, if you need additional employee parking, you could put a
821 few spaces right along the road and that would be it.

822

823 Mr. Silber - That's the only portion of the site that really is adjacent to single-family
824 homes. So, I can understand their question and I can understand that it would be important to
825 them to leave that the way it is.

826

827 Mr. Theobald - Absolutely, and for the record, it's treed in their now but it's kind of
828 scrubby pines back in there. It's not great coverage, so we are going to have to supplement
829 that and see if they prefer the type of buffer treatment that we are going to do, a six-foot-high
830 buffer with plantings on top of that along the Parker's property line. We are happy to continue
831 that if that's a better alternative. So, whatever that works best. But, there will be no buildings
832 there, there will be no BMP and the most that could be there is essentially a very few number
833 of parking spaces and that's not planned at this point at all.

834

835 Mr. Silber - We may need to address that further if this goes beyond the Planning
836 Commission today, between now and the Board meeting, we may need to address that.

837

838 Mr. Theobald - I understand.

839

840 Mr. Silber - In regards to the comments you made about the traffic, the road
841 improvements in the area, you've indicated that you are working with the traffic engineer and
842 have agreed to all of those improvements. Is there anyway that we can get that in a letter from
843 you that you are agreeable to all of those improvements?

844

845 Mr. Theobald - Yes. That's not a problem. We have specific written comments in an
846 email exchange that we can provide and make a part of the record.

847

848 Mrs. Ware - I just have one thing that I would like to ask. Is there a representative
849 here today from the Wyndham Forest Homeowners Association? Okay.

850

851 Mr. Theobald - I would note that some of these questions about the Twin Hickory View
852 Corridor, they are actually much better off with what's currently proffered which is a 100-foot
853 building setback, a 50-foot buffering with supplemental plantings that we worked with Mr.

854 Turner on. To put a berm in there would take down all those trees. We do have the rear
855 buildings back there but those are the small retail shops. Those are all step-van type deliveries
856 and employee parking, so all of the action is on the other side of those buildings. So, that
857 view corridor is very well protected.

858

859 Mrs. Ware - Are there any more question for Mr. Theobald from the Commission?
860 Thank you. There is no opposition.

861

862 Mr. Marshall - Madam Chairman, I'm going to move approval of this case and I want to
863 say that there have been numerous discussions and meetings over the months about this case.
864 Ukrop's has bent over backwards from the smallest thing as the Wyndham Forest Homeowners
865 Association requesting that the store not be named Twin Hickory but be named Wyndham.
866 They agreed to that. I think some of this buffering is some of the more intense that you will
867 see. If you will notice in the report they are talking about eight to ten-foot tall trees from the
868 outset to be planted in these buffers. They have agreed to do berms if the neighborhood
869 prefers that. The delivery question, I understand that's a Ukrop's normal operating procedure.
870 I will say that this type of development, Ukrop's stores close at 10:00 p.m. and that's
871 beneficial to the neighbors and they are not open on Sunday's so that's beneficial to the
872 neighbors versus something else you might get.

873

874 The triangular piece of property, I'm comfortable with proffer No. 1 which says: If they are
875 going to request changes other than what's shown on this plan, then it can be addressed at the
876 time of POD, which I feel comfortable with giving me some lead way in addressing if they try
877 to put anything in that triangular piece that is important to the neighbors. But, in light of all of
878 the concessions that they have made, I think this is a good development and I have seen the
879 road improvements that they have agreed to make, one of which is putting a median out on, I
880 think, Wyndham Forest Drive as well as paying for the changes in the traffic lights. So, with
881 that, I'm going to move approval of C-10C-04 subject to the annotations on the plans the
882 standard conditions for developments of this type.

883

884 Mr. Vanarsdall - Second.

885

886 Mr. Turner - Could I say a little something on this?

887

888 Mrs. Ware - You will need to go to the podium and give us your name. I don't know
889 if we should hear from anyone else since the motion has been made.

890

891 Mr. Turner - You don't think I should or what?

892

893 Mrs. Ware - Well, we have already made a motion.

894

895 Mr. Silber - Well, Mr. Marshall can withdraw his motion.

896

897 Mrs. Ware - Mr. Marshall, do you want to withdraw your motion?

898

899 Mr. Marshall - Yes, I'll withdraw it to let Mr. Turner have his say.
900
901 Mr. Turner - I was kind of waiting for you to ask if anybody had any questions or
902 comments about it and I didn't quite get that.
903
904 Mr. Vanarsdall - And I withdraw my second.
905
906 Mr. Turner - I've got no big problem it's just that I live on Twin Hickory Road and
907 my house is facing this property and I just wanted to inquire to see if everything is still pretty
908 much the same like we talked about before.
909
910 Mr. Marshall - Yes, sir.
911
912 Mr. Turner - I mean, have the roads or anything like that changed?
913
914 Mr. Marshall - No, sir.
915
916 Mr. Turner - And as far as the buffer zone, that's all pretty much the same and all too.
917
918 Mr. Marshall - Yes, sir.
919
920 Mr. Turner - All right. I believe that's really about all. I just wanted to kind of
921 assure myself and see that I understood and that there has been no major changes and things
922 like that.
923
924 Mr. Marshall - It's just like when we met.
925
926 Mrs. Ware - Mr. Turner, for the record, would you please state your full name and
927 address?
928
929 Mr. Turner - My name is Andy Turner and I live at 5412 Twin Hickory Lane.
930
931 Mrs. Ware - Thank you very much.
932
933 Mr. Turner - Okey Dokey. Thank you.
934
935 Mr. Marshall - Madam Chairman, I move approval C-10C-04, Ukrop's Super Market,
936 Inc. subject to the standard conditions for developments of this type and the annotations on the
937 plan.
938
939 Mr. Vanarsdall - Second.
940
941 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
942 All in favor say aye...all opposed say nay. The motion passes.

943 **REASON** - Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
944 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
945 request because it would provide needed services for the community and the proffered
946 conditions would assure a level of development otherwise not possible.

947

948 **PLAN OF DEVELOPMENT**

949

POD-13-04

Lakeside Moose Lodge –
Addition
(POD-44-80 Revised)

Engineering Design Associates for Loyal Order of the Moose: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two building additions totaling 3,016 square feet to an existing 6,700 square foot lodge. The 3.983-acre site is located at 1207 Hilliard Road on the south line of Hilliard Road, approximately 150 feet west of Brook Road (U. S. Route 1) on parcel 784-749-6682. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

950

951 Mrs. Ware - Is there anyone in the audience in opposition to POD-13-04, Lakeside
952 Moose Lodge? No opposition. Okay. Good morning, Ms. News.

953

954 Ms. News - Good morning, Madam Chairman, members of the Commission.
955 Outstanding issues regarding fire protection requirements and the parking lot layout have been
956 resolved. The applicant has also agreed to add landscaping along Hilliard Road and screen the
957 dumpster. These items are addressed on the revised plan which has just been distributed. The
958 remaining issue is in regard to the floodplain on the property. A FEMA floodplain analysis
959 will be required to be approved prior to the approval of any construction plans for this project.
960 Condition No. 30, which has just been distributed to you, has been added to address this
961 requirement. With that said, staff recommends approval of the revised plans subject to the
962 standard conditions for developments of this type, the conditions in the agenda and the
963 additional condition No. 30. I'll be happy to answer any questions.

964

965 Mrs. Ware - Are there any questions by the Commission for Ms. News?

966

967 Mr. Archer Madam Chairman, I don't have any, but, Ms. News, would you explain
968 to the rest of the Commission, as well as you can, what condition No. 30 actually does.

969

970 Ms. News - Condition 30 is requiring this building, this building actually sits in the
971 floodplain. It's actually constructed on an island so they have to meet requirements of FEMA
972 basically to prove that there will be no increase in any of the flood levels as of a result of this
973 development. So, they have to go through and do a hydraulic and hydrologic analysis for this
974 building before it can be approved.

975

976 Mr. Archer - Do you all understand hydraulic?

977

978 Mr. Vanarsdall - What is that No. 28 down at the bottom of the page?

979 Mr. Silber - That's just an unnecessary number, Mr. Vanarsdall, a typo.

980

981 Ms. News - It's just a typo.

982

983 Mrs. Ware - Are there any other questions for Ms. News? Okay.

984

985 Mr. Archer - Madam Chairman, I discussed this with Ms. News yesterday and I just
986 thought that you all should have the benefit of hydraulic like I did so that is why I asked her to
987 explain that. With that, I think I can move for approval of POD-13-04, Lakeside Moose
988 Lodge Addition, subject to the standard conditions for developments of this type and additional
989 conditions Nos. 23 through 29 and No. 30 that we were handed today.

990

991 Mr. Vanarsdall - Second.

992

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

995

996 The Planning Commission approved POD-13-04, Lakeside Moose Lodge Addition (POD-44-
997 80 Revised) subject to the standard conditions attached to these minutes for developments of
998 this type, the annotations on the plan and the following additional conditions. Mr. Marshall
999 Abstained.

1000

1001 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1002 the County in a form acceptable to the County Attorney prior to any occupancy permits
1003 being issued. The easement plats and any other required information shall be submitted
1004 to the County Real Property Agent at least sixty (60) days prior to requesting
1005 occupancy permits.

1006 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
1007 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
1008 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
1009 easement shall be granted to the County prior to the issuance of any occupancy permits.

1010 25. The developer shall provide fire hydrants as required by the Department of Public
1011 Utilities and Division of Fire.

1012 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1013 a form acceptable to the County Attorney prior to final approval of the construction
1014 plans.

1015 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1016 approved by the County Engineer prior to final approval of the construction plans by
1017 the Department of Public Works.

1018 28. Insurance Services Office (ISO) calculations must be included with the plans and
1019 contracts and must be approved by the Department of Public Utilities prior to the
1020 issuance of a building permit.

1021 29. The location of all existing and proposed utility and mechanical equipment (including
1022 HVAC units, electric meters, junction and accessory boxes, transformers, and
1023 generators) shall be identified on the landscape plans. All equipment shall be screened

1024 by such measures as determined appropriate by the Director of Planning or the
1025 Planning Commission at the time of plan approval.
1026 30. Prior to final approval of construction plans, the applicant must perform a hydrologic
1027 and hydraulic analysis per FEMA Regulation NFIP 44 CFR 60.3 page D and provide
1028 evidence of approval from FEMA, to the Director of Public Works, that the proposed
1029 encroachment would not result in any increase in flood levels during the occurrence of
1030 the base flood discharge.

1031

1032 **PLAN OF DEVELOPMENT (Deferred from the April 21, 2004, Meeting)**

1033

POD-30-04
Ashley & Friends Child
Care Center -
1117 W. Nine Mile Road

**Engineering Design Associates for Michael G. & Robin M.
Jones and Ashley & Friends Child Care Center, 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, 3,360 square foot child care center and a
880 square foot future addition. The 0.90-acre site is located on
the southeast corner of W. Nine Mile Road (State Route 33)
and S. Lake Avenue on parcel 819-725-8694. The zoning is O-
2, Office District. County water and sewer. **(Varina)**

1034

1035 Mrs. Ware - Is there anyone in the audience in opposition to POD-30-04, Ashley &
1036 Friends Child Care Center, in the Varina District. No opposition. Good morning, Mr.
1037 Wilhite.

1038

1039 Mr. Wilhite - Good morning. You are being handed out a revised site plan that we
1040 have received since this case was deferred from your April 21 meeting. At staff's request, the
1041 applicant has increased the amount of parking spaces on site, going from 7 on the original plan
1042 to 15 as shown on this site plan. Also a small drop-off area has been provided for children, as
1043 well and the parking lot addition has been moved out of the 50/10 detention basin area. We do
1044 have a revised recommendation of approval and it's appears in the addendum on page 3. We
1045 are also handing out architectural that we apologize for that were inadvertently omitted from
1046 your packets, originally.

1047

1048 The only additional issue that remained was the construction of the dumpster screen. Staff
1049 recommended that a masonry dumpster screen be shown on the original plan. We have
1050 recently learned that the applicant is agreeable to providing a masonry screen, and with that,
1051 staff can recommend approval of the revised plan.

1052

1053 Mrs. Ware - Are there any questions for Mr. Wilhite by the Commission?

1054

1055 Mr. Jernigan - No. I just want say and I want to thank Mr. Wilhite and Ms. Isaac. It
1056 just goes to show when you put a little more work into it, we found those parking places before
1057 we had, what, seven?

1058

1059 Mr. Wilhite - Yes.

1060 Mr. Jernigan - And now we have 15.
1061
1062 Mr. Wilhite - Actually, Ms. Goggin worked quite a bit to get that redesigned.
1063
1064 Mr. Jernigan - Thank you, Christina.
1065
1066 Mr. Marshall - Madam Chairman, I want to note my abstention on this, and also on the
1067 last case. I did not vote on the last case.
1068
1069 Mr. Jernigan - I don't have any more questions, Mr. Wilhite.
1070
1071 Mr. Vanarsdall - The only thing I have to add, I read this, what was it 15 then 100 square
1072 feet and 9 and two spaces. You could have come up short and I wouldn't have never known
1073 what you were talking about.
1074
1075 Mr. Jernigan - That's the reason we're going to do a little study on day care center's
1076 parking lots.
1077
1078 Mr. Vanarsdall - That's a good idea.
1079
1080 Mr. Wilhite - They probably met Code originally but staff had great concern about not
1081 having enough parking spaces on here. And we don't know how many children are going to
1082 be at this day care.
1083
1084 Mr. Jernigan - Well by Code, originally, they met Code but they just didn't have
1085 enough parking places.
1086
1087 Mr. Wilhite - In staff's opinion, yes.
1088
1089 Mr. Jernigan - Mr. Wilhite, I don't have any more questions. And I really don't have
1090 any questions for Ms. Isaac unless she wants to get up and say something. Okay. With that, I
1091 will move for approval of POD-30-04, Ashley & Friends Child Care Center, with the standard
1092 conditions for developments of this type and the following additional conditions Nos. 23
1093 through 36 and the approval by the addendum.
1094
1095 Mr. Archer - Second, Madam Chair.
1096
1097 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Archer.
1098 All in favor say aye...all opposed say nay. The motion passes. And we need to note the
1099 abstention of Mr. Marshall on this case as well as the prior case, POD-13-04, Lakeside Moose
1100 Lodge Addition.
1101

1101 The Planning Commission approved POD-30-04, Ashley & Friends Child Care Center – 1117
1102 W. Nine Mile Road, subject to the standard conditions attached to these minutes for
1103 developments of this type, the annotations on the plan and the following additional conditions.
1104 Mr. Marshall Abstained.

1105

1106 23. The right-of-way for widening of Nine Mile Road as shown on approved plans shall be
1107 dedicated to the County prior to any occupancy permits being issued. The right-of-way
1108 dedication plat and any other required information shall be submitted to the County
1109 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1110 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1111 the County in a form acceptable to the County Attorney prior to any occupancy permits
1112 being issued. The easement plats and any other required information shall be submitted
1113 to the County Real Property Agent at least sixty (60) days prior to requesting
1114 occupancy permits.

1115 25. The developer shall provide fire hydrants as required by the Department of Public
1116 Utilities and Division of Fire.

1117 26. Employees shall be required to use the parking spaces provided at the rear of the
1118 building(s) as shown on the approved plans.

1119 27. Outside storage shall not be permitted.

1120 28. The certification of building permits, occupancy permits and change of occupancy
1121 permits for individual units shall be based on the number of parking spaces required for
1122 the proposed uses and the amount of parking available according to approved plans.

1123 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1124 a form acceptable to the County Attorney prior to final approval of the construction
1125 plans.

1126 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
1127 approved by the County Engineer prior to final approval of the construction plans by
1128 the Department of Public Works.

1129 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1130 drainage plans.

1131 32. Insurance Services Office (ISO) calculations must be included with the plans and
1132 contracts and must be approved by the Department of Public Utilities prior to the
1133 issuance of a building permit.

1134 33. Approval of the construction plans by the Department of Public Works does not
1135 establish the curb and gutter elevations along the Henrico County maintained right-of-
1136 way. The elevations will be set by Henrico County.

1137 34. Approval of the construction plans by the Department of Public Works does not
1138 establish the curb and gutter elevations along the Virginia Department of Transportation
1139 maintained right-of-way. The elevations will be set by the contractor and approved by
1140 the Virginia Department of Transportation.

