

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building in the Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Tuesday, May 26, 1998

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

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

Mr. Archer - The Planning Commission will now come to order. I would like to make a brief announcement. The technicians have informed me they are still trying to fine tune the audio, so the audio equipment is not working. I also would like to introduce our new Planning Director, Mr. John Marlles and thirdly, announce that the June POD meeting will now meet one week later on June 30. Mrs. Wade and I both have to be absent (**unintelligible**). With that, I will turn it over to Mr. Silber. The first order of business would be the requests for deferrals and withdrawals.

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Mr. McGarry - Good morning, Mr. Chairman, ladies and gentlemen. Staff is aware of three requests for deferral. The first one is on page 6 of your agenda. This is a subdivision named Ward's Acre.

SUBDIVISION

Ward's Acre
(May 1998 Plan)

Tom Hardymen for Inez A. Caudill and Meredith L. Minter: The 1.2 acre site is located on the northwest corner of Ward Road and Battlefield Road on parcel 33-A-28A. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 3 Lots**

Mr. McGarry - The applicant has requested a deferral to the June 30 meeting.

Mr. Archer - Is anyone here in opposition to the deferral of subdivision, Ward's Acre? No opposition. I move deferral of subdivision, Ward's Acre (May 1998 Plan) to June 30, 1998, at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Ward's Acre (May 1998 Plan) to its meeting on June 30, 1998.

Mr. McGarry - The next is on page 10 of your agenda, Transfer of Approval for POD-86-96, Blockbuster Square (POD-87-81 Revised). The applicant requests deferral to the June 30 meeting.

TRANSFER OF APPROVAL

POD-86-96
Blockbuster Square
(POD-87-81 Revised)

Chris White for Brookside Property Associates Limited Partnership: Request for transfer of a plan of development, as required by Chapter 24, Section 24-106, of the Henrico County Code, from Southeast Properties 1, L.C. to Brookside Property Associates Limited Partnership. The 1.8 acre site is located at the southwest corner of West Broad Street (U.S. Route 250) and Tanelorn Drive (private) on parcel 59-3-A-2A. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

Mr. Archer - Is anyone in opposition to POD-86-96 Blockbuster Square?

Ms. Wade - This is for transfer of approval?

Mr. McGarry - That is correct.

Ms. Wade - I move that POD-86-96, Blockbuster Square (POD-87-81 Revised) be deferred to June 30 as requested by the applicant.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Transfer of Approval for POD-86-96, Blockbuster Square (POD-87-81 Revised), to its meeting on June 30, 1998.

Mr. McGarry - Please turn to page 16 of your agenda. This is Canterbury Green, Phase IV.

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PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION
(Deferred from the April 28, 1998 meeting)

POD-35-98
Canterbury Green, Phase
IV

TIMMONS for Wilton Family Ltd. III: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Section 24-106 and 24-106.2 of the Henrico County Code to construct a two-story 7,567 square foot office building on part of parcel 89-A-17. The 0.660 acre site is located southwest of the intersection of Patterson Avenue and Pump Road. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

Mr. McGarry - The applicant again requests deferral to your June 30 meeting.

Mr. Archer - Is there anyone here in opposition to the deferral of POD-35-98, Canterbury Green, Phase IV?

Ms. Dwyer - I move deferral of POD-35-98, Canterbury Green, Phase IV, at the applicant's request, to the Planning Commission meeting on June 30, 1998.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Plan of Development and Transitional Buffer Deviation (Deferred from the April 28, 1998 meeting), POD-35-98, Canterbury Green, Phase IV, to its meeting on June 30, 1998.

Mr. McGarry - That is all that staff is aware of.

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SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

Subdivision	Magisterial District	Remaining Lots	Previous Extensions
Clarendon Farms, Parcel C (March 1995 Plan)	Fairfield	195	2
Elinor Springs (May 1995 Plan)	Three Chopt	27	2
Telegraph Run (May 1997 Plan)	Fairfield	3	0

Mr. Wilhite - Staff recommends approval of all three for extension.

Mr. Vanarsdall - I move subdivision extensions of conditional approval for 12 months until May 25, 1999.

Mr. Zehler - Second.

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

The Planning Commission approved subdivision extensions of conditional approval for 12 months until May 25, 1999, for the following subdivisions:

Clarendon Farms, Parcel C (March 1995 Plan) (Controlled Density)
Elinor Springs (May 1995 Plan)
Telegraph Run (May 1997 Plan)

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LANDSCAPE PLAN (Deferred from the April 28, 1998 meeting.)

LP/POD-116-97 **James Fox and Sons, Inc.:** Request for approval of a
Ambassador Travel landscape plan, as required by Chapter 24, Sections 24-106
and 24-106.2 of the Henrico County Code. The .98 acre site
is located approximately 150 feet south of the intersection of
West Broad Street (U.S. Route 250) and Sunnybrook Road
on parcel 81-A-31. The zoning is B-3, Business District.
(Three Chopt)

Mr. Archer - Is there anyone here in opposition to LP/POD-116-97, Ambassador
Travel?

Mr. Strauss - Mr. Chairman, the Commission may recall this landscape plan was
deferred last month to give staff and the applicant an opportunity to meet on site and
resolve some issues. Staff has met with the applicant and adjacent lot owners and as
a result of the meeting a revised landscape plan was submitted on Friday of last week.
We have distributed this plan to you this morning. Basically, the applicant has agreed
to extend a row of evergreen trees of six to eight foot height at time of planting toward
Sunnybrook Road as shown on the annotated plan. Staff can now recommend approval
of the plan as annotated and I believe if there are any questions of the owner, Mr. John
Tigh and Mary Ann Petrie, James Fox Nursery are here this morning.

Mr. Archer - Are there any questions of the applicant?

Ms. Wade - This recent plan is a result of that meeting?

Mr. Strauss - Yes, ma'am.

Ms. Wade (unintelligible).

Mr. Strauss - That is correct.