1141 35. The location of all existing and proposed utility and mechanical equipment (including
1142 HVAC units, electric meters, junction and accessory boxes, transformers, and
1143 generators) shall be identified on the landscape plans. All equipment shall be screened
1144 by such measures as determined appropriate by the Director of Planning or the
1145 Planning Commission at the time of plan approval.

1146 36. The conceptual master plan, as submitted with this application, is for planning and
1147 information purposes only.

1148

1149 **PLAN OF DEVELOPMENT (Deferred from the April 21, 2004, Meeting)**

1150

POD-33-04

Second Baptist Church -
Auxiliary Parking Area

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 294-space auxiliary parking area. The 4.19-acre site is located at 150 North Gaskins Road on parcel 742-738-7703. The zoning is R-O, One-Family Residence District. **(Tuckahoe)**

1151

1152 Mrs. Ware - Is there anyone in the audience in opposition to POD-33-04, Second
1153 Baptist Church – Auxiliary Parking Area, in the Tuckahoe District? No opposition. Good
1154 morning, Mr. Strauss.

1155

1156 Mr. Strauss - Good morning, Madam Chairperson, member of the Commission. This
1157 case was deferred from our last meeting in order to allow the applicant time to prepare a
1158 revised plan to address the storm drainage design issue, raised by Public Works during the
1159 review of the previous plans. The applicant wishes to construct an auxiliary parking area to
1160 provide additional parking spaces for the church congregation. These are extra spaces. The
1161 requirements for parking are met on the church site itself. Because the new parking area is
1162 located across the street, on the western side of North Gaskins Road, a variance was required
1163 and it was granted by the BZA. The applicant has met with the neighbors on several occasions
1164 and as a result there are landscaped and natural buffers to be provided at the periphery of the
1165 parking area. There is also a new median break proposed on Gaskins Road, which would align
1166 with the entrance of Second Baptist Church. The remaining issue to resolve is related to storm
1167 drainage. An adequate outfall is required to the adjacent Lubavitch Center site. The applicant
1168 would need an offsite easement for this outfall, or in lieu of that a waiver for alternative storm
1169 drainage design. After discussions with adjacent property owner and the Department of Public
1170 Works there is an additional condition that staff is recommending, and that is the condition that
1171 appears on this morning's addendum. So with that, we are recommending approval of this
1172 POD in accordance with the standard conditions for developments of this type and the
1173 additional condition in your addendum. I'll be happy to answer any questions you may have
1174 and we have Russell Harper here representing the church this morning.

1175

1176 Mrs. Ware - Are there any questions from the Commission for Mr. Strauss? I have
1177 none at this time, Mr. Strauss. Thank you. Mr. Harper, would you like to address the
1178 Commission?

1179

1180 Mr. Harper - No.

1181

1182 Mrs. Ware - No? You're fine with everything?

1183

1184 Mr. Harper - Yes.

1185

1186 Mrs. Ware - All right. Then at this time, I will move for the approval of POD-33-04,
1187 Second Baptist Church, subject to the annotations on the plans and the standard conditions for
1188 developments of this type and the following additional condition No. 23.

1189

1190 Mr. Jernigan - Second.

1191

1192 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Jernigan. All
1193 in favor say aye...all opposes. The motion passes.

1194

1195 The Planning Commission approved POD-33-04, Second Baptist Church – Auxiliary Parking
1196 Area, subject to the standard conditions attached to these minutes for developments of this
1197 type, the annotations on the plan and the following additional conditions:

1198

1199 22. Prior to final approval of construction plans an adequate drainage outfall system and
1200 any necessary easements shall be provided, and approved by the Director of Public
1201 Works.

1202 23. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1203 County Attorney Prior to final approval of the construction plans by the Department of
1204 Public Works.

1205

1206 **PLAN OF DEVELOPMENT**

1207

POD-37-04
John Rolfe Place
11801 Ridgefield Parkway

Koontz-Bryant, P.C. for John Rolfe Commons, 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 medical office complex consisting of four buildings
for a total of 23,267 square feet. The 5.476-acre site is located
at the southwest corner of John Rolfe Parkway and Ridgefield
Parkway on parcel 736-750-3453. The zoning is O-2C, Office
District (Conditional). County water and sewer. **(Tuckahoe)**

1208

1209 Mrs. Ware - Is there anyone in the audience in opposition to POD-37-04, John Rolfe
1210 Place, in the Tuckahoe District? No opposition. Hello, Mr. Wilhite.

1211

1212 Mr. Wilhite - Hello again. There are four buildings being approved with this plan.
1213 There is one future building being shown on the layout that you have but it is not a part of this
1214 current approval. Most of the smaller buildings in this development do back up to the adjacent
1215 single-family neighborhood and they will help provide a buffer between vehicular and
1216 pedestrian traffic on the site as well. Zoning proffers did require that there be a 15-foot
1217 bermed landscaped buffer and also a 15-foot transitional buffer in this area as well. The
1218 buildings being proposed are roughly half brick and half EIFS. The parapet around the
1219 building should be sufficient to screen the rooftop HVAC equipment. The brick is a light tan
1220 color, and the EIFS is a little bit darker tan. The applicant originally proposed a kelly-green
1221 standing metal seam roof, but has agreed to change the color to a darker color to match the

1222 shopping center across the street.

1223

1224 We understand that the applicant has met with the Stonequarter neighborhood representatives.
1225 There is no known opposition from that neighborhood. Staff has also notified other
1226 neighborhoods in that area and we have not heard of any problems with the proposed
1227 development. On your addendum there is an additional condition No. 35 being suggested by
1228 staff that deals with the dumpster servicing. It reads: All dumpsters will be serviced, and all
1229 ground maintenance shall be limited between the hours of 7:00 a.m. and 9:00 p.m. Monday
1230 through Saturday and no service on Sunday. It is staff's understanding that the applicant is
1231 agreeable to this condition being added to the recommendation. With that, staff would
1232 recommend approval of this plan.

1233

1234 Mrs. Ware - Are there any questions from the Commission for Mr. Wilhite? Mr.
1235 Wilhite, I just want to note that the roof color is annotated on the plan, is that correct? Is that
1236 how you going to handle that?

1237

1238 Mr. Wilhite - I think it needs to be changed. It shows the kelly-green standing seam
1239 metal. We can make that as an annotation.

1240

1241 Mrs. Ware - Do you have a letter? Okay. All right. I just want to make sure that
1242 everything was received. (Lady speaking out from audience) Oh, I'm sorry, I didn't see you
1243 when I asked for opposition. Please come forward and give your name and address.

1244

1245 Ms. Turner - My name is Jeanine Turner and my address is 2106 Stonequarter Court.
1246 I am the recent past president of the Stonequarter Neighborhood Association and I just wanted
1247 to give you feed back. We have a liaison appointed who is now the current president of
1248 Stonequarter Neighborhood Association, Catherine Curran, who has been in contact with the
1249 developer and also with you, Mrs. Ware, and with Ms. Rogan, and I just wanted to let you
1250 know that, the information from her, is that the developer has been very positive and prompt in
1251 providing the neighborhood association with information and addressing its concerns and being
1252 very positive in working with us. So, we expect the development to go smoothly and
1253 positively.

1254

1255 The only concern we do have, which we have requested developer to look at, if there is
1256 possibility for consideration during this planning phase, is one dumpster which backs up to the
1257 property. We realize there is some constraints why it may have to remain there but just as the
1258 plan develops is there a possibility of it being moved away from the residents border. That it
1259 be taken into consideration. Other than that, we look forward to a positive progression of the
1260 development.

1261

1262 Mrs. Ware - Are you talking about the one that backs up to Mrs. Curran's house?

1263

1264 Ms. Turner - Yes. Simply because of the location of proximity to the housing. The
1265 biggest concern would be the noise, the beep, beeping of the backing up of the trucks. You
1266 know, babies and stuff, it does matter during the time of day. But, that would be the only

1267 consideration we would like to be reviewed, if possible.

1268

1269 Mrs. Ware - That's one reason why I asked the developer to add this conditions on the
1270 hours of dumpster pickup and parking lot cleaning. That will limit the hours that they can do
1271 that so it won't be as disruptive. And I think part of this can be addressed, and I spoke with
1272 Mr. Timmons about this yesterday, at the time of landscaping perhaps there could be some
1273 supplemental landscaping in that area in order to help buffer Mrs. Curran and her family from
1274 the dumpster that's closest to her home.

1275

1276 Ms. Turner - Or in the future people who move in there. You know, looking at the
1277 property value and such.

1278

1279 Mrs. Ware - Exactly. I know that they do have the berm as well as the additional
1280 undisturbed buffer area and perhaps that can be supplemented a bit to give some screening.
1281 And the developer has been very agreeable in working, as she said, for everyone in the past.

1282

1283 Ms. Turner - That's correct.

1284

1285 Mrs. Ware - And the landscaping plan will have to come back to the Commission in a
1286 public hearing forum just like today so that we can address those. All right.

1287

1288 Ms. Turner - Okay. Thank you very much and I appreciate the developer working
1289 with us.

1290

1291 Mr. Timmons - I just want to (unintelligible – speaking from his seat in the audience).

1292

1293 Mrs. Ware - If you want to it's open to you, if not that's fine.

1294

1295 Mr. Timmons - My name is Jeff Timmons and I'm representing the developer here. I
1296 just want to reiterate what you just described. We have instituted a berm behind the dumpster
1297 and all the way along the back of the site. The landscaping will come back and we will
1298 supplement the landscaping at that point. The dumpster enclosures are masonry with brick
1299 exteriors. The reality is because of utilities, manholes, and those types of things, there's really
1300 no other place to put the dumpster. We were just left with that location. But it is, I think, 75
1301 feet from the property line and we are more than willing to work with the out parcel and if
1302 there is something that could be worked out there, that's a possibility.

1303

1304 Mrs. Ware - All right.

1305

1306 Mr. Silber - Can I ask a question? And I may need to get staff up to help me with
1307 this, how many dumpsters are proposed on the site?

1308

1309 Mr. Timmons - Three.

1310

1311 Mr. Silber - Three. Is it necessary to have three or... I notice that you have got at

1312 least two of the dumpsters on outside perimeters of the property and I wasn't sure if there was
1313 anyway of internalizing those dumpster even if they are concentrated at one location. You said
1314 that you have looked at other options and this is really where they need to go. But, I wasn't
1315 sure if you and staff have worked together to see if there are any alternatives because typically
1316 we don't like to see them up against residences like this.

1317

1318 Mr. Timmons - They do need to be sort of dispersed through the site. We have looked.
1319 Most of our islands and such have utilities in them be it a fire hydrant or manhole and we are
1320 left with few options. We don't want to put them on the outside of the site where they become
1321 an object for more people to view. We do have a buffer along those regions. We do have a
1322 berm and there will be landscaping and they will be in masonry enclosures.

1323

1324 Mr. Silber - As far as where the future building is shown, could it not be placed in
1325 that general area?

1326

1327 Mr. Timmons - The future building is a site that's for sale. At this point, it is
1328 anticipated... It's not a part of the office condominium development, I mean it's being sold as a
1329 separate site. It's not encumbered by dumpsters from this site.

1330

1331 Mr. Silber - So, that would not be a part of the condominium development?

1332

1333 Mr. Timmons - No. Like I said, we are trying to work with them. We are in
1334 discussions with a number of people and we are willing to work with them to see if we can
1335 move that one dumpster.

1336

1337 Mr. Silber - Mr. Wilhite, what does staff know about this in respect to other
1338 alternatives?

1339

1340 Mr. Wilhite - Ms. Goggin took a closer look at that, maybe she needs to address it.
1341 One option I can suggest is since the landscape plan does come back before the Planning
1342 Commission for approval, we can take a closer look at dumpster locations to see if there are
1343 any alternative locations that could be done. We have the ability to approve that with the
1344 landscape plan.

1345

1346 Mr. Vanarsdall - Good idea.

1347

1348 Mr. Timmons - May I ask where you might suggest we put them?

1349

1350 Mr. Silber - To me it seems like they could be more toward the center of the site.
1351 Like, perhaps, somehow behind building A. Many of our office developments don't have
1352 dumpsters. There are other ways of dealing with trash disposal besides traditional dumpsters.
1353 I wasn't sure if there was some type of central system or another way of dealing with it. It's
1354 seems a little bit, unfortunate, that two of those would be place up against a single-family
1355 community versus maybe internalizing toward the center of the property. I understand what
1356 you are saying about the future development and that building and the potential of that being

1357 disassociated with the condominium arrangement. But, maybe what we can do is flag this as
1358 an issue and as the landscape plan is developed it will be required to come back to the Planning
1359 Commission for approval, it's 9 Amended, we can take a look at it at that time and see if there
1360 is a better location.

1361

1362 Mr. Timmons - Okay.

1363

1364 Mr. Vanarsdall - Jeff, in your experience, do you have any idea or do you have any
1365 suggestions on how these dumpsters can be handle differently? We have this on a lot of
1366 projects. The dumpster always ends up in the front yard of a subdivision or somewhere where
1367 it shouldn't be. Even if it's screened, the doors are always open, it's overflowing and it's very
1368 unsightly. Do you have any ideas on that? I'm going to ask the Planning staff to formerly
1369 review these things. I understand that it is always for the benefit of the driver and the driver
1370 doesn't get out of the truck to open it. Well he must get out to open it but he won't get out to
1371 close it.

1372

1373 Mr. Timmons - A lot of it is simply a management of the property as to how clean they
1374 keep it. I think there are different... When you talk about dumpster in a retail situation where
1375 you do have food and that type of thing you have one problem. But, I do feel in an office
1376 situation it's a different set of circumstances. The real obnoxious part of the office condition is
1377 one to pick up simply the sound of the device coming to pick it up, which is an issue. And,
1378 then secondly, the management of the property as to how clean they can keep it.

1379

1380 Mr. Vanarsdall - We have old shopping center and different commercial buildings that
1381 have no dumpster hours on them. They come at two and three and four in the morning. I just
1382 saw two this past week. And even when they have the dumpster hours on them, they come at
1383 two and three in the morning and then they blame it on a new driver. I just guess that's one of
1384 those things, isn't it?

1385

1386 Mr. Timmons - That's just one of those things. I really feel that something along those
1387 lines is more of a management conditions for that property and there are going to be conditions
1388 on the books to relate to that.

1389

1390 Mrs. Ware - Are there any more questions for Mr. Timmons by the Commission?
1391 No. Okay. Thank you, Mr. Timmons.

1392

1393 Mr. Timmons - Thank you.

1394

1395 Mrs. Ware - Ms. Goggin, did you have something you wanted to say?

1396

1397 Ms. Goggin - My name is Christina Goggin and I'm the planner on the case. I just
1398 wanted to say that the office complex right now is a medical office complex and depending on
1399 who signs leases and goes into the condos, because of the use, there are a lot of utilities that
1400 wouldn't necessarily be required for a regular office. So, some of the utility constraints as the
1401 project firms up as to exactly what's going to go in there, office wise, could open up some

1402 more spaces that currently are occupied by monitoring manholes and other necessities by
1403 utilities.

1404

1405 Mrs. Ware - So it does limit.

1406

1407 Ms. Goggin - Utilities do not care for dumpster pads or dumpsters on top of their lines
1408 just in case there is a failure and they have to go and repair it.

1409

1410 Mrs. Ware - Thank you for saying that. Ms. Turner, I believe you had another
1411 comment that you would like to make before we make a motion.

1412

1413 Ms. Turner - Yes. I have one more comment. I'm Jeanine Turner. It was mentioned
1414 that it is not a retail dumpster that we are talking about but we are talking about a medical
1415 office complex and that raises in my mind the concern of medical waste and you know if we
1416 have to take any precaution with the dumpster. I don't mean to delay the point but with safety
1417 for medical waste. That's just an issue to be considered with the dumpster.

1418

1419 Mrs. Ware - I think they have requirements for medical waste.

1420

1421 Ms. Turner - Thank you.

1422

1423 Mrs. Ware - All right. Is there anything else? Are there any more questions? Thank
1424 you, Mr. Wilhite. I'm ready to make a motion on this case and as stated today when this
1425 comes back for landscaping plan to be reviewed we will look at possible other locations but the
1426 developer's definitely agreed to look at buffering this dumpster from the neighborhood as
1427 much as possible. Mr. Wilhite, do you have something else you would like to add?

1428

1429 Mr. Wilhite - No. I think staff can take a real closer look at this with the landscape
1430 plan. We can approve locations at that time.