Ms. Wade - I move that LP/POD-116-97, Ambassador Travel, be approved,
subject to the annotations on the plan and standard conditions.

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Mr. Vanarsdall - Second.

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

The Planning Commission approved Landscape Plan LP/POD-116-97, Ambassador Travel, subject to the annotations on the plans and the standard conditions for landscape plans.

Ms. Wade - And there are still no lighting plans.

PLAN OF DEVELOPMENT

POD-52-98

Bank of Essex - Brook Road

Jordan Consulting Engineers for Atack Properties and Bank of Essex, et. al.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 7,500 square foot bank branch/office. The 3.2 acre site is located along the east line of Brook Road (U.S. Route 1) approximately 200 feet south of J.E.B. Stuart Parkway on parcel 33-A-3B and part of 3C. The zoning is B-3C, Business District, Conditional. County water and sewer. **(Fairfield)**

Mr. Archer - Is there anyone here in opposition to POD-52-98, Bank of Essex, Brook Road? Ms. News.

Ms. News - The site is being developed in accordance with the master plan approved with the adjacent gas station. The main change, which the staff feels is a positive change, is that a two-story predominantly brick bank is proposed in lieu of a fast food restaurant. The outstanding issues regarding the BMP have been resolved which involve the use of off-site credits to satisfy the water quality requirements for this site.

Staff can, therefore, recommend approval of the project. Conditions 9A and 33 have been suggested to meet the requirements of proffers on this site. The applicant is **May 26, 1998**

prepared to answer any questions about the building or present architectural elevations if the Commission would like to see them.

Mr. Archer - Is there any opposition to the Bank of Essex on Brook Road.

Lady in Audience - Yes, we...

Mr. Archer - We will get to you. Thank you.

Mr. Fred Thompson - Good morning. I am Fred Thompson with Architects Dayton and Thompson. I, along with Malachi Mills, of Jordan Consulting Engineers, Bob Davis and George Longest, both senior vice presidents with the Bank of Essex, are here to answer any questions.

The plan (plan is being taken out and shown), the plan you see before you represents the first branch bank that the Bank of Essex has or will have in the County of Henrico. Some of you may know their first branch in the neighborhood, albeit in Hanover County, right outside of Mechanicsville on Route 360. The development represents the second planned parcel of what was pre-planned some time ago to be three parcels. It is immediately adjacent to the east on Ethelwood Road by Holly Glen and to the west by U. S. Route 1 and on the north by the Convenience Center. The plan that you see is in accordance, as we understand, with an earlier development plan and does adhere to the conditions and proffers of prior zoning and the original master plan. The plan for the bank is a very efficient plan. It utilizes a rear circulation area which was demanded by the original zoning, which puts the rear circulation road on top of a required utility easement and it also sets the stage for a rear ingress/egress roadway that goes over to an adjacent property owner, Reliance Marine. The single ingress/egress off of Route 1 utilizes the exit entry that exists presently on Route 1 that also serves the convenience store. The plan is efficient in the sense that we immediately get traffic off of Route 1 and into the body of the site where they can either park and go inside or where they can make the turn and go into a very large long staging area and large stack area for the four drive-throughs, that you see. The building plan is a two-story majority brick structure. It is fairly traditional in design, representing what one would hope that a bank would look like. The downstairs is a traditional banking floor. The upstairs serves as satellite offices for bank officers who are remote from the headquarters in Tappahannock, and are private offices. In addition to brick, we have a dark gun metal gray roof of very high quality, and again, this is very reminiscent of the branch on

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Route 360. In a future POD for the landscaping and site lighting, we will start to show the use of evergreen trees as hedge rows to minimize any impact the building may have visually toward the rear and next to Holly Glen and the landscaping then will start to address any issue of filter buffer toward the Holly Glen area, and these were two issues that came forth from a meeting that we had with a neighborhood representative last week. That is an overview. I will be happy to address any questions.

Mr. Zehler - Mr. Thompson, the buffer, is that going to be used for (unintelligible).

Mr. Thompson - That will be for the bank's use.

Mr. Zehler - There will be no area for lease?

Mr. Thompson - It is not presently planned. No.

Mr. Zehler - I don't have any further questions.

Ms. Wade - The connection to the south is along the edge of the property or up near the...

Mr. Thompson - Both. There is joint use once one enters off of Route 1. Left will take you to the convenience store and right will take to the general parking area. Should one desire to go to J.E.B. Stuart, they are able to go all away the around the building and utilize this road network that is ultimately is required to connect to this adjacent property owner.

Mr. Archer - Mr. Thompson, can they also come in from J.E.B. Stuart right there?

Mr. Thompson - Yes, you can. You can come into the bank from this area, come through, and either go to the drive-through or go to the general parking area. And, of course, any person who was at the convenience store would have that right as well.

Ms. Dwyer - What about the ATM?

Mr. Thompson - The ATM is interesting. They will utilize what we call an inboard

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ATM which means rather than being on the outside lane as happens in so many cases, it will be on the building in the inboard lane and that allows several things to happen. One, from a security standpoint, it gets the car that is going through the drive-through away from the existing car wash and any security issue that may happen there because of the trees, the buffer and the car wash itself, and it means that any car, which after hours is in the stack lane against the bank is there solely for the ATM.

Mr. Vanarsdall - Also security when they refill the bank's machine..

Mr. Thompson - Exactly. Good point. From the bank's convenience standpoint, they do not have to have a security guard or a security piece of equipment that takes the money out to the remote ATM. Everything is handled interior.

Mr. Vanarsdall - I believe at the Gayton Crossing branch they have the same thing. That was the first place they put the ATM, in the drive-in lane and I understand that it works out well.

Mr. Thompson - My understanding as well. Yes.

Mr. Archer - Mr. Thompson, one more question. At the Planning meeting, when you talk about the cars...