1431

1432 Mrs. Ware - Do I need to add anything?

1433

1434 Mr. Silber - I don't think so. There's an additional condition No. 35 in the
1435 addendum.

1436

1437 Mrs. Ware - All right. Then I move for approval of POD-37-04, John Rolfe Place,
1438 subject to the annotations on the plan and the standard conditions for developments of this type
1439 and the following conditions Nos. 9 and 11 amended, Nos. 23 through 34 and condition No.
1440 35 on page 3 of the addendum.

1441

1442 Mr. Jernigan - Second.

1443

1444 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Jernigan. All
1445 in favor say aye...all oppose say nay. The motion passes.

1446 The Planning Commission approved POD-37-04, John Rolfe Place, subject to the standard

1447 conditions attached to these minutes for developments of this type, the annotations on the plan
1448 and the following additional conditions:

1449

1450 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1451 review and Planning Commission approval prior to the issuance of any occupancy
1452 permits.

1453 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
1454 depictions of light spread and intensity diagrams, and fixture and specifications and
1455 mounting height details shall be submitted for Planning Office review and Planning
1456 Commission approval.

1457 23. The right-of-way for widening of John Rolfe Parkway as shown on approved plans shall
1458 be dedicated to the County prior to any occupancy permits being issued. The right-of-
1459 way dedication plat and any other required information shall be submitted to the County
1460 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1461 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1462 the County in a form acceptable to the County Attorney prior to any occupancy permits
1463 being issued. The easement plats and any other required information shall be submitted
1464 to the County Real Property Agent at least sixty (60) days prior to requesting
1465 occupancy permits.

1466 25. The developer shall provide fire hydrants as required by the Department of Public
1467 Utilities and Division of Fire.

1468 26. Outside storage shall not be permitted.

1469 27. The proffers approved as a part of zoning case C-46C-97 shall be incorporated in this
1470 approval.

1471 28. The certification of building permits, occupancy permits and change of occupancy
1472 permits for individual units shall be based on the number of parking spaces required for
1473 the proposed uses and the amount of parking available according to approved plans.

1474 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1475 a form acceptable to the County Attorney prior to final approval of the construction
1476 plans.

1477 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
1478 approved by the County Engineer prior to final approval of the construction plans by
1479 the Department of Public Works.

1480 31. Insurance Services Office (ISO) calculations must be included with the plans and
1481 contracts and must be approved by the Department of Public Utilities prior to the
1482 issuance of a building permit.

1483 32. Approval of the construction plans by the Department of Public Works does not
1484 establish the curb and gutter elevations along the Henrico County maintained right-of-
1485 way. The elevations will be set by Henrico County.

1486 33. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1487 Planning Office and approved prior to issuance of a certificate of occupancy for this
1488 development.

1489

- 1489 34. The location of all existing and proposed utility and mechanical equipment (including
1490 HVAC units, electric meters, junction and accessory boxes, transformers, and
1491 generators) shall be identified on the landscape plans. All equipment shall be screened
1492 by such measures as determined appropriate by the Director of Planning or the
1493 Planning Commission at the time of plan approval.
- 1494 35. All dumpsters will be serviced, and all ground maintenance shall be limited between the
1495 hours of 7:00 a.m. and 9:00 p.m. Monday through Saturday and no service on Sunday.

1496

1497 **PLAN OF DEVELOPMENT**

1498

POD-39-04

Shoppes at The Glen –
Cox Road and Westerre
Parkway

**Balzer & Associates, Inc. for Retlaw 100 LLC, T. Walter
Brashier, and Shor Real Estate, 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,
42,000 square foot shopping center. The 5.24-acre site is
located at the southeast corner of Cox Road and Westerre
Parkway on parcels 748-758-5169 and 748-759-6017. The
zoning is B-2C, Business District (Conditional). County water
and sewer. **(Three Chopt)**

1499

1500 Mrs. Ware - Is there anyone in the audience in opposition to POD-39-04, Shoppes at
1501 the Glen in the Three Chopt District? No opposition. Mr. Wilhite.

1502

1503 Mr. Wilhite - Thank you once again. The three buildings being proposed in the
1504 shopping center, there are two on the outside that are primarily retail buildings. The one in the
1505 middle at this point is expected to be primarily office space. The revised site plan was
1506 included in your packet but staff had not had a chance to review it. We have in the meantime.
1507 The revised site plan pretty much addresses the comments that staff had on the entrance
1508 locations and design, both at Westerre Parkway and Cox Road as well as the entrances to the
1509 internal site as well. These entrances are acceptable to staff as shown on the revised plan. The
1510 revised plan also did show some locations of decorative pavement and sidewalks that were
1511 added from the original site plan. The original annotations that the County had including
1512 redesign of the loading areas in the back to eliminate excessive pavement still apply to this
1513 recommendation. Staff is also recommending that the dumpster that's been located at the
1514 Westerre Parkway entrance be shifted so it's more directly behind the building.

1515

1516 In addition to the revised site plan, the revised architectural elevations are included in your
1517 handout. This added more architectural detailing on all four sides of the buildings, especially
1518 on the sides in the rear that were rather plain. They have added a lot of more architectural
1519 interest and a lot more details that show up in the exhibits that were included with the rezoning
1520 case. Staff at this time is in a position to recommend approval of the revised site plan and
1521 revised elevations. I'll be happy to answer any questions that you may have.

1522

1523 Mrs. Ware - Are there any questions from the Commission for Mr. Wilhite?

1524

1525 Mr. Marshall - Kevin, you said they have addressed the dumpster issue.
1526
1527 Mr. Wilhite - The dumpster was added with the revised plan, and as part of our
1528 annotations we requested that they shift it more directly behind the building and not so close to
1529 Westerre Parkway and they have agreed to shift the location.
1530
1531 Mr. Marshall - All right.
1532
1533 Mr. Vanarsdall - Why did you ask them to shift it, because you could see it from the
1534 street?
1535
1536 Mr. Wilhite - It's the closest part of the development that's near Westerre Parkway.
1537 We believe they have a little bit more room and opportunity to relocate it so that it is not quite
1538 as visible.
1539
1540 Mr. Vanarsdall - Thank you.
1541
1542 Mrs. Ware - Are there any more questions for Mr. Wilhite? Mr. Marshall, do you
1543 need to hear from the applicant?
1544
1545 Mr. Marshall - No. Madam Chairman, I move approval of POD-39-04, Shoppes at the
1546 Glen, subject to the annotations on the plan, the standard conditions for developments of this
1547 type and additional conditions Nos. 23 through 38.
1548
1549 Mr. Vanarsdall - Second.
1550
1551 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
1552 All in favor say aye...all oppose say nay. The motion passes.
1553 The Planning Commission approved POD-39-04, Shoppes at The Glen, subject to the standard
1554 conditions attached to these minutes for developments of this type, the annotations on the plan
1555 and the following additional conditions:
1556
1557 23. The right-of-way for widening of Cox Road as shown on approved plans shall be
1558 dedicated to the County prior to any occupancy permits being issued. The right-of-way
1559 dedication plat and any other required information shall be submitted to the County
1560 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
1561 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1562 the County in a form acceptable to the County Attorney prior to any occupancy permits
1563 being issued. The easement plats and any other required information shall be submitted
1564 to the County Real Property Agent at least sixty (60) days prior to requesting
1565 occupancy permits.
1566 25. The developer shall provide fire hydrants as required by the Department of Public
1567 Utilities and Division of Fire.
1568 26. A standard concrete sidewalk shall be provided along the east side of Cox Road.
1569 27. Employees shall be required to use the parking spaces provided at the rear of the

- 1570 building(s) as shown on the approved plans.
- 1571 28. Outside storage shall not be permitted.
- 1572 29. The proffers approved as a part of zoning case C-63C-98 shall be incorporated in this
- 1573 approval.
- 1574 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in
- 1575 a form acceptable to the County Attorney prior to final approval of the construction
- 1576 plans.
- 1577 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
- 1578 approved by the County Engineer prior to final approval of the construction plans by
- 1579 the Department of Public Works.
- 1580 32. Insurance Services Office (ISO) calculations must be included with the plans and
- 1581 contracts and must be approved by the Department of Public Utilities prior to the
- 1582 issuance of a building permit.
- 1583 33. Approval of the construction plans by the Department of Public Works does not
- 1584 establish the curb and gutter elevations along the Henrico County maintained right-of-
- 1585 way. The elevations will be set by Henrico County.
- 1586 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
- 1587 Planning Office and approved prior to issuance of a certificate of occupancy for this
- 1588 development.
- 1589 35. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
- 1590 of the total site area.
- 1591 36. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 1592 37. The location of all existing and proposed utility and mechanical equipment (including
- 1593 HVAC units, electric meters, junction and accessory boxes, transformers, and
- 1594 generators) shall be identified on the landscape plans. All equipment shall be screened
- 1595 by such measures as determined appropriate by the Director of Planning or the
- 1596 Planning Commission at the time of plan approval.
- 1597 38. The existing Old Cox Road right-of-way shall be vacated prior to Planning Office
- 1598 approval of the construction plans.
- 1599

1600 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1601

POD-46-04
 Sifen Self Storage
 @ Laburnum
 (POD-58-00 Revised)

Balzer & Associates, Inc. for Creighton Laburnum Associates and Michael D. Sifen Inc.: Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106, 24-106(3)a and 24-106.2 of the Henrico County Code, to construct four mini storage buildings totaling 109,150 square feet and a manager's residence. The 6.67-acre site is located at Laburnum Avenue and Creighton Road on parcel 808-729-7538. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Varina)**

1602

1603

1603 Mrs. Ware - Is there anyone in the audience in opposition to POD-46-04, Sifen Self
1604 Storage @ Laburnum (POD-58-00 Revised) in the Varina District? No opposition. Good
1605 morning, Mr. McGarry.

1606

1607 Mr. McGarry - Good morning, Mrs. Chairman, members of the Commission. A revised
1608 plan has been included in your packet and its review is complete. The revised plan changes
1609 slightly the physical relationship of the building to meet fire flow requirements of the Fire
1610 Department. The internal circulation will be one-way in places where the access aisles are less
1611 than 24 feet in width. The Division of Police recommends a physical barrier between building
1612 #1 and the BMP, which is not currently shown on the plan.

1613

1614 Regarding the transitional buffer deviation. There are actually two deviations involved here
1615 dealing with two different portions of the site that are zoned differently. The M-1C portion of
1616 the site, which is the subject of the POD, requires a Transitional Buffer 50. Proposed is a 25-
1617 foot reduction to 25 feet with a wooden fence with CMU columns. The fence design is
1618 proffered in Exhibit A. The plan has since been annotated to reflect the proffered fence. The
1619 B-2C portion of the site which is where the access drive enters off Laburnum requires a
1620 Transitional Buffer 25. Proposed is a 12-foot reduction to 13 feet with no screen. Staff
1621 recommends acceptance of the 12-foot reduction. However, staff recommends continuation of
1622 the six-foot wooden fence with the CMU columns along that property line. I'll be happy to
1623 answer any questions.

1624

1625 Mrs. Ware - Are there any questions from the Commission for Mr. McGarry.

1626

1627 Mr. Jernigan - All right, Ted, we know that along the BMP that was proffered with the
1628 fence and I believe I had already cut that to 30 feet, hadn't I?

1629

1630 Mr. McGarry - The original plan that came in, is not the revised plan, they were
1631 envisioning taking advantage of Screen B alternative which would be a 30-foot buffer with a
1632 masonry wall. Now, they have dropped it below this to where we actually need a transitional
1633 buffer deviation because they are going below 30 feet. The engineer is here.

1634

1635 Mr. Jernigan - I'll tell you. Mr. Theobald is here. Would you come up please.

1636

1637 Mr. Theobald - Yes, sir.

1638

1639 Mr. Jernigan - Thank you for coming up, Jim, and I know I discussed this with you
1640 yesterday because we have worked on this for quite awhile and normally my cases, when it
1641 comes to POD, everything has been taking care of at zoning. Did we cut this to 30 feet in
1642 proffer? Didn't I cut it to 30 feet, originally, with the wall? They wanted 50 and we cut it to
1643 30.

1644

1645 Mr. Theobald - It wasn't by proffer along there. What we discussed originally was that
1646 the Land Use Plan showed the adjacent property being suitable for office development and
1647 consistent with what's going on in that area. We talked about applying the office, transitional

1648 buffer applicable to office. The original plan that we showed at the time of zoning actually had
1649 the BMP closer to the property line of office development and naturally in the resulting design
1650 that you have today, the BMP has actually been pulled back farther from that property line that
1651 we had even discussed at the time of zoning. And I think what started us down this road was
1652 we had proffered the elevations including that fence sort of late in the game along there. We
1653 had always known that there needed to be some sort of physical barrier there but what we were
1654 trying to do with the BMP... We thought for awhile that the BMP would need to be in the
1655 buffer area and apparently we have been able to pull that totally out of the area which is, you
1656 know, the good news coupled with the fence. So, we really never had a proffer in there, Mr.
1657 Jernigan, about distance etc. we did have the conceptual plan proffer.

1658

1659 Mr. Jernigan - I think you at that time that I was willing to cut it to 30 feet.

1660

1661 Mr. Theobald - That's correct. Are we consistent with that on the current plan, Jeff?

1662

1663 Mrs. Ware - I'm confused.

1664

1665 Mr. Staub - My name is Jeff Staub with Balzer & Associates. If the adjacent parcels
1666 that are currently A-1 are looked at in the Comprehensive Plan as going to office you would
1667 then have a 25-foot transitional buffer. We actually have 30 feet on our plan now.

1668

1669 Mr. Jernigan - And I believe that when we discussed this before, actually it's supposed
1670 to be 50 but we used it as the office designation.

1671

1672 Mr. Staub - That's correct.

1673

1674 Mr. Jernigan - And at the time, the way it came out I said we would have it at 30 feet.

1675

1676 Mr. Staub - And that's why it's at the 30 feet as opposed to the 25.

1677

1678 Mr. Jernigan - And on the other portion, we didn't have a wall proffered along the B-1
1679 section, the B-2 section?

1680

1681 Mr. Staub - No we did not. We don't mind putting the same sort of fence treatment
1682 along that entrance drive, if you wish, separating the A-1 piece from the south side, if you
1683 will, of that entrance drive in the same design that will eventually curve in towards the minis.
1684 It does create a little bit of a tunnel affect. I'm not sure if that is desirable or not.