Mr. Thompson - Yes, we will show you. One concern that did come up is the fact that this is a two-story structure and the question was raised could people in the second floor overlook into the, overlook the 6 foot masonry wall, I believe, that divides this property from the residential area and could they look over the wall and into the residential area. And you will see that what we did on the elevation that faces Holly Glen is we tried to treat it with respect to the neighborhood with a residential character. If the wall would cut off everything below, but what one would see, if they could see it, would be something that is residential in appeal. The fact that the proffers and conditions adamantly state that planting has to occur between this building and Holly Glen, in fact, I believe we have to put planting on the Holly Glen side of that concrete block wall. The idea there again is to use evergreens which are fast growing and reach a height which approaches the height of this building which is 36 feet and staggered in a sense to give a hedge appeal.

Ms. Jane Erskine - Yes, I am Jane Erskine. I am with the Holly Glen Residents

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Association. Good morning and we do realize that something is going to go up here, we just had some problems with the particulars on the plan. Mainly, with talking with the architect, it just didn't seem like they had too many things completely figured out. I think the POD was being rushed a little bit. He admitted that there would probably be stacking with the drive through, that there would be problems onto Route 1 possibly with the drive-through traffic and that one entrance that goes into this little section here with Texaco, that is in the same right turn lane that also serves the J.E.B. Stuart Parkway. So, you have the traffic going into the J.E.B. Stuart side of the mall and the movie theater and also residents of Ethelwood Road and also, there is a lot of traffic, and if people are coming down the hill and rushing to get to that one corner, you really have to put on your brakes to avoid people getting into this one entrance and it seems like with the bank there is going to be a lot of people. There is going to be more people going in and out at that one entrance, so we are concerned about traffic problems.

Also, security issues. For some reason, the architect considered that just because the bank was going to be out here, police presence was going to be greater. I don't know what kind of problems they have out in Mechanicsville, but we don't necessarily expect there are going to be more calls for service simply because a business relocates in our area. There's got to be a reason for it and he pretty much said that any outside problems with trespassing, loitering, whatever, would be the residents' problem and the police's problem. In other words, somebody else would have to take care of that, and he did not adequately address how they were going to take care of security inside the building and who would be responsible for that. Also, having the ATM, we prefer to have a walk-up on the front so that it would be easily observable. It's one thing having the police do patrol a little more often now, but the key word is patrol, more effective, or easier for them, because there are only so many patrol cars to go around and if you make it easier for them to be able observe from their cars, they can, obviously cover a lot more road that way, and we would like to have something like the ATM, which gives us more of a 24 hour character of a business, people can go there, and have a reason to be there at any time and we would just like to make it safer and also with not having any kind of plans for exterior security, you are going to have an empty parking lot after hours with nobody keeping an eye on it, except next door you have that gas station. They are very responsible. I think it is a family run business now. They are open, and if they run people off of their business, are these people just going to relocate. And, you have the movie traffic, and all of the extra fast food places and it just seems like we have been able to work together so well with all of the different uses in the area and it would be a shame to let that kind of break down now with this bank

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relocation. We also didn't like exactly where the drive-through was, because cars are going to be stacking up in the back, close to the wall, depending on the business traffic you could have people - it is not uncommon now to wait in line for five minutes to go through the drive-through - especially at a really busy bank and you could have two or three peak times during the day where you have numerous cars idling back there, you know, during a two or three-hour period, and that is a lot of air pollution. They had no ideas about landscaping. They had no ideas about security lighting. It was something that they hadn't even decided to address. We - I asked them where the trash was going to be and the dumpster and how they were going to handle that, and they had put something in the plan, simply because they had to, to get the POD through, but they planned on revising that later. It seemed like they had lots of plans to nail things down after the POD was approved by the Commission.

So, there are just, I got to look at the poster board cut out with the outline of the bank on the outline of the property, but that is about the only thing they had an answer to. This is where we are going to put the bank on the property, and he didn't have really any kind of answer to any of my other questions. It was as if they hadn't even thought of them. So, they have this adjoining property and he said they don't know what they are going to do with it. And I kind of find that difficult to believe, that you are sitting on a million dollars worth of property and you don't know what you are going to do with it, and with the banking industry as it is today, in five years this could be a Taco Bell. I mean, who knows? I just want to make sure that these conditions are nailed down, because we don't know what is going to be in here later. So, we want to make sure it is set out right at first, so we don't run into problems with other uses that could occur in that building, such as fast food or other retail kinds of things, and I think it is just a matter of nailing down details not the fact that an establishment is going there, but making sure that the POD is in line before it is approved. And, that is it.

Mr. Archer - Thank you. Mr. Thompson, would you like to respond?

Mr. Thompson - Yes, thank you. I would note this POD, in fact this design has been in work for over a year and what you see before you represents the culmination of many different designs that have been placed forward to address the many issues that have to be addressed regarding this site, which is somewhat difficult to deal with if you can imagine, from a circulation standpoint, and the many proffers that go along with it. I would say that during the meetings that my honesty was not an admission of a fact, quite often, but more of a work session approach to put on the table the whys and

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wherefores, and the fact, as with any POD there are unknowns in landscaping and site lighting because those issues come before you later. With regard to the drive through, I think what you see is a drive through that does not impede U.S. Route 1 and does not J.E.B. Stuart, in fact, we pointedly put it completely around the building and increased the width of the drive through such that stack would not be an issue and I trust that you can see that stack, any bank that I have worked with, this is one of the largest stack areas that I have ever seen. I would also say that with regard to the ingress/egress on Route 1 that this plan has been presented informally and formally to VDOT and it was with VDOT's blessing that the de-excel lane, the right-hand turn lane was extended to the edge of the developed property. With regard to a walk-up ATM, I think we understand in past banking business that a walk up is inherently a higher security issue and that people prefer to be in their car making the transaction with the ATM as close to the bank as possible. Again, that's one of the reasons we put it in the first drive-through lane. Once the bank is closed for the evening or over the weekend, the issue of people being on the property or loitering is one that any person, whether they are a neighbor or an interested party from the convenience store or a passerby would notice a problem there, I would suspect they would feel it their duty to report a problem and it is not solely the responsibility of the neighborhood. I never meant that to be inferred as such. And, the fact that it is a bank, I think, also inherently means that it does have higher scrutiny and increased awareness from the policing community. The drive-through stack again, one other point, is the fact that it is generally 120 or 150 and in some points 170 feet to the stack drive through from the wall of Ethelwood Road and then the wall to the homes, I do not know the exact distances, but it is certainly across Ethelwood and beyond the property line.