1685

1686 Mr. Jernigan - Jim, do you have a copy of the elevations?

1687

1688 Mr. Staub - Sure.

1689

1690 Mr. Jernigan - Can I see those please?

1691

1692 Mr. Staub - Yes. I have an extra for you.

1693 Mr. Archer - Mr. Theobald, could you please.... Mr. McGarry mentioned a place that
1694 would be going from 25 to 13 can you show us where that is on the map.
1695

1696 Mr. Theobald - It's the entrance drive that crosses the B-2C portion, the retail portion of
1697 this site, in order to access the mini warehouses. It's the driveway off of Laburnum Avenue in
1698 the lower left-hand corner of your screen.
1699

1700 Mrs. Ware - Explain that to the rest us, Mr. Jernigan. I'm lost.
1701

1702 Mr. Jernigan - Ted, come back up here please. Jim, you can just stand there for a
1703 minute.
1704

1705 Mr. Theobald - Yes, sir.
1706

1707 Mr. Silber - Do you want Ted to come up here with you?
1708

1709 Mr. Jernigan - Yes. (At this time Mr. McGarry is on the podium going over plan with
1710 Mr. Jernigan and the rest of the Commission) This fence is proffered, right here (referring to
1711 rendering). So what they are talking about is just... Well, they want to run that fence down,
1712 this area, right here.
1713

1714 Mr. Silber - It's confusing because the plan doesn't reflect the proffers.
1715

1716 Mr. Jernigan - Because Balzer & Associates didn't know. They didn't check the
1717 proffers.
1718

1719 Mr. Archer - The place where they are going from 25 to 13 are they going to
1720 supplement that with any kind of plantings or screening?
1721

1722 Mr. McGarry - We could get that with a landscape plan.
1723

1724 Mrs. Ware - Mr. McGarry, didn't you say you are asking for a masonry fence and not
1725 the fence that's proffered in here?
1726

1727 Mr. McGarry - No.
1728

1729 Mr. Jernigan - No. This is the fence that's proffered.
1730

1731 Mr. McGarry - It's a combination of masonry columns and wood.
1732

1733 Mr. Jernigan - And that was proffered at the time of zoning.
1734

1735 Mrs. Ware - Okay, but I was just reading what was in the annotations and that is a
1736 masonry fence.
1737

1738 Mr. Jernigan - Well, it has masonry pillars.
1739

1740 Mrs. Ware - When I think of a masonry fence, I think of a wall.
1741

1742 Mr. Jernigan - See when I talked to Ted yesterday I thought this was cleared up on both
1743 sections, I didn't know that we still had a problem with this section.
1744

1745 Mr. Theobald - If you are uncomfortable about knowing how the fence might impact that
1746 access drive and visibility, I mean, we can certainly plant all through there and if it gets to be
1747 an issue we could commit to come back and continue that fence. It doesn't sound like a great
1748 idea for some reason, having a fence up against that drive.
1749

1750 Mrs. Ware - I'm concerned about dropping the buffer width on this.
1751

1752 Mr. Jernigan - Well, you had already proffered, at the time of zoning, that whatever
1753 landscape package we came up with that you would go along with.
1754

1755 Mr. Theobald - That's exactly right.
1756

1757 Mrs. Ware - Do we perhaps want to move this case to the end of our agenda? We
1758 seem to have questions.
1759

1760 Mr. Jernigan - No. I'm all right.
1761

1762 Mrs. Ware - I know, but is everybody else?
1763

1764 Mr. Marshall - If Ray's okay, I'm okay.
1765

1766 Mrs. Ware - Oh, well. I don't understand what I'm doing.
1767

1768 Mr. Jernigan - What we are going to do because of the confusion on the plan. The plan
1769 came through asking for a chin-link fence but the masonry pillars with wood was already
1770 proffered at the time of zoning. So, that's going to stay like it is. Currently, it's a 30-foot...
1771 we put it at a 30-foot transitional buffer. And the question of extending the fence all the way
1772 down to Laburnum Avenue, I'm not sure that I want to do that. I think I'm okay with leaving
1773 the fence like it is but what I am going to do is, the landscaping package is amended so I'm
1774 going to include this in with the landscaping.
1775

1776 Mr. Theobald - That's fine. I think that is a good idea.
1777

1778 Mr. Silber - Tell them about the segment problem from the M-1 piece....
1779

1780 Mr. Jernigan - From the property fence line to Laburnum Avenue.
1781

1782 Mr. Silber - You are going to leave it until the time of landscape plan approval?

1783 Mr. Jernigan - Yes. And Mr. Theobald has already, at the time of zoning, said that
1784 whatever landscaping plan that I want to do, he's in agreement with.
1785

1786 Mr. Silber - That's fine.
1787

1788 Mr. Theobald - That's correct.
1789

1790 Mrs. Ware - What about the buffer reduction issue?
1791

1792 Mr. Jernigan - Well, I'm going to leave it at 30 feet. That's what we originally design
1793 and that's what I am going to leave it as. I don't think an extra five feet is going to make a
1794 difference.
1795

1796 Mr. Staub - Over at the mini warehouse the transitional reduction is different than
1797 the B-2.
1798

1799 Mrs. Ware - Can you come to the podium.
1800

1801 Mr. Theobald - I'm sorry, I should know better. That's correct 30 feet along where the
1802 mini warehouses are but we swung the driveway over so there is a 12-foot deviation to the 25-
1803 foot required against agricultural for the driveway, as shown on the plan.
1804

1805 Mr. Silber - So, the transitional buffer deviation applies to both the M-1, and the
1806 deviation is different from what would be on the B-2.
1807

1808 Mr. Theobald - That's correct.
1809

1810 Mr. Jernigan - So, you want to cut the 25 to 13.
1811

1812 Mr. Theobald - In order to pull the driveway over there and then we will have the 13 to
1813 landscape within the 13 feet.
1814

1815 Mrs. Ware - Which is that portion that you are going to....
1816

1817 Mr. Jernigan - Just from there to Laburnum, is that right?
1818

1819 Mr. Theobald - Yes, just that one spot.
1820

1821 Mr. Jernigan - So being, as we have not done the landscape plan, then I can have you
1822 put a 25-foot package in a 13-foot zone.
1823

1824 Mr. Theobald - That's right.
1825

1825 Mr. Jernigan - Okay. I'm ready. A little confused but I'm ready. All right first of all
1826 I'm going to leave the 30 feet that we have proposed already, but I will ask for a buffer
1827 deviation to 13 feet on the area between the fence and Laburnum Avenue. I make a motion to
1828 have a buffer deviation of 12 feet between the fence and Laburnum Avenue.

1829

1830 Mr. Silber - I think also, Mr. Jernigan, that the buffer deviation also applies to the
1831 M-1 piece going from 50 feet to 30 feet.

1832

1833 Mr. Theobald - Technically, you need to approve a buffer deviation because it is zoned
1834 agricultural not office, even though you agreed to treat it like that, so you would need to also
1835 authorize the deviation.

1836

1837 Mr. Jernigan - Okay. All right, then, I'll make a motion.... Well, first of all, I'll make
1838 the motion for the 30 feet, from 50 to a 30-foot buffer deviation along the fence line where the
1839 BMP was proposed on the zoning plan.

1840

1841 Mr. Marshall - Second.

1842

1843 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Marshall.
1844 All in favor say aye...all opposed say nay. The motion passes.

1845

1846 Mr. Jernigan - Okay. On the second buffer deviation from the fence line, that we just
1847 voted on, to Laburnum Avenue, I'll make a motion that we cut that from 25 to 13 feet.

1848

1849 Mr. Marshall - Second.

1850

1851 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Marshall.
1852 All in favor say aye...all opposed say nay. The motion passes.

1853

1854 Mr. Jernigan - All right. Now on the overall package, I recommend approval of POD-
1855 46-04, Sifen Self Storage, subject to the standard conditions for developments of this type and
1856 the following additional conditions Nos. 23 through 29, 9 and 11 amended.

1857

1858 Mr. Marshall - Second.

1859

1860 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Marshall.
1861 All in favor say aye...all opposed say nay. The motion passes.

1862

1863 The Planning Commission approved POD-46-04, Sifen Self Storage @ Laburnum (POD-58-00
1864 Revised) subject to the annotations on the plan, the standard conditions attached to these
1865 minutes for developments of this type, and the following additional conditions:

1866

- 1866 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
 1867 review and Planning Commission approval prior to the issuance of any occupancy
 1868 permits.
- 1869 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
 1870 of the site lighting equipment, a plan including depictions of light spread and intensity
 1871 diagrams, and fixture specifications and mounting height details shall be submitted for
 1872 Planning Office review and Planning Commission approval.
- 1873 23. The right-of-way for widening of Creighton and Dabbs House Roads as shown on
 1874 approved plans shall be dedicated to the County prior to any occupancy permits being
 1875 issued. The right-of-way dedication plat and any other required information shall be
 1876 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
 1877 occupancy permits.
- 1878 24. The developer shall provide fire hydrants as required by the Department of Public
 1879 Utilities and Division of Fire.
- 1880 25. The proffers approved as a part of zoning case C-41C-03 shall be incorporated in this
 1881 approval.
- 1882 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in
 1883 a form acceptable to the County Attorney prior to final approval of the construction
 1884 plans.
- 1885 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1886 approved by the County Engineer prior to final approval of the construction plans by
 1887 the Department of Public Works.
- 1888 28. Insurance Services Office (ISO) calculations must be included with the plans and
 1889 contracts and must be approved by the Department of Public Utilities prior to the
 1890 issuance of a building permit.
- 1891 29. Approval of the construction plans by the Department of Public Works does not
 1892 establish the curb and gutter elevations along the Henrico County maintained right-of-
 1893 way. The elevations will be set by Henrico County.

1894
 1895 Mr. Silber -
 1896

Next on the agenda is on Page 34.

1897 **SUBDIVISION**
 1898

Camp Hill
 (May 2004 Plan)

Foster & Miller, P.C. for Paul H. Sweeney, Sr. and Elizabeth B.: The 30.23-acre site proposed for a subdivision of 19 single-family homes is located at 3978 New Market Road on the north line of New Market Road (State Route 5) at the intersection of New Market Road and Longbridge Road on parcel 830-681-2067. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 19 Lots**

1899

1900 Mrs. Ware -
 1901 Plan) in the Varina District? There is no opposition. Hello, Ms. News.

Is there any opposition to Subdivision Camp Hill (May 2004

1902 Ms. News - This request is for 19 lots on a parcel of land adjacent to the
1903 previously approved Camp Hill Subdivision. The intention of the developer is to incorporate
1904 this site into the overall development under the same development conditions. There is an
1905 existing dwelling on this site, and the owner of the property has retained lifetime rights.
1906 Several parcels around the dwelling will be reserved and not granted final approval until such
1907 time as the lifetime rights are terminated. This is addressed in Condition No. 23. The
1908 remaining conditions are in conformance with conditions approved for the original Camp Hill
1909 Subdivision. With that said, staff recommends approval subject to standard conditions for
1910 subdivisions not served by public utilities and additional conditions in the addendum. I will be
1911 happy to answer any questions.

1912

1913 Mrs. Ware - Are there any questions for Ms. News from the Commission?

1914

1915 Mr. Jernigan - I don't really have any questions, but Leslie, I want to thank you,
1916 because I know you had to put a lot of work in on this case just because of what it was attached
1917 to. Actually, this case, I guess everybody remembers the Camp Hill case, but we had to take
1918 the same safeguards for the Sweeney property that we did for the Camp Hill property. That is
1919 the reason we have so many conditions on here, but I don't have any questions. You did a
1920 great job and I appreciate it.

1921

1922 Ms. News - Thank you.

1923

1924 Mrs. Ware - Any questions for Ms. News? You don't need to hear from the
1925 applicant?

1926

1927 Mr. Jernigan- There is no opposition and I am going to sail this baby on through. With
1928 that I will move for approval of Subdivision Camp Hill (May 2004 Plan), subject to the
1929 annotations on the plans, the standard conditions for subdivisions not served by public utilities
1930 and the following additional conditions No. 11 through 23.

1931

1932 Mr. Archer - Second.

1933

1934 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
1935 say aye. All opposed say no. The motion passes. (See restated motion later in the minutes).

1936

1937 The Planning Commission granted conditional approval to Camp Hill Subdivision (May 2004
1938 Plan), subject to the annotations on the plan, the standard conditions attached to these minutes
1939 for subdivisions not served by public utilities and the following additional conditions:

1940

1941 4. **AMENDED** -This approval is of the conditional plat only. Final approval of the plat
1942 shall not be granted until such time as the Virginia Department of Health has granted
1943 approval for sewage disposal on all lots or until a final plat is prepared that
1944 conspicuously indicates all lot(s) not receiving Virginia Department of Health approval
1945 for sewage disposal, and which states that there shall be no construction on lots without
1946 such approval. Details of approved sewage disposal systems and reserved areas for such

- 1947 systems shall be included with the final construction plan prior to construction plan
1948 approval.
- 1949 10. **AMENDED** - Prior to recordation of the plat, the developer shall provide a buildable
1950 area plan showing information for each lot within the subdivision. These plans shall be
1951 a part of the revised construction plans submitted for review and for signature. The
1952 buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the
1953 buildable area for the principal structure, all setback dimensions, the minimum lot
1954 width (front building line), the area of each lot found to be suitable for the location of
1955 the septic drainfield system and reserved drainfield area on the lot, or alternative
1956 system, and if applicable, the 100 year floodplain location, the area of each lot
1957 exclusive of floodplain, and Chesapeake Bay Act Preservation areas and setback
1958 dimensions when applicable.
- 1959 11. Prior to final approval of the construction plans, grading plans with minimum finished
1960 floor elevations are required for the following lots: All lots that have impacted wetlands,
1961 all lots adjacent to wetlands, all lots adjacent to yard swales, all lots adjacent to flood
1962 plain, all lots that have a sediment trap or basin that is to be filled in, and all lots with
1963 excessive slopes, as determined by the Director of Public Works.
- 1964 12. Each lot shall contain at least 1 acre, exclusive of floodplain areas.
- 1965 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
1966 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
1967 floodplain as a "Variable Width Drainage & Utilities Easement."
- 1968 14. The detailed plant list and specifications for the landscaping to be provided within the 25-
1969 foot-wide planting strip easement along New Market Road, shall be submitted to the
1970 Planning Office for review and approval prior to recordation of the plat.
- 1971 15. Prior to requesting final approval, a draft of the covenants and deed restrictions for the
1972 maintenance of the common area by a homeowners association shall be submitted to the
1973 Planning Office for review. Such covenants and restrictions shall be in form and
1974 substance satisfactory to the County Attorney and shall be recorded prior to recordation
1975 of the subdivision plat. The covenants should establish conditions to provide for
1976 perpetual upkeep of the historic fort/breastworks to be preserved within the common area,
1977 including interpretive signage or other facilities provided.
- 1978 16. Any future building lot containing a BMP, sediment basin or trap and located within the
1979 buildable area for a principal structure or accessory structure, may be developed with
1980 engineered fill. All material shall be deposited and compacted in accordance with the
1981 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1982 professional engineer. A detailed engineering report shall be submitted for the review
1983 and approval by the Building Official prior to the issuance of a building permit on the
1984 affected lot. A copy of the report and recommendations shall be furnished to the Directors
1985 of Planning and Public Works.
- 1986 17. No more than 50 lots may be recorded on a single point of access, inclusive of lots
1987 approved with the Camp Hill October 2003 Plan.
- 1988 18. The applicant shall consult with the Division of Recreation and Parks on any historical
1989 findings as development progresses. A copy of any study identifying and protecting
1990 historic resources which may be required by a state or federal agency through its
1991 permitting process shall be submitted to the Department of Planning and Division of

- 1992 Recreation and Parks prior to final approval of the construction plans.
- 1993 19. If a geologic exploration and a geo-technical study is being performed by a geo-technical
1994 firm representing the applicant to determine if the proposed development may impact
1995 ground water quality and quantity at Camp Holly Springs, a copy of the study and
1996 recommendations shall be submitted to the Department of Planning and the Health
1997 Department prior to final approval of the construction plans.
- 1998 20. Lots approved as part of this subdivision shall be included in the overall phasing plan for
1999 the Camp Hill (October 2003 Plan), subdivision, which shall be submitted with the first
2000 application for final approval for either subdivision, and which shall be updated with each
2001 subsequent application.
- 2002 21. Utility easements for future County sewer main extensions, including permanent and
2003 construction easements, shall be shown on the final construction plans in locations
2004 mutually acceptable to the applicant and the Director of Public Utilities. Such easements
2005 shall be shown on the subdivision plat prior to recordation.
- 2006 22. Any application for final approval which does not substantially conform to the plat as
2007 approved for conditional approval as determined by the Director of Planning, shall be
2008 submitted for reconsideration by the Planning Commission.
- 2009 23. Lots #3, 4, 5, 6 and 7, Block D, as shown on the conditional plan shall be reserved and
2010 not granted final approval until the lifetime rights for the existing dwelling have been
2011 terminated.

2012

2013 Ms. Ware - At this time, I would like to ask that we take a 10-minute break and we
2014 will resume at 10:44 a.m.

2015

2016 **AT THIS TIME THE COMMISSION TOOK A 10-MINUTE BREAK**

2017

2018 **THE COMMISSION RECONVENED AT 10:44 A.M.**

2019

2020 Mrs. Ware - I believe Mr. Jernigan stated he needed to restate his motion for the Camp
2021 Hill Subdivision.

2022

2023 Mr. Jernigan - On Camp Hill I left out two conditions, so what I want to do is remake the
2024 motion. I make a motion to approve Camp Hill Subdivision (May 2004 Plan), subject to the
2025 annotations on the plans, the standard conditions for subdivisions not served by public utilities
2026 and the following additional conditions, No. 4 Amended, No. 10 Amended, and Nos. 11 through
2027 23.

2028

2029 Mr. Vanarsdall - Second.

2030

2031 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2032 favor say aye. All opposed say no. The motion passes.