And, lastly with regard to the undeveloped property, there is less than two acres remaining that you see on the south that is undeveloped. It has, the bank has no plans for it. In fact, at this point, as you can see it being in a pie shape and if you can see the arrow to the top it talks about undevelopable area from this wall to this line, it really represents something in the neighborhood of about an acre of developable property.

At this point, the bank has told me that with this they prefer to have an open area for exposure as opposed to developing anything that would hinder a sight line or block their view. Any other questions, I will be happy to answer.

Mr. Archer - Do Commission members have any questions?

Ms. Wade - I forget what they are, but are there design prohibitions.

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(unintelligible)

Mr. Thompson - Yes, there are prohibitions in this area which have to do with parking and development and again we are not developing this acreage over here, but we are aware of those conditions.

Ms. Dwyer - (unintelligible)

Mr. Thompson - There are, but the bank is conforming - it could have happened here. Yes.

Mr. Archer - Are there any other questions? Thank you. I move approval of POD-52-98, Bank of Essex - Brook Road, subject to the annotations on the plans, the standard conditions for developments of this type and conditions No. 9 Amended through No. 33.

Ms. Dwyer -Second.

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

The Planning Commission approved POD-52-98, Bank of Essex - Brook Road, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The entrances and drainage facilities on U. S. Route 1 B Brook Road shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
26. The developer shall provide fire hydrants as required by the Department of

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- Public Utilities in its approval of the utility plans and contracts.
27. A standard concrete sidewalk shall be provided along the east side of U. S. Route 1 B Brook Road.
 28. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
 30. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
 31. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
 32. Evidence of a joint ingress/egress maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.
 33. Refuse containers or refuse storage facilities shall be serviced only between the hours of 6:00 a.m. and 6:00 p.m.

SUBDIVISION

Summerfield Woods
(April 1998 Plan)

Biohabitats of Virginia for Susan Monticelli: The 1.23 acre site is located on the north line of Francis Road, 250 feet east of Greenwood Road on parcels 42-A-18, 42-8-S-1A, and 42-8-R-9A. The zoning is R-4, One-Family Residence District. County water and sewer. **(Fairfield)**
5 Lots

(Part of this case did not record at all)

In 1993 we expanded into civil engineering and land surveying so that we could hopefully guide projects in a more environmentally conscious manner from the first step.

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Mr. Archer - Mr. Phillips, do you know if (unintelligible) utilities?

Mr. Phillips - As I understand it, Ms. Monticelli has paid the County forces to install sanitary sewer in Francistown Road.

Mr. Archer - Would (unintelligible)?

Mr. Phillips - No, I believe staff would prefer to see a planting buffer along I-295 and, I believe, utilities might be in front, but that really hasn't become a discussed issue as of this point. I don't know that the developer has a preference formulated in her mind.

Mr. Archer - I would have a preference.

Mr. Phillips - Well, given the size of the houses proposed for these lots and the depth of these lots, I think that would work. At one point we had contemplated an additional lot and BMP and then things got a little messy, but I think at this point now we would have room for the public utilities in the rear, and, perhaps, on the house side of our planting strips so that we can still preserve the planting strip between the homes and I-295.

Mr. Archer - If there is room sir, would you (unintelligible). If there are no further questions, then I move for approval of Summerfield Woods with standard conditions and subject to the annotations on the plans and also conditions #12 and #13 that service utilities be located in the rear of the property.

Ms. Dwyer - Second.

Mr. Archer - We have a motion by Archer and a second by Ms. Dwyer. All in favor say aye..all opposed say nay. The motion passes.

The Planning Commission approved Summerfield Woods subdivision (April 1998 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and the following additional conditions:

12. The detailed plant list and specifications for the landscaping to be provided

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within the ten foot wide planting strip easement along Interstate 295 shall be submitted to the Planning Office for review and approval prior to recordation of the plat.

13. Service utilities are to be located in the rear of the property.

PLAN OF DEVELOPMENT

POD-50-98
Shining Star, Inc.
(POD-122-87 Revised)

Foster and Miller, P.C. for Star Enterprise and Shining Star, Inc.: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,600 square foot convenience store, laundry and continued use of a car wash. The 0.892 acre site is located on the northeast corner of Nine Mile Road (State Route 33) and Laburnum Avenue on parcel 1467-A-131. The zoning is B-3, Business District and ASO, Airport Safety Overlay District. County water and sewer.
(Fairfield)

Mr. Archer - Is there anyone here in opposition to POD-50-98, Shining Star, Inc?
Mr. McGarry.

Mr. McGarry - The applicant was requested to revise the site plan to address the staff's concerns about putting so much on a small site and the retention of a car wash as well. They did submit a revised plan and the site elements were rearranged and it is included as the first site plan in your packet on your agenda. I have also shown it on the screen here. Staff's review is complete and the only change that staff asks for was to widen the landscaped area along Laburnum Avenue from the minimum of 8 feet to 10 feet as a minimum and generally increase the landscape area, and that is shown on the plan that is on your screen. Traffic Engineer is in agreement. The applicant is in agreement. So, staff can recommend approval of the revised plan subject to the standard conditions for developments of this type and then added conditions Nos. 23 through 32.

Mr. Zehler - Is the existing building going to remain?

Mr. McGarry - The existing building will be torn down and the new structure will
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be built abutting the car wash. The car wash is the only thing that will remain on the site. The fuel pumps will be consolidated into one location instead of having two separate locations.

Ms. Wade - (unintelligible) color choices? What is the finish?

Mr. McGarry - Staff is not aware of the color choices. It is not shown on your architectural either.

(Commissioners make comments but cannot be understood as the audio equipment is not working.)

Mr. McGarry - Since this was a B-3 unconditional case, I did not discuss architectural treatment with them.

Ms. Wade - Won't they have to have a lighting plan? Something came up about it at the POD.

Mr. McGarry - The, I believe a copy of the canopy is shown there, but it does not show any lighting details. That is the last sheet in your packet there, showing the canopy.

Mr. Archer - Mr. McGarry - the conditions 31 and 32...(unintelligible)

Mr. McGarry - OK. I consolidated two of them. It looks like 32 should replace 31 and I had another 32 and inadvertently only one of the two conditions was dropped when a consolidated was being added, so we really don't need No.31. Condition No. 32 should address both elements. I am glad that you caught that.

Mr. Archer - Now, we don't need 31, so we can change 32 to 31.

Mr. McGarry - Yes.

Mr. Archer - The annotations on the plans, the original plan, will these apply?

Mr. McGarry - Most of them will not, because they did redesign to meet all of traffic's and planning's objections.

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Mr. Archer - The annotation on the original plan says a 10 foot landscape buffer should be provided along Laburnum. Do you see that on the revised plan?

Mr. McGarry - The revised plan does give us the 10 feet that we need off of Nine Mile and then we asked for more along Laburnum and it is annotated on the revised plan to do that. Planning staff is satisfied with the landscaping buffers.

Ms. Wade - (unintelligible)

Mr. McGarry - The revised plan that you have is un-annotated. What is on your screen are the annotations regarding that buffer that staff has since added since you got your packet. I know, I am getting used to this new technology, too.

Mr. Zehler - What about the location of the storage as far as loading and unloading? (unintelligible)

Mr. McGarry - No. There was no discussion as to the location of those tanks. I guess that will be a challenge for the truck driver to figure out how to get in there and maneuver without having his tanker hanging over Nine Mile Road.

Mr. Archer - OK. Are there any further questions of Mr. McGarry? Thank you. Will the applicant come forward, please.

Mr. Webster - Good morning, Mr. Chairman, and members of the Commission. I am Gary Webster with Foster and Miller representing the applicant, Shining Star, Inc. on this agenda item for your consideration this morning. Along with the new modern technology, I couldn't hear very well what was going on with some of the discussion, so I will be glad to answer your questions once I know what they are.

Mr. Silber - I have a question regarding the underground storage tank (unintelligible).

Mr. Webster - The storage tanks are existing on the site and are going to remain there. They are on the Nine Mile side about even with the canopy. We anticipate the trucks will fill as they do now, pull in and pull over past the tanks and load from the side and rear, so the tanks are going to remain as they are. We are not aware of any

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problem on Nine Mile caused by the truck servicing of the facilities.

Mr. Zehler - Mr. Webster, the islands will change. Is that correct? You have one island that will run parallel with Nine Mile Road now.

Mr. Webster - That is correct. Those islands will change.

Mr. Zehler - This plan shows you are taking one island out and putting three in.

Mr. Webster - Actually, we are taking one on Laburnum out and I believe there are two that are on Nine Mile and we are relocating those, giving an angular direction for the traffic to come in, get the gas and then exit, more than likely, out of Laburnum.

Mr. Archer - There is one on Nine Mile and there is one on Laburnum and they both run parallel to (unintelligible)

Mr. Zehler - Shining Star, is this going to remain a branch of Texaco?

Mr. Webster - Yes. It is going to remain Texaco.

Mr. Zehler - As far as the panels are concerned, you don't...

Mr. Webster - Are you talking about the elevations of the building? It is going to be a silver gray look, kind of the new Texaco look

Mr. Zehler - Is it going to be panels or split face, or is it going to be a combination of both?

Mr. Webster - Probably a combination.

(Commissioner speaks but unintelligible as audio is not working.)

Mr. Webster - I am not sure at this point.

Mr. Vanarsdall - This ingress/egress on Laburnum Avenue (unintelligible), isn't that the same location it is now?

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Mr. Webster - You know, actually there are two points of ingress and egress on Laburnum. There is one closer to the intersection of Nine Mile Road than the one that we are proposing; we are kind of more in line with the closer one but we have pushed it further to the rear.

Mr. Vanarsdall - To the rear?

Mr. Webster - Right.

Mr. Vanarsdall - Because the Laburnum entrance is closer to the intersection?

Mr. Webster - No, not actually. There are two existing that are on Laburnum, and there is one that is a little closer to Nine Mile, and one that is further away from Nine Mile, and what we are doing is, we are consolidating to one entrance which is a little further away from the intersection than the existing entrance.

Mr. Vanarsdall - As far as traffic, do you have any problem with cut-through traffic as far as the lights? (Unintelligible - audio not working)

Mr. Webster - They shouldn't. That is a right in and right out only entrance out of Laburnum Avenue. There is a median in Laburnum and there is a median in Nine Mile, so we don't anticipate anybody cutting through here to get around that light.

Mr. Vanarsdall - If you come in off of Nine Mile and cut right through, you can be on Laburnum and gone before the light changes.

Mr. Webster - That's possible, but I don't think it is going to be a move that I think it is circuitous enough that it is going to take them some time, by pulling in here, getting around the canopy, or make the loop and drive around the traffic for that to happen.

Mr. Archer - I think there is a right turn lane, isn't it?

Mr. Webster - That is correct.

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

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Ms. Dwyer - What kind of lighting will they have?

Mr. Webster - It will be down lighting. Lighting that, pardon, recessed lighting.

Ms. Dwyer - Do you have a lighting plan?

Mr. Webster - I am not aware of a lighting plan. Obviously I think the lighting plan will have to come back before you for approval.

Ms. Dwyer - Well, sometimes the lighting (unintelligible)...