2033

2034 The Planning Commission approved Camp Hill Subdivision (May 2004 Plan), subject to the
2035 annotations on the plan, the standard conditions for subdivisions not served by public utilities
2036 and the following additional conditions:

- 2037 4. **AMENDED** –This approval is of the conditional plat only. Final approval of the plat
2038 shall not be granted until such time as the Virginia Department of Health has granted
2039 approval for sewage disposal on all lots or until a final plat is prepared that
2040 conspicuously indicates all lot(s) not receiving Virginia Department of Health approval
2041 for sewage disposal, and which states that there shall be no construction on lots without
2042 such approval. Details of approved sewage disposal systems and reserved areas for such
2043 systems shall be included with the final construction plan prior to construction plan
2044 approval.
- 2045 10. **AMENDED** - Prior to recordation of the plat, the developer shall provide a buildable
2046 area plan showing information for each lot within the subdivision. These plans shall be
2047 a part of the revised construction plans submitted for review and for signature. The
2048 buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the
2049 buildable area for the principal structure, all setback dimensions, the minimum lot
2050 width (front building line), the area of each lot found to be suitable for the location of
2051 the septic drainfield system and reserved drainfield area on the lot, or alternative
2052 system, and if applicable, the 100 year floodplain location, the area of each lot
2053 exclusive of floodplain, and Chesapeake Bay Act Preservation areas and setback
2054 dimensions when applicable.
- 2055 11. Prior to final approval of the construction plans, grading plans with minimum finished
2056 floor elevations are required for the following lots: All lots that have impacted
2057 wetlands, all lots adjacent to wetlands, all lots adjacent to yard swales, all lots adjacent
2058 to flood plain, all lots that have a sediment trap or basin that is to be filled in, and all
2059 lots with excessive slopes, as determined by the Director of Public Works.
- 2060 12. Each lot shall contain at least 1 acre, exclusive of floodplain areas.
- 2061 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
2062 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
2063 floodplain as a "Variable Width Drainage & Utilities Easement."
- 2064 14. The detailed plant list and specifications for the landscaping to be provided within the 25-
2065 foot-wide planting strip easement along New Market Road, shall be submitted to the
2066 Planning Office for review and approval prior to recordation of the plat.
- 2067 15. Prior to requesting final approval, a draft of the covenants and deed restrictions for the
2068 maintenance of the common area by a homeowners association shall be submitted to the
2069 Planning Office for review. Such covenants and restrictions shall be in form and
2070 substance satisfactory to the County Attorney and shall be recorded prior to recordation
2071 of the subdivision plat. The covenants should establish conditions to provide for
2072 perpetual upkeep of the historic fort/breastworks to be preserved within the common area,
2073 including interpretive signage or other facilities provided.
- 2074 16. Any future building lot containing a BMP, sediment basin or trap and located within the
2075 buildable area for a principal structure or accessory structure, may be developed with
2076 engineered fill. All material shall be deposited and compacted in accordance with the
2077 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2078 professional engineer. A detailed engineering report shall be submitted for the review
2079 and approval by the Building Official prior to the issuance of a building permit on the
2080 affected lot. A copy of the report and recommendations shall be furnished to the Directors
2081 of Planning and Public Works.

- 2082 17. No more than 50 lots may be recorded on a single point of access, inclusive of lots
 2083 approved with the Camp Hill October 2003 Plan.
- 2084 18. The applicant shall consult with the Division of Recreation and Parks on any historical
 2085 findings as development progresses. A copy of any study identifying and protecting
 2086 historic resources which may be required by a state or federal agency through its
 2087 permitting process shall be submitted to the Department of Planning and Division of
 2088 Recreation and Parks prior to final approval of the construction plans.
- 2089 19. If a geologic exploration and a geo-technical study is being performed by a geo-technical
 2090 firm representing the applicant to determine if the proposed development may impact
 2091 ground water quality and quantity at Camp Holly Springs, a copy of the study and
 2092 recommendations shall be submitted to the Department of Planning and the Health
 2093 Department prior to final approval of the construction plans.
- 2094 20. Lots approved as part of this subdivision shall be included in the overall phasing plan for
 2095 the Camp Hill (October 2003 Plan), subdivision, which shall be submitted with the first
 2096 application for final approval for either subdivision, and which shall be updated with each
 2097 subsequent application.
- 2098 21. Utility easements for future County sanitary sewer main extensions, including permanent
 2099 and construction easements, shall be shown on the final construction plans in locations
 2100 mutually acceptable to the applicant and the Director of Public Utilities. Such easements
 2101 shall be shown on the subdivision plat prior to recordation.
- 2102 22. Any application for final approval which does not substantially conform to the plat as
 2103 approved for conditional approval as determined by the Director of Planning shall be
 2104 submitted for reconsideration by the Planning Commission.
- 2105 23. Lots #3, 4, 5, 6 and 7, Block D, as shown on the conditional plan shall be reserved and
 2106 not granted final approval until the lifetime rights for the existing dwelling have been
 2107 terminated.

2108
 2109 **SUBDIVISION**

2110
 Settler's Ridge
 (May 2004 Plan)

**Engineering Design Associates for William W. Reed, the
 Estate of Margaret R. Harrison and Settler's Ridge, LLC:**
 The 54.073-acre site proposed for a subdivision of 166
 detached dwellings for sale with zero lot lines is located at the
 southeast intersection of Burning Tree Road and South
 Laburnum Avenue, adjacent to Pocahontas Parkway (State
 Route 895) on parcels 805-692-4564 and 806-692-0994. The
 zoning is R-5AC, General Residence District (Conditional).
 County water and sewer. **(Varina) 166 Lots**

2111
 2112 Mr. Marshall- Madam Chairman, I will be abstaining from this case.

2113
 2114 Mrs. Ware - OK, thank you for letting us know, Mr. Marshall. Is there any opposition
 2115 to Subdivision Settler's Ridge (May 2004 Plan) in the Varina District? No opposition. Thank
 2116 you. Mr. Wilhite.

2117

2118 Mr. Wilhite - What is being proposed here is a zero lot line development with age-
2119 restricted housing under the Virginia Fair Housing law. This site does require additional
2120 setbacks because it borders major roads on three sides; Interstate Route 895, South Laburnum
2121 Avenue and Burning Tree Road require additional setbacks. Due to that requirement, there was
2122 more impact on the lots anticipated by the developer than originally thought. With that, the
2123 applicant has requested that the private roads in common areas be reduced from 50 down to 44
2124 feet. The staff has looked at that. The Traffic Engineer has looked at that. We are OK with that
2125 being done. With that change, the layout should not change significantly in order to
2126 accommodate the additional setbacks and we can proceed. We won't know the exact buildable
2127 areas or the exact dwellings being constructed on this property until the POD is submitted.
2128 Obviously, the POD does have to come back before the Planning Commission for approval. One
2129 issue that still remains though is the fact that only one full point of access is being proposed in
2130 this subdivision and that is off of Burning Tree Road. The developer is proposing a second point
2131 of access to New Castle Road, which they would like to see as emergency access only. Staff's
2132 recommendation is that there be a second full point of access provided in the subdivision, keeping
2133 with County policy, since there are 166 lots being proposed, and when over 82 lots for
2134 multifamily, we would recommend a second point of access. Also, it is noted that there is a
2135 dwelling of historic impact, the Redwood Reed Farm, on the site. The Department of Recreation
2136 and Parks has indicated that they would like to see some of this dwelling possibly preserved or
2137 moved and at least documented and photographed. The applicant has expressed a willingness to
2138 work with Recreation and Parks to have that done. I'd be happy to answer any questions that
2139 you have.

2140

2141 Mrs. Ware - Are there any questions for Mr. Wilhite from the Commission?

2142

2143 Mr. Jernigan - Kevin, I believe the house they have already donated. Dr. Nelson said they
2144 were going to move it?

2145

2146 Mr. Wilhite - I heard that they were willing to do so if somebody wanted to take it.
2147 Recreation and Parks would like to see it preserved as a clubhouse for this development. It is our
2148 understanding that the house is not in great condition and it is not feasible to save it. If it can't be
2149 moved elsewhere, Recreation and Parks would hopefully like to see some of the more interesting
2150 architectural elements preserved and possibly donated to the County for our collection. As I
2151 said, the applicant is willing to work with Parks on this. We don't have a condition that
2152 addresses the situation. It is possible we may be able to add one at time of POD approval.

2153

2154 Mr. Jernigan - Well, I know, Russ told me himself that he is willing to give the building
2155 away. He even told me he'd help them out a little bit financially.

2156

2157 Mr. Wilhite - Yes, I heard that, too, but I haven't heard that they actually have
2158 somebody to take it.

2159

2160 Mr. Jernigan - And Mr. Reed was here at the time of zoning and confirmed that the
2161 building is in too bad a shape. It would cost just too much to renovate it to bring it up to Code.
2162 OK. I don't have any more questions for you, Kevin. Thank you.

2163
2164 Mrs. Ware - I have a question. You said there were 160 houses in this development.
2165
2166 Mr. Wilhite - One hundred and sixty-six.
2167
2168 Mrs. Ware - One hundred and sixty-six with just one point of access?
2169
2170 Mr. Jernigan - It is a boulevard entrance.
2171
2172 Mrs. Ware - Are there a lot of opportunities for another point of access or other
2173 opportunities for another point of access, with so many houses?
2174
2175 Mr. Wilhite - Well, there is one connection shown to New Castle Road in the adjacent
2176 subdivision that appears at the bottom. Now, New Castle Road is dedicated right of way but is
2177 not constructed. What the applicant is proposing and we have not seen details yet because of the
2178 POD plans not being submitted. This would be a gated community and they would have
2179 emergency access at that point, but staff's recommendation by the Traffic Engineer is that a full
2180 second point of access be provided to the subdivision because of the number of lots involved.
2181
2182 Mr. Vanarsdall - So you do have an emergency...
2183
2184 Mr. Wilhite - That is what is proposed by the applicant. Yes.
2185
2186 Mr. Vanarsdall - OK, that is good.
2187
2188 Mr. Jernigan - No, it is not one point of access. It is a boulevard entrance. That means
2189 that it is two roads.
2190
2191 Mr. Vanarsdall - One way in and one way out.
2192
2193 Mrs. Ware - OK.
2194
2195 Mr. Jernigan - Kevin, I don't have any more questions for you, and really I don't need to
2196 hear from the applicant at this point. I would like to here if Mike Jennings is here from Traffic.
2197
2198 Mr. Jennings - Good morning, Madam Chair and Planning Commission members. I am Mike
2199 Jennings, Assistant Traffic Engineer for the County. Yes, according to Public Works' standards,
2200 it does not meet our standards. It is 166 lots on one point of access. A boulevard entrance does
2201 not count as two points of access and an emergency fire access does not count as full access. So,
2202 according to Public Works' standards, we need two full points of access.
2203
2204 Mr. Vanarsdall - And this is a policy, not an ordinance?
2205 Mr. Jennings - Yes, sir.
2206
2207 Mr. Jernigan - All right, Mike. You got short notice this morning, so I appreciate you

2208 coming down, and of course, we are on the end of the list. Let me ask you something. Did you
2209 work on this project from the beginning when you came through zoning?

2210

2211 Mr. Jennings - Yes, sir, I did see it. Tim Foster made the zoning comments.

2212

2213 Mr. Jernigan - At that time, I don't recall that we had a problem once we were putting in
2214 the emergency access on Ansley Road.

2215

2216 Mr. Jennings - Excuse me, sir. In his zoning comments, there was nothing mentioned about a
2217 fire access, but he did say adequate sight distance must be provided at all access points. A fire
2218 access wasn't proposed at that point.

2219

2220 Mr. Jernigan - I believe, and Ms. Isaac you can correct me, didn't they proffer a fire
2221 access at the time of zoning?

2222

2223 Ms. Isaac - I don't recall right off, excuse me. Loraine Isaac, if that was proffered. I know
2224 really we did a redesign of the site, which is the one that is showing, showing the second point of
2225 access, but as emergency access. That was the intent from the beginning because this is an age-
2226 restricted community, and one of the things you offer to older citizens is security, so there was
2227 never an intent to have anything other than emergency access. The entrance is going to have a
2228 camera that they can see and monitor who is coming in. These are private roads. They don't
2229 want them being used by people who just cut through or go wherever they want to, so the intent,
2230 from the very beginning, was that we have a controlled boulevard access with emergency access
2231 as a secondary point.

2232

2233 Mr. Jernigan - Russ was OK with putting the access through there. OK. Thank you, Ms.
2234 Isaac.

2235

2236 Mr. Wilhite - I just want to clarify, Mr. Jernigan, there was an exhibit with the rezoning
2237 case that showed emergency access at that point. It was not addressed in the proffers. The
2238 layout was not proffered and neither was any proffer dealing specifically with that second point
2239 of access.

2240

2241 Mr. Jernigan - But it was shown on the original plan?

2242

2243 Mr. Wilhite - There is an exhibit in the file that showed emergency access there.

2244

2245 Mr. Jernigan - All right. Thank you, Kevin.

2246

2247 Mr. Archer - May I ask a question? In looking at this, is the emergency access point the
2248 one that butts up with whatever it is that runs into Ansley Road?

2249

2250 Mr. Wilhite - Yes, sir.

2251

2252 Mr. Archer - Is there any reason why that could not be made into an actual access point?

2253

2254 Mr. Wilhite - At this point I think the configuration actually would meet the
2255 requirements of a second point of access. We don't have the details at this time as far as the
2256 gate, the design, or the pavement width or anything else. That will come with the POD. But the
2257 right of way is shown there and I believe it is sufficient for a second point of access, full second
2258 point of access if approved.

2259

2260 Mr. Archer - Because I am concerned in looking at the configuration of the subdivision
2261 that if something were to occur in one side of that subdivision and the only point is the one that
2262 runs out to Burning Tree Road, I mean the folks over in the back would have a heck of a time
2263 trying to get there it seems like to me. To me, it is a safety concern.

2264

2265 Mr. Wilhite - I would just state again, also, that there is not an existing stub street. The
2266 right of way is dedicated but the street was never constructed in the adjacent subdivision.

2267

2268 Mr. Archer - You know, if that boulevard entrance were a little bit more centrally
2269 located I think it wouldn't be as much of a concern, but it is off to one side. Just a comment.

2270

2271 Mr. Silber - Mr. Wilhite, if the Commission chose to accept this plan the way it is with
2272 an emergency access to Ansley Road, then would it not be best to have a condition that addressed
2273 that and perhaps that condition should require the construction of, it looks like New Castle Road,
2274 as a part of this development.

2275

2276 Mr. Wilhite - We could add the condition at this time or add it at the time of POD. We
2277 have the option either way.

2278

2279 Mr. Jernigan - Emergency access. They don't have a problem with doing it as an
2280 emergency access. That is what we originally discussed.

2281

2282 Mr. Silber - While we are thinking the minimum, if that is where the Commission is
2283 leaning, if it is just for emergency access I'd like to have it conditioned now so we can clarify it.
2284 If the Commission is still on the fence, it sounds like some of you may want a full access, we
2285 can further debate this, but I think that if it is going to be emergency access, my concern is that
2286 New Castle Road is not improved and someone would need to improve that, and I think it would
2287 be the responsibility of the developer to improve that.

2288

2289 Mr. Jernigan - Kevin, I need to ask Mike something else. Mike, we have quite a few
2290 subdivisions in this County that have boulevard entrances, because what I have been told since I
2291 have been here is that you need two points of access, but if you have a boulevard entrance, that
2292 will work. We do have a numerous amount of subdivisions that have boulevard entrances.

2293

2294 Mr. Jennings - Yes, sir. There have been some accepted that way. Prior to me coming to the
2295 County, a couple of years ago Lee Priestas and Tim Foster gave a presentation to the effect that a
2296 boulevard entrance does not comply with two points of access. But there have been some cases
2297 where it has been accepted.

2298
2299 Mr. Jernigan - Because we pass them. I mean, I have been here when they came through.
2300
2301 Mrs. Ware - And the maximum number of homes.
2302
2303 Mr. Jennings - It is 82 for multifamily and 50 for single-family homes.
2304
2305 Mrs. Ware - Right, but I mean the cases that have been passed that have more than what
2306 the requested amount is, what is the maximum number of homes in a gated community?
2307
2308 Mr. Jennings - I think King's Reach - I think it is 88 at King's Reach.
2309
2310 Mrs. Ware - And this is 166.
2311
2312 Mr. Jennings - Twice that.
2313
2314 Mr. Marshall - I remember from that case that there were others that were in excess of 80. I
2315 recall a couple that were over 100.
2316
2317 Mr. Jernigan - Mike, let me ask you this.
2318
2319 Mr. Vanarsdall - Mr. Jernigan, about five years ago, more or less, this came up and it had
2320 Traffic research that, and they haven't had anything yet, emergency vehicles or anyone else could
2321 not handle in a boulevard entrance.
2322
2323 Mr. Jernigan - That is what I was getting ready to ask. Have we had any problems on a
2324 boulevard entrance, have we had any problems, in any subdivisions, where we had trouble with
2325 access by fire and safety that had a boulevard entrance?
2326
2327 Mr. Jennings - As of yet I have heard of none. But as a policy, we would like to make sure it
2328 does not happen.
2329
2330 Mr. Vanarsdall - It is a policy. That is the reason it is not an ordinance. That is the reason I
2331 brought that out in the beginning. A policy, you can go against a policy but you can't the
2332 ordinance.
2333
2334 Mr. Jernigan - You said yourself in the zoning comments by Tim Foster was sight, but
2335 they didn't ask for a secondary road.
2336
2337 Mr. Jennings - What I read was that he was making sure that adequate sight distance was
2338 provided at the access points, plural. That is the only point I was making.
2339
2340 Mr. Jernigan - OK. What I am saying, at the time of saying I would rather have had a
2341 little more input that this was such a large issue, because what happened, we spoke when we
2342 were talking about having two points of access and we decided to go to the boulevard entrance,

2343 and then have the fire entrance over off of Ansley Road.

2344

2345 Mr. Jennings - If I can interrupt there, as soon as the plan came in to the County to review with
2346 the Public Works staff, we called out that that is not acceptable for those two points of access.
2347 We let the engineers know.

2348

2349 Mr. Silber - Mr. Jernigan, I think at the time of rezoning also that the Traffic Engineer
2350 stated that anything over 50 lots, their recommendation would be a second point of access. I think
2351 at that time you raised this as a concern that would be addressed at this stage, and it seems as
2352 though you had favored a boulevard entrance and emergency access to Ansley. I think a policy is
2353 a policy. I think a boulevard entrance certainly helps the situation and emergency access
2354 definitely improves that situation, but it is in conflict with the County's policy of a second point
2355 of access. I would also like to state that a boulevard entrance based on studies that have been
2356 performed by Fire and the Traffic folks, and emergency situations. If there is a major accident at
2357 this boulevard entrance and Burning Tree Road, it in essence could block up the entire boulevard
2358 entrance and you couldn't get out even though it is a boulevard entrance. And that has been
2359 tested with laying a fire hose and other apparatus that would literally block that entrance entirely,
2360 so while we have not had any experience, thank goodness, the situation where that has caused us
2361 a major concern, we are just pointing out that that is a possibility in the future, given the
2362 emergency situations of these intersections. I do feel somewhat more comfortable knowing that
2363 there would be emergency access here if we can get that improved with a gate in the back. But
2364 again, it is the Traffic Engineers who are the experts on the subject and not necessarily the
2365 planners.

2366

2367 Mr. Jernigan - Well, since I have been here I got the idea, maybe I took it wrong, that
2368 having a boulevard entrance did make it two points of access, because we pass them through
2369 here. I mean I have had them come through.

2370

2371 Mr. Silber - Yes, they have been passed that way, but they do not meet the
2372 criteria of a second point of access.

2373

2374 Mr. Jernigan - My concern right now is when I had the neighborhood meetings and
2375 everybody around has been OK with what we are doing, if I go putting another street in on
2376 Ansley Road, those people may not be happy, and I would rather have done this at the time of
2377 zoning and not at the time of subdivision. Now, this is, it is not a gated community per se
2378 because it doesn't have the gates in the front, but it is a 55 and older community, and I think if
2379 we put a road through from Ansley in there, we are going to have a lot of kids on bicycles riding
2380 through there, which I don't think is going to be safe. You are going to have people probably in
2381 here in probably the 60-70 year old age range, too. Nobody in this subdivision is going to have
2382 any children on bicycles, and I don't think the people on Ansley are going to be happy if I put a
2383 road through because they might not want their kids riding in there and they might not want the
2384 traffic that is coming out of this subdivision coming down Ansley Road. I didn't tell them at the
2385 beginning that was what we were going to do. The sight layout was what it was, was that there
2386 would be an emergency entrance there, and that is all that it would be. So, I am not comfortable
2387 putting in another entrance that can be used full time, and for that reason I just stated.

2388

2389 Mrs. Ware - Can it be gated? If you are going to have an emergency access I think that
2390 Mr. Silber brought up a good point, that the developer, it should be incumbent upon them to
2391 improve New Castle and to have a condition for that, and to have a condition for this emergency
2392 access with this subdivision plan if that is how you feel it is best to proceed with that. But that, if
2393 it is an emergency access, it can be closed, but you wouldn't have kids riding back and forth, but
2394 if it was needed then it would just be opened up.

2395

2396 Mr. Jennings - It would be an emergency access to County standards. And they could use it so
2397 that the citizens living in the development could use it also, as a road, if necessary.

2398

2399 Mrs. Ware - Right.

2400

2401 Mr. Jennings - Not just a fire lane.

2402

2403 Mr. Jernigan - Well, then we are moving back to where we are putting traffic out on
2404 Ansley Road and I am not sure that that is what.

2405

2406 Mrs. Ware - It is only opened in case there is an emergency at the boulevard entrance
2407 so that people can't use that and then you would open the gates here with New Castle, but I
2408 would feel better if this was going to be an emergency access for a condition to be included to
2409 state that this would be used as an emergency access and road improvements would be made as
2410 necessary at that access point. So if there is an emergency you don't have a problem with people
2411 using the road.

2412

2413 Mr. Jernigan - They are willing to put in an emergency access. We just didn't want
2414 circulation through Ansley Road from inside the subdivision.

2415

2416 Mr. Vanarsdall - Emergency access is usually a chain or something to keep people out.

2417

2418 Mr. Jernigan - Normally it is asphalt under with grass over top of it, maybe four inches of
2419 sod over top, and what happens when the fire trucks come through there, they don't sink, but it is
2420 not a road that is normally used.

2421

2422 Mr. Vanarsdall - They can get through there in any conditions.

2423

2424 Mr. Marshall - The issue is that New Castle Road, does it exist?

2425

2426 Mr. Jernigan - No. It is just a paper road.

2427

2428 Mr. Marshall - So what they are saying is that the developer be required to construct New Castle
2429 Road. That is what Mrs. Ware is trying to say.

2430

2431 Mr. Jernigan - As an emergency road.

2432

2433 Mr. Marshall -They can construct that road to connect there, so that as far as emergency access
2434 goes, there is something there, not just...

2435

2436 Mrs. Ware - It is there.

2437

2438 Mr. Silber - And that it can be seen as an access point, so if there is an emergency, it is
2439 not just a place for a fire truck to get in, but it is a place where any of the residents here could
2440 exist. They know that there is a road there. They know that the gate can be opened, and under
2441 emergency situations they could leave their subdivision, not just a chained off place that only
2442 could be accessed by a fire truck. I think if it is grass, people may not know that there is a
2443 second way of getting out.

2444

2445 Mr. Marshall -The issue is getting a developer to build from Ansley back to the subdivision.

2446

2447 Mr. Silber - And that construction may be something less than a standard road with,
2448 there may be something smaller sized but acceptable and that would have to be discussed.

2449

2450 Mr. Jernigan - Ms. Isaac, you came down. I am glad because I was going to call you.
2451 What do you think?

2452

2453 Ms. Isaac - From the discussion I am hearing, you want a gate? The developer has said he
2454 does not want a gate. The maintenance problems. He said he does not want to do that.

2455

2456 Mrs. Ware - This would be for the emergency access.

2457

2458 Ms. Isaac - Right.

2459

2460 Mr. Vanarsdall - Would he put a gate there?

2461

2462 Ms. Isaac - He doesn't want to put a gate there.

2463

2464 Mrs. Ware - And why does he not want to put a gate there if it is an emergency access
2465 only?

2466

2467 Ms. Isaac - The expense and the maintenance.

2468

2469 Mrs. Ware - Therefore, he probably wouldn't consider New Castle Road?

2470 Ms. Isaac - At this point, he realizes he needs a second point of access and what we originally
2471 agreed upon would be a chained off emergency access that would be built to whatever standards
2472 are needed for a 30 ton fire truck.

2473

2474 Mrs. Ware - When you say not agreed upon, there is no proffer addressing that.

2475

2476 Ms. Isaac - No, but that was our understanding at the time of rezoning.

2477

2478 Mr. Jernigan - What if we defer this to the zoning meeting and let's clear up what we
2479 have got here. It would be June 10.

2480

2481 Ms. Isaac - The only other thing I want to throw out on the table right now is what if he builds
2482 this road or builds an access and has it signed for one-way only to discourage people from
2483 coming in, but being able, if necessary, they could come in. Emergency access could use it, not
2484 matter which way it is signed.

2485

2486 Mr. Vanarsdall - You talking about a sign?

2487

2488 Ms. Isaac - A sign, one-way.

2489

2490 Mr. Vanarsdall - If you have a sign there, you are wasting your time and your money for
2491 the post, for the sign and for the paint that is on it. The only type thing anybody knows is a
2492 barrier, and if you put a chain across there, they are going to stop. If you put a sign, they are
2493 going to run that sign every chance they get. We have got hundreds of cases throughout the
2494 County of that.

2495

2496 Ms. Isaac - That was something the developer had asked about as an alternative to a gated exit
2497 or entrance.

2498

2499 Mr. Jernigan - Laraine, will you all build an emergency access road that has a chain
2500 across it to Ansley Road?

2501

2502 Ms. Isaac - Yes. That is what we originally proposed. It would be something, whatever
2503 standard you want that built to, but it would be chained.

2504

2505 Mr. Jernigan - OK. I tell you, this case has really gone too far. Like I said, when I
2506 originally met with the neighbors there was no mention of another road coming in, and at this
2507 point everybody has been easy to get along with. We have not had any problems. I don't know,
2508 they may not want that, and I like being upfront with everything that is going on. So, what I am
2509 going to do, you have said for the record that you all will build an emergency access road to
2510 Ansley Road out of this subdivision, and that is what I am going to ask for.

2511

2512 Madam Chairman, I make a motion to approve Subdivision Settler's Ridge (May 2004 Plan)
2513 subject to standard conditions for subdivisions served by public utilities and added conditions
2514 Nos. 13, 14, and 15.

2515 Mrs. Ware - Before you second, let me just ask for clarification for Mr. Jernigan that it
2516 will be what you are saying you are asking for is like what we have been talking about.

2517

2518 Mr. Jernigan - They will build an emergency access road only, will be chained, and will
2519 come from the subdivision to Ansley Road.

2520

2521 Mr. Silber - And do you not want to make that a condition?

2522

2523 Mrs. Ware - Yes.
2524
2525 Mr. Wilhite - Mr. Secretary, I have worked out some language. I will read it to you and
2526 if it is acceptable to the Commission, we can place it on there.
2527
2528 Mr. Vanarsdall - I second.
2529
2530 Mr. Silber - Mr. Wilhite, can you read that.
2531
2532 Mr. Wilhite - Emergency access shall be provided to Ansley Road via New Castle Road,
2533 the details to be included and approved with the plan of development.
2534
2535 Mr. Jernigan - That is fine. So I will make that motion with conditions 13, 14, 15, and
2536 16 as stated by Mr. Wilhite.
2537
2538 Mr. Vanarsdall - Second.
2539
2540 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2541 favor say aye. All opposed say no. The motion passes.
2542
2543 The Planning Commission approved Subdivision Settler's Ridge (May 2004 Plan), subject to the
2544 standard conditions for subdivisions served by public utilities and the following additional
2545 conditions:
2546
2547 13. Each lot shall contain at least 6,000 square feet.
2548 14. The proffers approved as part of zoning case C-74C-03 shall be incorporated in this
2549 approval.
2550 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
2551 the maintenance of the common area by a homeowners association shall be submitted to
2552 the Planning Office for review. Such covenants and restrictions shall be in form and
2553 substance satisfactory to the County Attorney and shall be recorded prior to recordation
2554 of the subdivision plat.
2555 16. Emergency access shall be provided to Ansley Road via New Castle Road, the details to
2556 be included and approved with the plan of development.
2557
2558 Mr. Jernigan - And what we will do from now on, because maybe I had some
2559 misconceptions on the way that we treat boulevard entrances, but the cases that I have seen come
2560 through, a boulevard entrance replaced it with two, but maybe I was wrong, so Mike I will
2561 discuss that a little more with you later, and I do appreciate you coming down this morning.
2562
2563 Mr. Vanarsdall - You will never get rid of those boulevard entrances. I can tell you that
2564 now. You will never see the day that the boulevard entrances will be disappearing. They are too
2565 attractive to the community and they do a good job and we have no history to change it.
2566
2567 Mr. Silber - Next on the agenda is on Page 41.

2568

2569 **CONTINUATION FROM PAGE 17**

2570

2571 **LANDSCAPE PLAN**

2572

LP/POD-70-02
Welborne Office –
1107 Welborne Drive

William Spell for Ms. Helen Konstantinakos:
Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The .28-acre site is located on the east line of Welborne Drive, south of Weldon Drive at 1107 Welborne on parcel 753-741-3086. The zoning is B-1, Business District. **(Tuckahoe)**

2573

2574 Mr. Silber - This was on the Expedited Agenda. It was pulled off of the Expedited
2575 Agenda.

2576

2577 Mrs. Ware - Is there any opposition to LP/POD-70-02, Welborne Office in the
2578 Tuckahoe District. Mr. Strauss.

2579

2580 Mr. Strauss - Thank you, Madam Chairperson. The lady that was here, Mrs.
2581 Fitzgerald, had a question about the commercial use. She wanted to know why it was B-1 and
2582 this is unconditioned and it was not rezoned. I think she was a victim of the zoning map more
2583 than anything, and that was all discussed at the time of the POD. So I asked her about the
2584 landscape plan. She said, "Well, landscaping generally improves the situation." That is what
2585 she is really interested in. She didn't have any specific comments about the landscaping,
2586 although she is concerned about any nuisances or any further intrusions of the commercial end of
2587 this residential area, so I told her we'd be monitoring the situation. If grass gets too tall, we will
2588 call Community Maintenance. There is some history of that in the area, and she mentioned the
2589 cleaners across the street where she lives, and I told them I'd talk to Zoning Inspections to see if
2590 there was something we could do for her there. Other than that, she had no complaint about the
2591 landscape plan at all, so the situation has not changed. Staff is still recommending approval.

2592

2593 Mrs. Ware - Are there any questions for Mr. Strauss from the Commission? I do know
2594 this case was zoned a very long time ago, decades ago, and so it has been noted and there are
2595 concerns about it, but staff and Ms. O'Bannon, as well as myself, are doing all that we can in
2596 order to help this area maintain its residential character and sit as best it can within that area. So,
2597 if there are no questions then I will move that LP/POD-70-02 be approved subject to the
2598 annotation on the plans and the standard conditions for landscaping and lighting plans.

2599

2600 Mr. Vanarsdall - Second.

2601

2602 Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Vanarsdall. All in favor
2603 say aye. All opposed say no. The motion passes.

2604

2605 The Planning Commission approved LP/POD-70-02, Welborne Office – 1107 Welborne Drive,

2606 subject to the annotations on the plans and the standard conditions attached to these minutes for
2607 landscape and lighting plans.

2608

2609 **LANDSCAPE & LIGHTING PLAN**

2610

LP/POD-11-03
Spring Arbor Assisted
Living Ridgefield Parkway

James River Nurseries for Spring Arbor of Richmond, LP:
Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.478-acre site is located on the southeast corner of the intersection of Ridgefield Parkway and Flintwood Drive on parcel 745-751-3992. The zoning is R-6C, General Residence District (Conditional). **(Tuckahoe)**

2611

2612 Mrs. Ware - Is there any opposition to LP/POD-11-03, Spring Arbor Assisted Living –
2613 Ridgefield Parkway, in the Tuckahoe District? No opposition. Mr. Strauss.

2614

2615 Mr. Strauss- Thank you, Madam Chairperson. The landscape plan has been the subject
2616 of a great deal of discussion over the last six months. There have been numerous meetings with
2617 the neighbors to discuss their concerns, which range from what types of plant materials will be
2618 installed for screening purposes to the type of fence that will be constructed. The project is a
2619 one-story assisted living facility that was the subject of rezoning and there were several proffers
2620 with respect to landscape buffers and lighting. The subject that was of particular interest to the
2621 neighborhood is the proffered 20-foot wide buffer along the rear of the residential lots that are on
2622 Moon Wind Court. The landscape plan proposes a mix of evergreen and deciduous trees and
2623 shrubs to supplement the existing saved trees in the buffer. After walking the site, the staff has
2624 recommend additional evergreen plantings to supplement the existing trees in several areas, and
2625 we have annotated those on the plan we have handed out this morning. This will help screen
2626 areas to the neighbors and provide some noise attenuation along Ridgefield Parkway. The
2627 applicant is in agreement with these annotations on the staff plan and that plan is dated May 26.
2628 So with that, staff can recommend approval and I will be happy to take any questions you may
2629 have.