Mr. Archer- Any further questions of Mr. Webster? I move approval of POD-50-98, Shining Star, Inc. (POD-122-87 Revised), subject to the standard conditions and added conditions 23 through 31.

Ms. Dwyer - Second.

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

The Planning Commission approved POD-50-98, Shining Star, Inc. (POD-122-87 Revised), subject to the standard conditions for developments of this type and the following conditional conditions:

23. The entrances and drainage facilities on State Route 33 shall be approved by the Virginia Department of Transportation and the County.
24. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
25. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
26. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
27. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the

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- Department of Public Works.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
 29. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right of way. The elevations will be set by Henrico County.
 30. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right of way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
 31. The owner or manager on duty shall be responsible for temporarily closing the car facility when the on-site stacking space is inadequate to serve customers demand to prevent a backup of vehicles onto the public right of way. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right of way shall not be permitted near the entrances to the car wash facility.

SUBDIVISION

Orchard Glen
A Resubdivision of a Portion
of Maplewood Farm (May
1998 Plan)

E. D. Lewis and Associates, P.C. for Wilton Development: The 12.4-acre site is located on the north line of Neale Street, approximately 1,000 feet east of Mechanicsville Turnpike (U.S.Route 360) on parcels 119-1-A-1A, 1C, 1E (part). The zoning is R-4C, One-Family Residence District (Conditional) and R-5C, General Residence District (Conditional). County water and sewer. **(Fairfield) 42 Lots**

Mr. Archer excused himself on this case and Ms. Dwyer chaired.

Ms. Dwyer - Is there anyone here in opposition to Orchard Glen? Mr. McGarry.

Mr. McGarry - This plan is essentially the same plan of an earlier generation that has two differences. The first, additional acreage was added to the project to be the

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common area, as common area, to hold a BMP structure. The BMP is accessed off of Orchard Glen Drive. As a result of this, the original location of the BMP is now freed up and is available for lots, and since the Commission's original approval for the April 1997 Plan, which was 40 lots, and the applicant now wants 42. He is coming back to the Commission with this revised plan. Staff can recommend this plan to you for 42 lots, subject to standard conditions, plus No. 11 and 12 on your agenda and there is an addendum item, No. 14, and I will read it to you: "The details, plant list and legend for the landscaping to be provided within the 15-foot planting strip easement, along Neale Street and Orchard Glen Drive and around the west and south perimeter of the BMP basin, shall be submitted to the Planning Office for review and approval prior to recordation of the plat. This is in keeping with trying to keep these structures as unobtrusive as possible, and putting it in the back of the subdivision has certainly helped.

Ms. Dwyer - **Unintelligible - no audio)**

Mr. McGarry - The two additional lots at are the terminus of Darton Court, which is on your first sheet in your packet, that would be what you would perceive to be lots 11 and 10, so the BMP basically shifted from the end of the court to some common area on some additional land that was purchased immediately behind those two lots.

Ms. Dwyer - Is the applicant here?

Mr. Lewis - Good morning. For the record, my name is Delmonte Lewis and I will be happy to answer any questions you have about this.

Ms. Dwyer - I notice on the plan the easement for the drainage and utilities does include (unintelligible)

Mr. Lewis - Which easement are you speaking of, Ms. Dwyer?

Ms. Dwyer - On my plan it says an 8 foot easement along the rear property line...

Mr. Lewis - That is a standard note that is by ordinance that we have to do.

Ms. Dwyer - So it will be done.

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Mr. Lewis - And, also, if I may, it states in the subdivision certificate that it is for underground or overhead utilities, etc.

Ms. Dwyer - So, (unintelligible)

Mr. Lewis - They can be, but I suspect that it is going to be in the front, like Virginia Power and C & P is putting everything now.

Ms. Dwyer - We have had some discussions in our meetings with representatives from the companies in an attempt to actually use the 8 foot easements that are placed (unintelligible)

Mr. Lewis - Certainly. We would do it. The original thought years and years ago was to put the 8 foot easement in the rear, and all of the utilities used to be in the rear. Then, Virginia Power and everybody started complaining about fences that were put up, and they couldn't maintain their facility, so then it became a negotiating thing between the developer and Virginia Power, and that's how it got into the front, unfortunately. But, the developers are just as concerned about the switch boxes, the large switch boxes that Virginia Power has, as the Commission is, and we have done some things such as move them back and landscape around them so they would not be seen. But, I agree with you.

Mr. Vanarsdall - We have an ordinance that never changes. It is always said "rear property line" and all that has changed. It is the utility companies that took it upon themselves to do that.

Mr. Lewis - I agree with you, Mr. Vanarsdall.

Ms. Wade - Some of these seem to have them in the front, and some in the rear, and some both places.

Mr. Vanarsdall - The problem with this is you can't landscape, you can't paint them, you can't do anything with them, you can't fence them.

Mr. Lewis - Ms. Wade, you were speaking of some of the easements in the front. That is the drainage facilities.

Ms. Dwyer - It appears that they also have them in the back, too.

Mr. Lewis - Yes, ma'am. All of them do.

Ms. Dwyer - I would like to add a condition, No. 15, that all utilities are required

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in the rear of the lot.

Mr. Lewis - Let me point out one other thing. This subdivision has been constructed because it was granted tentative approval and we are asking for approval for 42 lots rather than 40 simply because we were able to pick up two lots because we shifted the BMP where it should be, and the construction has been going on since you gave tentative approval some months ago. So, basically, the subdivision is completed and I am not sure if they have negotiated to what extent. I would be more than happy to stress upon the developer, Wilton Development, that it be put into the rear, but I would like not a condition to say that it must be put in the rear, because I am not real sure, you know, what the situation is.

Ms. Dwyer - Have they been installed?

Mr. Lewis - No, they have not been installed, I don't believe, because they do not have easements at this time because they never get the easements until we record the subdivision.

Ms. Dwyer - So you think they may or there have already been negotiations?