2630

2631 Mrs. Ware - Are there any questions for Mr. Strauss? I do know that there were
2632 several people out in the lobby with questions concerning the landscaping plan.

2633 Mr. Strauss - Right. They had some questions on everything from where the dumpster
2634 was and what the trash pick up was going to be, and that is proffered in the rezoning case, the
2635 height of the lighting, what type of light fixtures are being used. We went over everything and I
2636 noticed they have all left, so I guess they are all satisfied.

2637

2638 Mrs. Ware - I know there have been many, many meetings on this and we have walked
2639 around in subfreezing temperatures looking at the site and Mr. Cook and Spring Arbor have been
2640 very good about addressing the concerns of the neighborhood, and I have spoken with adjacent
2641 property owners as well and they are pleased with moving around the landscaping in order to
2642 provide them some buffers from the road. Right. I will go ahead and make a motion. I am going
2643 to move that LP/POD-11-03 be approved subject to the annotations on the plans and standard

2644 conditions for landscape and lighting plans.

2645

2646 Mr. Jernigan - Second.

2647

2648 Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Jernigan. All in favor

2649 say aye. All opposed say no. The ayes have it. The motion passes.

2650

2651 The Planning Commission approved LP/POD-11-03, Landscape and Lighting Plan for Spring

2652 Arbor Assisted Living – Ridgefield Parkway, subject to the annotations on the plans and the

2653 standard conditions attached to these minutes for landscape and lighting plans.

2654

2655 **LANDSCAPE & LIGHTING PLAN**

2656

LP/POD-20-03

Jiranek Medical Office -

Peachtree Boulevard

Balzer & Associates, Inc. for Dr. William Jiranek, 1007

Peachtree Boulevard, LLC: Request for approval of a

landscape and lighting plan, as required by Chapter 24,

Sections 24-106 and 24-106.2 of the Henrico County Code.

The 0.46-acre site is located at 1007 Peachtree Boulevard, at

the southeast corner of the intersection of Peachtree Boulevard

and W. Grace Street on parcel 770-737-8513. The zoning is

O-1, Office District. **(Brookland)**

2657

2658 Mrs. Ware - Is there any opposition to LP/POD-20-03, Jiranek Medical Office in the

2659 Brookland District. No opposition. Ms. News.

2660

2661 Ms. News - There has been considerable interest in this project from the surrounding

2662 neighborhood. Two meetings were held with the adjacent property owners and representatives of

2663 the neighborhood association and several plan revisions were made. The central issue involved

2664 the provision of sufficient landscaping around the perimeter of the site to screen views into the

2665 site, so that the dumpster, parking areas and adjacent building were screened. The applicant has

2666 agreed to extensive landscaping, of sufficient size to provide excellent initial screening.

2667 Additionally, there will be a meeting on the site prior to landscape installation to finalize the

2668 location of plantings and pruning or maintenance of the existing landscaping. This is addressed

2669 in Condition No. 7 on your Addendum. There were also adjustments made to the lighting plan to

2670 minimize the impact on the surrounding community, including placing a shield on the light pole

2671 closest to N. Grace Street, providing a six-foot residential style light in the front of the building,

2672 and adding a condition requiring the lighting to be reduced to security levels following the close

2673 of business. The revised plan, which has just been distributed, has been shared with the

2674 neighbors, who have indicated their satisfaction with the design. The neighbors have also

2675 expressed concern regarding the hours of service for the dumpster, which were initially restricted

2676 with the POD. The applicant has agreed to revise the original condition to further restrict the

2677 hours of service, as indicated in Condition No. 8. The applicant has made every effort to meet

2678 the requests of the neighborhood. Due to the timing of the final revisions, it will be necessary

2679 for the Commission to waive the time limits for this plan. With that said, staff recommends

2680 approval of the revised plan subject to the standard conditions for landscape plans and additional

2681 conditions Nos.6 through 8. I will be happy to answer any questions.

2682

2683 Mrs. Ware - Are there any questions for Ms. News?

2684

2685 Mr. Vanarsdall - I don't need to hear from the applicant if anyone else doesn't. I want to
2686 start by waiving the time limits on LP/POD-20-03.

2687

2688 Mr. Marshall -Second.

2689

2690 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in
2691 favor say aye. All opposed say no. The motion passes.

2692

2693 Mr. Vanarsdall - This was an unusual case in a way, because this is a house in the
2694 neighborhood and was rezoned years ago without any conditions, and was rezoned before
2695 conditions, and it is an old one and a doctor bought it to put his office in it and we had a hard
2696 time, not a hard time, but we tried – both of us, all of us – to impress upon the neighbors that the
2697 doctor did not have to do as much as he did. He even screened the back of the building next to
2698 it, just voluntarily did it, and I want to thank Leslie for spearheading this, and we had a meeting
2699 over in the neighborhood one day and Mike Cooper was with us and Simon back there with
2700 Balzer and Associates, and we walked all over the place and they added landscaping and took
2701 away some, and changed everything and hoping that the doctor would agree to it and he did, and
2702 then we had a meeting yesterday afternoon upstairs in the library of the neighbors and they were
2703 very, very satisfied. They said that they had more cooperation than they would imagine
2704 anywhere. And Leslie, I want to thank you for all that you did and I thank you for getting Mike
2705 in on it, and Simon, thank you.

2706

2707 So, with that, I recommend LP/POD-20-03, Jiranek Medical Office Building, be approved with
2708 the standard conditions and the annotations on the plans, and Condition No. 6 and 7 and 8, and I
2709 want to change No. 7. In the second sentence it says "...meeting to review the final planting
2710 locations and providing, that should be pruning of existing plant material". In No. 8, I want to
2711 change, I want to add a word to the last sentence. It says "The dumpster doors shall be kept
2712 closed at all times." I want to add the word opaque – "The opaque dumpster doors shall be kept
2713 closed at all times." And that is the end of the motion.

2714 Mr. Marshall -Second.

2715

2716 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in
2717 favor say aye. All opposed say no. The motion passes.

2718

2719 The Planning Commission approved Landscape and Lighting Plan LP/POD-20-03, Jiranek
2720 Medical Office – Peachtree Boulevard, subject to the standard conditions attached to these
2721 minutes for landscape and lighting plans and the following additional conditions:

2722

2723 6. The lighting shall be reduced to security level following the close of business.

2724 7. The applicant shall notify the Planning Office to arrange a preconstruction meeting to

2725 review the final planting locations and pruning of existing plant material prior to

2726 beginning any landscape work on the property.
2727 8. Trash pick up and parking lot cleaning shall be limited to the hours between 8:00 a.m.
2728 and 5:00 p.m., Monday through Saturday with no pick up or cleaning on Sunday. The
2729 opaque dumpster doors shall be kept closed at all times.

2730

2731 **LANDSCAPE & LIGHTING PLAN**

2732

LP/POD-74-03
Hollywood Video @
John Rolfe Commons
Shopping Center –
Ridgefield Parkway

Canavan & Associates, LLC for the Wilton Companies:
Request for approval of a landscape and lighting plan, as
required by Chapter 24, Sections 24-106 and 24-106.2 of the
Henrico County Code. The 1.33-acre site is located at the
north side of Ridgefield Parkway, approximately 300 feet
north of the intersection of Ridgefield Parkway and John Rolfe
Parkway in the John Rolfe Commons Shopping Center on
parcel 736-750-8896. The zoning is B-2C, Business District.
(Tuckahoe)

2733

2734 Mrs. Ware - Is there any opposition to LP/POD-74-03, Hollywood Video @ John Rolfe
2735 Commons Shopping Center – Ridgefield Parkway in the Tuckahoe District? No opposition. Ms.
2736 News.

2737

2738 Ms. News - The applicant has addressed all of staff's comments on the plans on your
2739 agenda. The changes requested by staff included reducing the lighting level to a level consistent
2740 with the rest of the shopping center, and making minor adjustments to the landscaping, and
2741 screening of the dumpsters and electrical boxes. Just to update you, since the last meeting on the
2742 buffer planting, the applicant has provided the letters requesting compliance with the restriction
2743 on dumpster servicing and maintenance within the shopping center. Additionally, work has been
2744 ongoing in the buffer behind the shopping center. The applicant indicated this morning that the
2745 clearing of debris has been completed. The fence work has begun and is partially installed and
2746 the landscaping should begin next week, hopefully with all work being completed no later than
2747 June 10, 2004. With that said, staff recommends approval of the plan subject to the standard
2748 conditions for landscape and lighting plans and the additional condition in the agenda.

2749 Mrs. Ware - Are there any questions from the Commission for Ms. News? No
2750 questions. Good to hear that everything is being taken care of, and the letters have been
2751 received. I was going to ask you about that, and the landscaping is moving along. I haven't
2752 heard anything, so right now no news is good news as far as everything moving along to help the
2753 adjacent property owners. So, with that, I will move approval of LP/POD-74-03 subject to the
2754 annotations on the plans, the standard conditions for landscape and lighting plans and added
2755 condition No. 6.

2756

2757 Mr. Marshall -Second.

2758

2759 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Marshall. All in favor say
2760 aye. All opposed say no. The motion passes.

2761 The Planning Commission approved Landscape and Lighting Plan LP/POD-74-03, Hollywood

2762 Video @ John Rolfe Commons Shopping Center – Ridgefield Parkway, subject to the annotations
2763 on the plans, the standard conditions attached to these minutes for landscape and lighting plans
2764 and the following additional condition:

2765

2766 6. The lighting shall be reduced to security level following the close of business.

2767

2768 **APPROVAL OF MINUTES: April 21, 2004 Minutes**

2769

2770 Mr. Silber - Next is the minutes for April 21, 2004 meeting. I believe everyone has
2771 been provided a copy. I am sure of you have read every word of it.

2772

2773 Mr. Jernigan - Believe it or not, I found a mistake! I am getting bad as you, Chris. On
2774 page 12, line 393 and 394, where it says “Mr. Jernigan,” it should just say “Second.” And then
2775 Mr. Vanarsdall made the rest of that. He was the Acting Chairman that day, so line 393 where it
2776 says my name, it just should say second behind it, and Mr. Vanarsdall should be on line 394
2777 saying the motion was made by him and seconded by me.

2778

2779 Mrs. Ware - Do we have a motion for the approval of the minutes? Are there anymore
2780 corrections or changes to the minutes?

2781

2782 Mr. Vanarsdall - I move that we approve the minutes of April 21 with the corrections.

2783

2784 Mr. Jernigan - Second.

2785

2786 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
2787 favor say aye. All opposed say no. The motion passes. The minutes are approved.

2788

2789 Mr. Archer - Madam Chairman, before we adjourn, it has been brought to my attention
2790 that we need to revisit 40-04, page 18.

2791

2792 Mrs. Ware - Thank you for bringing that back. Mrs. Goggin, would you advise
2793 everybody what occurred on this please.

2794 Ms. Goggin - Good afternoon, again. I am Christina Goggin, the planner on the project.
2795 We sent property notice letters out and we did receive word from one property owner that she
2796 was interested in what was going on, but unfortunately another property owner came in after it
2797 was approved on Expedited Agenda and he lived at 1426 Pennsylvania Avenue. Mr. McCurry
2798 would like the landscaping and lighting to come back to the Planning Commission because this is,
2799 as we talked about previously with other cases, B-3 zoning, unconditional, and he would just like
2800 to make sure that the landscape and lighting is compatible and enhances the project and gives the
2801 neighbors a chance to put more input in. He is here.

2802

2803 Mrs. Ware - So, what you are saying is you want to add 9 and 11 Amended to this?

2804

2805 Ms. Goggin - To allow it to come back and give the neighbors a chance to get some
2806 input, and now that I have talked to him, I am going to call him when it comes in as well as the

2807 notice letters that would normally go out. Unfortunately, the engineer and applicant are not here
2808 to comment on that request.

2809

2810 Mr. Silber - The Planning Commission is still continuing the public hearing. I think
2811 they can amend something they considered earlier during this public hearing. We will just need
2812 to inform the engineer and developer that if the Commission adds Nos. 9 and 11 Amended that
2813 they are aware of that.

2814

2815 Ms. Goggin - Yes, sir.

2816

2817 Mr. Archer - OK. Do I just need to restate my motion? Then I will move approval of
2818 POD-40-04, Mountain Road Retail Shops, subject to standard conditions for developments of this
2819 type and the following additional conditions, Nos. 9 and 11 Amended and Nos. 23 through 29
2820 and 31 through 40.

2821

2822 Mr. Vanarsdall- Second.

2823

2824 Mr. Silber - We also deleted No. 30.

2825

2826 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
2827 say aye. All opposed say no. The motion passes.

2828

2829 The Planning Commission approved POD-40-04, Mountain Road Retail Shops, subject to the
2830 standard conditions for developments of this type and the following additional conditions:

2831

2832 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2833 review and Planning Commission approval prior to the issuance of any occupancy
2834 permits.

2835 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
2836 of the site lighting equipment, a plan including depictions of light spread and intensity
2837 diagrams, and fixture specifications and mounting height details shall be submitted for
2838 Planning Office review and Planning Commission approval.

2839 23. The right-of-way for widening of Mountain Road and New York Avenue as shown on
2840 approved plans shall be dedicated to the County prior to any occupancy permits being
2841 issued. The right-of-way dedication plat and any other required information shall be
2842 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
2843 occupancy permits.

2844 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2845 the County in a form acceptable to the County Attorney prior to any occupancy permits
2846 being issued. The easement plats and any other required information shall be submitted
2847 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2848 permits.

2849 25. The developer shall provide fire hydrants as required by the Department of Public
2850 Utilities and Division of Fire.

2851 26. Employees shall be required to use the parking spaces provided at the rear of the

- 2852 building(s) as shown on the approved plans.
- 2853 27. Outside storage shall not be permitted.
- 2854 28. The developer shall install an adequate restaurant ventilating and exhaust system to
2855 minimize smoke, odors, and grease vapors. The plans and specifications shall be
2856 included with the building permit application for review and approval. If, in the opinion
2857 of the County, the type system provided is not effective, the Commission retains the
2858 rights to review and direct the type of system to be used.
- 2859 29. Prior to issuance of a building permit, the developer must furnish a letter from **Dominion**
2860 **Virginia Power** stating that this proposed development does not conflict with their
2861 facilities.
- 2862 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2863 form acceptable to the County Attorney prior to final approval of the construction plans.
- 2864 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
2865 approved by the County Engineer prior to final approval of the construction plans by the
2866 Department of Public Works.
- 2867 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
2868 of the Henrico County Code.
- 2869 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the
2870 drainage plans.
- 2871 34. Insurance Services Office (ISO) calculations must be included with the plans and
2872 contracts and must be approved by the Department of Public Utilities prior to the
2873 issuance of a building permit.
- 2874 35. Approval of the construction plans by the Department of Public Works does not
2875 establish the curb and gutter elevations along the Henrico County maintained right-of-
2876 way. The elevations will be set by Henrico County.
- 2877 **36.** The location of all existing and proposed utility and mechanical equipment (including
2878 HVAC units, electric meters, junction and accessory boxes, transformers, and
2879 generators) shall be identified on the landscape plans. All equipment shall be screened
2880 by such measures as determined appropriate by the Director of Planning or the
2881 Planning Commission at the time of plan approval.
- 2882

- 2882 37. Only retail business establishments permitted in a B-3 zone may be located in this center.
- 2883 38. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
- 2884
- 2885 39. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 2886
- 2887

2887 **WORK SESSION: Review of recommended guidelines for placement and design of tot lots**
2888 **and common area within single-family subdivisions.**

2889

2890 Mr. Silber - As you recall, this was a work session that was scheduled at our last
2891 meeting and we ran out of time. It was placed on this agenda. This is to review the
2892 recommended guidelines for placement and design of tot lots and common area within single-
2893 family subdivisions. I guess I really should say within residential communities instead of single-
2894 family subdivisions, but Leslie News does have a presentation. If you don't have your copies of
2895 the guidelines we provided you last time, we are providing you with copies now to refer to. Ms.
2896 News.

2897

2898 Ms. News - Good morning again, Commission members. Open space and recreational
2899 area requirements are usually established during the rezoning process. The intention is for them
2900 to provide an amenity for the community. Instead, the land that is often dedicated is leftover
2901 land, not suitable for lot development. Little attention is paid to the intended function of the
2902 space. The quality issues relative to open and recreational space have been a concern for some
2903 time. Brief general guidelines for the provision of recreational areas in multifamily developments
2904 were adopted by the Board of Supervisors in November of 2000. Similar concerns exist for
2905 single-family developments. The Planning Commission and particularly, Mr. Archer, recently
2906 faced this issue on a single-family subdivision which had a proffered requirement for recreational
2907 amenities such as tot lots or picnic areas to be provided and dedicated as common area. The first
2908 proposal by the developer was a picnic table next to the BMP. The next proposal involved a tot
2909 lot under the Virginia Power transmission easement. Needless to say, these were not what the
2910 Planning Commission and Board envisioned when they rezoned the property. Discussion on this
2911 subdivision led the Planning Commission to request that staff look at the issue and draft standards
2912 for evaluating proposals. The draft guidelines you have outline issues to consider in the provision
2913 of amenities. They establish a general basis for site selection and review of the proposed
2914 development.

2915

2916 Due to the unique circumstances of each site, requirements for open space or recreational area
2917 vary greatly. To ensure that dedicated land is suitable, its intended use must be defined. Most
2918 often this occurs at the time of rezoning. The categories of use are generally as follows:

2919

- 2920 • Neighborhood play area
- 2921 • Usable open space, or
- 2922 • Natural or landscaped common area

2923

2924 These categories are often combined. A neighborhood play area is basically a tot lot or play
2925 equipment area for older children. Most often this is an area with play structures and it is
2926 designed as a tot lot for ages 2 to 5 or play equipment for ages 5 to 12. The design should
2927 accommodate each group separately and contain appropriate amenities and safety considerations
2928 for each group. I know the Commission has been interested in the quantity or size of tot lots to
2929 be provided in the development. Unfortunately, in discussion with Recreation and Parks, this is
2930 a much debated topic and there are no nationally recognized standards to address this. Sizes I
2931 came across in various references, ranged from 500 square feet, to an acre for a neighborhood

2932 play area. The size of tot lots and play areas can vary greatly, depending on the type of
2933 amenities provided. A large number of children can be served in a small area, for instance, on
2934 certain pieces of equipment, while other structures, such as swings, take up a large area for a
2935 smaller amount of children. A general statement can be made that the facility should be sized to
2936 accommodate planned facilities in accordance with all safety regulations.

2937

2938 The second category is usable open space. This can serve as active and passive recreation space
2939 and can be either lightly developed with trails, picnic areas and open play fields, or more
2940 intensely developed with constructed facilities, such as tennis or basketball courts, a pool, and
2941 even parking.

2942

2943 The third category would be natural or landscaped common area. This can satisfy passive
2944 recreational needs, but are primarily intended to provide buffers and screening between uses,
2945 preserve environmentally sensitive land, protect natural resources or features, preserve areas of
2946 cultural or historical significance and preserve significant stands of trees.

2947

2948 Homeowners Associations inherit common areas, which very often don't offer the value of the
2949 amenities they expect, yet often come with high maintenance costs. To address these concerns,
2950 guidelines for each unique situation have been recommended.

2951

2952 The problems we have encountered fall into several categories. For active or passive recreational
2953 uses, the land is often encumbered by utility easements, storm water facilities, or overhead
2954 transmission lines. These hamper the recreation experience and make the area unusable. Areas
2955 for active recreation are often impacted by land which is unusable or too expensive to develop
2956 due to environmental restrictions, flood plain or grading issues. Tot lots are often proposed in
2957 undesirable areas with safety and accessibility constraints and natural areas are often fragmented
2958 or fail to provide significant value in terms of meaningful stands of trees or open space.

2959

2960 Special consideration for tot lots and neighborhood play areas should be addressed in the
2961 protective covenants for development to address safety and maintenance considerations. Some of
2962 these considerations are outlined in the guidelines. They should be located in central locations
2963 that equally serve the entire development; adjacent to other community facilities, if possible;
2964 where they are easily and safely accessible by pedestrians and bicycles; in a highly visible
2965 location for ease of observation by others; near or within stands of mature trees is desirable for
2966 shade; and separate from streets, railroads, overhead transmission lines, detention ponds and
2967 other hazardous areas; also, in well drained areas and out of the floodplain. This should be also
2968 balanced by locating the play area where impact on adjacent property is minimized. In cases
2969 where separation from roads is not feasible, perimeter fencing, which allows visibility for safety,
2970 should be provided.

2971

2972 Usable open space or recreational common areas should be able to be capable of being used and
2973 enjoyed for purposes of informal and unstructured recreation and relaxation; should be directly
2974 accessible to the largest practicable number of lots within the development; provide safe and
2975 convenient pedestrian access; be provided on contiguous pieces of lands where possible, instead
2976 of broken up throughout the community; be located where they can be developed with the

2977 minimum of earthwork, especially if they are to be a highly developed recreation area with
2978 constructed facilities. Wooded areas should be left in their natural state as much as possible, and
2979 areas developed for open play fields, tot lots and similar facilities should be properly landscaped
2980 if they are not wooded. In addition, historic features should be protected and provisions made
2981 for maintenance. Floodplain, utility easements and wetlands should generally not count towards
2982 usable open space requirements unless appropriate recreational amenities, such as trails, board
2983 walks or water dependent activities are anticipated and provided within the area. Finally, storm
2984 water basins, unless they are wet ponds, should not count towards required open space.

2985

2986 Natural areas and landscaped at common areas, on the other hand, serve a different purpose than
2987 recreational open space. Their primary function is to preserve existing natural features and
2988 enhance the quality of the development though passive activity, such as trails, can exist in these
2989 areas. These areas may include environmentally sensitive areas, such as RPAs, stream protection
2990 areas and wetlands; land which is not suitable for development, such as areas with steep slopes,
2991 streams and floodplains; or significant or cultural historical features. As a general guideline,
2992 natural common areas should be contiguous, if possible, and provide significant value in terms of
2993 tree preservation. Small isolated pockets should not be combined to meet the minimum
2994 requirement. Landscaped open space should be designed to provide an aesthetically pleasing
2995 effect within the development or it may exist solely to provide screening or buffering.

2996

2997 To summarize, the most desirable land for recreation or open space is land which can be
2998 developed as an amenity to the community, is readily and safely accessible to the residents, is
2999 centrally located and incorporated into the overall design and can be developed with a minimum
3000 of earthwork. Most importantly, what we are working towards is that it can be improved or
3001 maintained and used by the homeowners association with minimal expense.

3002

3003 The intention of this proposed document is to set a list of guidelines which can be used at the
3004 time of rezoning to help develop more specific proffers, to be applied to both single and
3005 multifamily residential developments, and to help ensure that the desired intent is achieved. The
3006 guidelines can also be used at the time of conditional subdivision and POD review by staff to
3007 guide review of the plans and provide direction to the developers. We are interested in hearing
3008 any comments the Commission has and in discussing the general direction you may like to take.
3009 If the direction of the report is satisfactory to you, your comments can be incorporated and the
3010 final document placed on an agenda for your endorsement. That would be similar to the
3011 procedure we did for the mechanical screening policy where the guidelines were drafted by staff
3012 and endorsed as a policy of the Planning Commission. I would be happy to answer any
3013 questions.

3014

3015 Mr. Archer - Ms. News, I would just like to make the comment that you and whoever
3016 else worked on this really did a thorough job. Thank you so much.

3017

3017 Ms. News - Thank you.
3018

3019 Mr. Archer - I will make a couple of comments as to what my thought and my intention
3020 was when I mentioned this, and that was that we have some guidelines that were to be used in
3021 those instances where amenities such as this were offered as an inducement for approval, and not
3022 that we had to have a tot lot in every subdivision. I hope that is not what we are talking about
3023 here, because when we do this, when these tot lots do occur, they are usually unique to each type
3024 of residential development that we are doing. So, I don't want anybody getting the idea we are
3025 trying to have a tot lot in every subdivision. But in those cases where they are offered as an
3026 inducement, I think some of the ones we have seen have been woefully lacking in any kind of
3027 structure, so that was why I mentioned this in the first place. I guess we are open for discussion
3028 now.

3029

3030 Mr. Silber - We are open for discussion. This is a Planning Commission Work
3031 Session. These guidelines are really intended to be used in an administrative fashion. The
3032 Planning Commission may wish to more or less endorse these as guidelines they think make
3033 sense and represent quality development for which then staff can use these in their review of
3034 residential development. I don't know to what extent you want to discuss these or to take them
3035 back and review them further and give us your comments or if you have already done that, we
3036 are prepared to take the comments today. It looks like we do have some distinguished individuals
3037 from the development community, and I don't know if you want to give them a chance to speak
3038 as well, if they are here to hear this or not. But we are prepared to take your lead on this and
3039 move forward in whatever fashion you think we should.

3040

3041 Mrs. Ware - So, if the Commission were to endorse these conditions, then staff and the
3042 Commissioners could use them in order to make sure...I have seen a case before where a
3043 developer was offering as a tot lot swamp land underneath power lines. I think a lot of us
3044 remember that case where it was just completely undevelopable land that sounded good as being
3045 a tot lot. And when you have these townhouse or apartment developments that are intended for
3046 family use, I think it is important to have amenities for those families. So, would this be
3047 something that the Commissioners and staff could point to - if you are doing this - these are the
3048 guidelines we want you to develop it under.

3049

3050 Ms. News - Right. It would be used as a frame of reference. It would be used to give
3051 us a little more meat when they say, "Why can't we do it?" And we can say this is what we are
3052 working towards which the Commission sees as an important item. It helps bring out safety
3053 issues and usable space and it also, in crafting proffers, might help get more direction. Instead of
3054 just open space, help people think about what the open space is supposed to do. Is it there just
3055 because we need some green, because we need some buffering, because we want to protect an
3056 area, or is it there because we want the residents to have a place that they can use in their
3057 community. Not just to preserve wetlands that become a maintenance headache, and that is their
3058 recreational common area, when there is no boardwalk out there, no nature trails, nothing that
3059 makes that wetland usable to the community.

3060

3060 Mrs. Ware - It gives structure and definition I guess to what could just be considered
3061 open space.

3062

3063 Ms. News - And as far proffers, you also have the option of putting some percentages
3064 into it. You could look at saying we want 20% open space, but 10% of that may be natural. The
3065 other 10% has to be recreational and then they have a definition to look at. Well, what does that
3066 mean? Here, this is what it means.

3067

3068 Mr. Vanarsdall - It could also be used with the new form that we are going to use when they
3069 file for rezoning and put suggestions on that they otherwise wouldn't even think of it.

3070

3071 Mr. Archer - Would this allow us to be able to designate, specifically designate the area
3072 within a subdivision that would be set aside for these lots? I asked that question because I have
3073 seen instances, in fact, I live in one, where all the people who bought in the neighborhood were
3074 told that there was to be a recreation area, and the sellers were even showing it on the map about
3075 where it would be located, but it is not there. And what was eventually left was a ravine, which
3076 could be used for rappelling or maybe if you can get to the bottom of it, you could practice
3077 mountain climbing. But, I mean it is totally useless land.

3078

3079 Ms. News - I think that is exactly what it could be used for. At the time of rezoning,
3080 you could be very specific that there would be open space and it is to be usable space versus
3081 natural space. That would be the differentiation there. Now looking at a piece of land, you
3082 know it has these features. You know that there is a ravine running through there that could be
3083 used for nothing but a natural buffer. At least you know up front and it is defined. And then at
3084 the time the subdivision and the development comes through, if we haven't had a proffered site
3085 plan with the zoning case, it can also be used once again to help define the area, to see if the area
3086 that is proposed meets the requirements that the proffers were intending.

3087

3088 Mr. Archer - Well, it is a significant selling feature when the houses are being sold and
3089 people form the homeowner's association, and people say, "Where is the recreation area that we
3090 were supposed to have?" And what happened was it turned out to be such a nice lot that I think
3091 they decided to put a couple of houses there, so they just kept shifting it until they got it over to
3092 the ravine, and then they gave it to us, and even gave us some money to buy some playground
3093 equipment to put in it.

3094

3095 Mr. Jernigan - And Chris, that is one thing that you are going to hear from the developers
3096 when we start reinstating this or getting it going. You will hear those famous four words, "I am
3097 losing a lot."

3098

3099 Mr. Archer - As Mr. Glover would like to say, "You can't lose what you don't have."
3100 But anyway, I don't know about the rest of you all, but I really appreciate this.

3101

3101 Mr. Jernigan - Once you do a study, at least you have something later with something that
3102 has some meat in it, something that they can look at and say, "This is what we are looking for."
3103 It will give them something to go by.

3104

3105 Mr. Archer - And again, we are not forcing anybody to provide a tot lot. Once you
3106 proffer it, you are going to have a tot lot. Then we should have some say so as to what is going
3107 to be in it, and I guess it would be probably dependent on the size of the subdivision and so forth
3108 as to how we would implement it.

3109

3110 Mrs. Ware - So, I guess then we can say that there is consensus among the Commission
3111 as to the support for these guidelines that staff has put together for us on tot lots.

3112

3113 Mr. Silber - Yes, I don't think there is a need for a motion as much as a consensus
3114 among the Commission that these are acceptable guidelines to be used in the future.

3115

3116 Mr. Archer - It was very thorough. I don't see how we could add very much to it.

3117

3118 Mr. Silber - I really want to applaud Leslie for the time she put into this. I think when
3119 this was originally requested by Mr. Archer, I wasn't sure if he had all of this in mind, but this is
3120 really a comprehensive evaluation of this issue. So, thank you, Leslie.

3121

3122 Mr. Archer - It could be used as a model for the entire nation.

3123

3124 Mr. Jernigan - Leslie, one thing I want to ask you, and I guess this goes along and let's
3125 say we had designated area for tot lots and then we have them, let's say they are putting in such
3126 things as monkey bars and stuff like that. It becomes a liability question. If somebody falls, who
3127 is liable?

3128

3129 Ms. News - Some of those liability issues will be taken on by the homeowner's
3130 association and that is why we put that section in there regarding the protective covenants. We
3131 would strongly suggest that when you do have a tot lot that a development incorporate in their
3132 protective covenants information regarding the quality of the play area, that the play area meet
3133 what they call C.P.S.C. guidelines for safety. There is a standard list of guidelines of clearances
3134 around play equipment and surfacing under play equipment and travel paths and how you locate
3135 swings in relation. It is all very technical, which, of course, we wouldn't want to begin to
3136 regulate. Parks and Recreation doesn't want to have to be, they can't possibly go around and
3137 regulate private tot lots, but there are liability issues, so we would just suggest that it is addressed
3138 in the covenants, that they develop these in that fashion to protect the homeowners.

3139

3140 Mr. Jernigan - And even if everything is put right up to Code, if a child falls in there and
3141 gets hurt...my son broke his arm on school property. Fell off of the monkey bars. I took him to
3142 the hospital and got him straight. And that was it, but what I am saying, that is probably going to
3143 change the insurance regs that is going to fall with the homeowners.

3144

3144 Mr. Archer - Well, to be honest with you, that situation exists even now for whatever tot
3145 lots we do have. You know, somebody has to be proved negligent in order to make a case, but
3146 they can still sue you. Anybody at anytime.

3147

3148 Mr. Marshall -They sue the County and Mr. Jernigan is out of luck, sovereign immunity...

3149

3150 Mr. Jernigan - I never processed it anyway. He fell. It wasn't the County's fault. It was
3151 his fault.

3152

3153 Mr. Archer - But negligence has to be proved in order for a case to be made against
3154 you, and it the kid just falls and there was nothing defective in the equipment, then there is no
3155 case.

3156

3157 Mr. Jernigan - I am just saying it opens the door for companies to raise the rates for
3158 HOAs.

3159

3160 Mr. Archer - But it exists now. In fact, this might even make it safer, because right now
3161 we don't have any standards whatsoever.

3162

3163 Mr. Jernigan - Yes, that is true.

3164

3165 Mr. Silber - Thank you very much.

3166

3167 Mr. Archer - I move for adjournment.

3168

3169 Mr. Marshall -Second.

3170

3171 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Marshall. All in favor
3172 say aye. The meeting is adjourned.

3173

3174 On a motion by Mr. Archer and seconded by Mr. Marshall, the Planning Commission
3175 adjourned its May 26, 2004, meeting at 11:57 a.m.

3176

3177

3178

3179

3180

Lisa D. Ware, C.P.C., Chairperson

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3185

Randall R. Silber, Secretary