Mr. Lewis - Possibly. I just don't know that answer. If a condition can be stated that, I don't know how it could be stated, but if it could mean that you know, if at all possible that the utilities be put in the rear of the lots rather than on the street, I have no problem with that whatsoever. I just want to point out the fact that this subdivision has been under construction since it was granted tentative approval.

Mr. Vanarsdall - Since it hasn't been constructed, it wouldn't be a problem.

Mr. Lewis - I don't know that there would be, Mr. Vanarsdall.

Mr. Zehler - I have worked with (unintelligible) and they want it in the front - Virginia Power is pretty adamant, and I think we would be causing a problem by putting a condition there. (unintelligible)

Mr. Silber - At this point, the Commission is aware that this is an issue and we have been working on this and we can have a work session on it (unintelligible).

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Commission discusses this matter but it is unintelligible.

Mr. Lewis - Mr. Zehler, I second your motion when it comes to what Virginia Power says, because they are very difficult to deal with. C&P and Bell Atlantic are not. They will basically say they will go into the Virginia Power easement. That way it always works, as soon as we get a plan approved tentatively, the developer starts negotiating with the two utility companies, and they will draw up their easement plats and agree with their easement plats, but we never record those easements until the subdivision is recorded, and the reason for that is so we do not have to show them on a subdivision plat. Their easements are basically 15 feet wide.

Mr. Zehler - Does the developer have the right to argue the easement that Virginia Power shows on the plan?

Mr. Lewis - It is strictly a negotiating thing, and they do argue about it, but Virginia Power basically says, well, if you want power you will basically put it where we want it.

Ms. Wade - Congratulations!

A discussion ensues between Commissioners and Randy Silber, but cannot be understood on the tape.

Mr. Lewis - I believe that Henrico can be a big plus in this, can help us greatly, but also, those easements in the rear, they are called the alleys, too, and that has been on the books for years. We haven't built an alley in Henrico County since I have been coming before you for 30 some years. Maybe that should be looked at too. Maybe take that off and make it specifically for utility easements, because if you are going to build an alley there, and the utility company sees the alley is going to be built, they don't want their utilities under an alley.

Ms. Dwyer - It is a possibility...

Mr. Lewis - It is not realistic, no.

Ms. Dwyer - **(Asks questions, but not picked up on tape).**

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Mr. Lewis - Yes, that will be filled in and graded out. Yes, ma'am.

Ms. Dwyer - ..you have tentative approval already of the subdivision, and I am going to add that condition that requires that all utilities are required in the rear, because I think we have to (unintelligible).

Mr. Lewis - Well, we are certainly on your side on that, believe me, and I don't know any developer that is not.

Ms. Wade - It's hard to plan something around that...(unintelligible)

Mr. Lewis - Ms. Wade, I think they would tear it up if they had to do some maintenance on there, but as far as seeing it and saying, "Well, this is not supposed to be there, I'll tear it up," I don't think they would do that because we have had them move them back on the line so that they are not seen as you are driving through the street. We are looking for Henrico's help on that.

Mr. Silber - As far as landscaping around that, we do require a certain distance, I believe, 10 feet off of the front of the (unintelligible) Unfortunately, at the end of the agenda, I believe you will have a better understanding of the...

Ms. Dwyer - One last question, why is the landscaping...(unintelligible)

Mr. Lewis - This is a recommendation by staff and we just accepted what staff asked us to do. It is not visible on the rear of the lots, 7,8, 9 and 10, and it continues along that line that has a bearing north 29, etc. east. There is a big ravine and it is fully wooded on both sides of that ravine and the houses in Maplewood Farms are back away from that ravine, so I don't think they could see the BMP if they tried to, even.

Ms. Dwyer - I know the ravine is there but the woods will stay?

Mr. Lewis - Oh, yes, ma'am. The only thing we are going to clear is to build the BMP.

Ms. Dwyer - Are there any other questions by Commission members? I move that Subdivision Orchard Glen, A Resubdivision of a Portion of Maplewood Farm (May 1998 Plan) be approved subject to the annotations on the plans, the standard

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conditions for subdivisions served by public utilities, and added conditions Nos. 12 through 15. We are adding Condition #15 to say that if at all possible all utilities are required in the rear.

Mr. Lewis - That may give us some ammunition to go to Virginia Power with, I am thinking.

Ms. Wade - Second.

Ms. Dwyer - We have a motion by Ms. Dwyer, a second by Ms. Wade. All in favor say aye...all opposed say nay. The motion passes. Mr. Archer abstained from this case.

The Planning Commission approved Subdivision Orchard Glen, A Resubdivision of a Portion of Maplewood Farm (May 1998 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities and the following additional conditions:

12. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review.
13. Prior to recordation of the plat, the developer must furnish the Planning Office with a letter from Virginia Power stating that a 15-foot utility easement will not be required along Neale Street and Orchard Glen Drive. If proof is satisfactory to the Planning Office, only a 15-foot landscape buffer will be required along the previously referenced streets.
14. The details, plant list and legend for the landscaping to be provided within the 15-foot planting strip easement, along Neale Street and Orchard Glen Drive and around the west and south perimeter of the BMP basin, shall be submitted to the Planning Office for review and approval prior to recordation of the plat.
15. All utilities are required to be in the rear. The developer shall use his best efforts to get all service utilities at the rear of the lots.

Mr. Axselle - Mr. Chairman and members of the Commission, my name is Bill Axselle and I am an attorney representing the applicant. With me today is Jackie Dankos with Regency V, Limited. This is a family owned business by the Dankos family. Bruce Perretz who is the architect and Mike Mozingo who is the engineer. I will make the bulk of the presentation and they will supplement as you may feel appropriate.

First let me tell you what is not the issue. It is pretty much the question that Mr. Zehler asked. The plan that is before you as it relates to the POD is in compliance with all County standards and the Planning staff recommends its approval. The issue is more of the special exception. There are two issues that have been brought to our attention of concern. The first deals with the building itself and the number of floors, three or four floors. The second is the architectural material to be used on the building, which is a hotel. We will show you a building that is brick and Dryvit. The thought has been expressed to us that the building should be 100% or 75% brick and we do not concur with that.

Let me first deal with the building and the number of floors and the height and so forth. Under a "B" zoning like we have here, you are permitted to go to three stories or 45 feet maximum, each instance, three stories and 45 feet. The building in question does not exceed 45 feet. In other words the County says 45 feet is the maximum. We do not exceed that. The ordinance says you have to have three floors or if you go over three floors you will need a special exception. We are requesting four floors, thus the basis for the special exception.

The point I'll make to you, we are not asking for increased height. It's just how that 45 feet is broken into either three or four floors. I think that's fairly important because the maximum height has not been asked to be increased. If I could ask the staff to put this up (referring to rendering). This is a sketch from POD-153-86. In 1986, probably early 1987, I believe, there was a POD for a hotel on this site and as you will be able to see it called for an eight-story building. This is the POD, and you can't tell, but in the middle of the building it talks about it being an eight-story building. Now, Mr. Dankos can't recall whether the eight stories was approved and he later was going to go with six stories for financial reasons or whether the six was approved. But, nevertheless, Mrs. Wade just commented that she thought it was six. So, a six-story building, which would obviously exceeded the 45 feet as previously approved by the Planning Commission. That's the point I want to make.

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As you know, a special exception can be granted in one or two ways. One through the Board of Zoning Appeals or, one, in combination with a POD through this process. We are not requesting a variance. We do not have to show a hardship, that's the standard for a variance. The standard here is that the ordinance, the premise of the ordinance is that this is a use that is permitted. It's a use and a height that's permitted under certain conditions. In other words, for a conditional use permit as opposed to a variance with a hardship, the County has said by ordinance this is something that's appropriate but we want to decide on a case by case, fact by fact basis whether it's appropriate in that particular situation, and so the criteria is different. And we suggest to you the fact that we do not exceed 45 feet, which is the maximum of the ordinance, but we do have four floors instead of three. We are arguing in favor of granting the request.

We do expect that you will hear opposition from our friends at the Hungary Brook Shopping Center. The Hungary Brook Shopping Center is to the rear of this particular property. The site is in fact the wooded area or the part of the wooded area in the lower left of your screen. The shopping center is the area bracketed in yellow. We anticipate that they will object to this building being located here on the premise that it blocks their view from Parham Road. Parham Road would be on the lower edge of the screen down here at the bottom. I would like to make a couple of points to you. The shopping center was built back off of Route 1 which is on the far right side of the screen and the shopping center developers and the various shopping center owners over the years have built out over on Route 1 in a fairly typical outparcel fashion. A Wendy's, a Broadway Motel and an Econo Lodge, all of which block the vision to their center. That's what they did on their property.

Ms. Dwyer - May I ask you a question?

Mr. Axelle - Yes.

Ms. Dwyer - Were any of those buildings three stories?

Mr. Axelle - The point is that the shopping center is one story and so a one-story building boxed as effectively as a two or three or a four. In other words, the Broadway Motel, one story with a very tall pitched roof blocks the center to the same extent of as a three or four story building because the shopping center is only one floor. They also now have plans for an outparcel where it says outparcel available, they have plans for a KFC to go in there. So, the point is that we can understand why they would prefer

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not to have any development on our site, but the fact is that they themselves have chosen to put now three, and there will be four outparcels blocking their view from Route One, which is their main access point.

I would also point out to you that Concord Avenue is a public street. That's their public access, so we are actually a street over. So I don't really see the point from an equity standpoint. A one-story hotel, a two-story hotel, a three-story hotel has the same impact on them as a suggested four story, especially since their height is not any greater. I am sure that they will not object to the architectural material, or at least they should not. Their shopping center is made of split block, Dryvit and the backside is painted concrete block. So, we are going to have Dryvit and brick and I think that when you see the building it's much more attractive than what they would have there.

The building itself originally had been proposed by Mr. Dankos as an all Dryvit building. Staff and others objected and so the change was made to go to a Dryvit and brick building. It's basically about 25% brick, a little over 25% but not significantly above 25%. We have gone from an all Dryvit building, which we thought was fairly attractive, to this building which is brick and Dryvit. And then the other day when we met with the staff, we presented to them a further compromise, if you will, and that would be to take the tones of the Dryvit and make them darker so that it would be less of a contrast. The architect is here and he will tell you that the contrast is actually helpful but maybe you can have too much contrast. After adding the 25% brick, we now suggest that the two tones of the Dryvit be darker and thus more consistent with the darker brick. That is the architectural picture that we think is very attractive. And, I'm going to ask Bruce maybe in a moment to address that.

Let me say this delicately, if I will. This is property that is zoned "B", no conditions. I think the question could be raised as to whether the Commission has the ability to dictate the architectural material. We tried to be responsive by adding the brick and by further toning down, if you will, the contrast. We think this is an attractive building. An all brick we think has a too much of an institutional look to it. And I will put up some pictures in a moment of that. And around the County there are a number of buildings that are Dryvit, and Dryvit and brick.

Mr. Vanarsdall - I have a meeting tomorrow morning with the people directly across the street. (unintelligible). They said they would be happy to make it brick. You may have brick on this building but it is all on the first floor.

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Mr. Axselle - Yes, sir.

Mr. Vanarsdall - Anyone else coming over there in that area, I don't think will have a problem making it that way. We also have another development that has been required by proffer (unintelligible).

Mr. Axselle - Well, I'm passing out to you and displayed on the screen is a hot off the press Randy McNally, that I went out in the field and rode around and my secretary wrote it out, but it tries to show you what the buildings in the area are. It's obvious you will recognize Parham and Route One. We could start it first at the northeast quadrant. The Crestar building is brick, some metal, but mainly almost all brick. Next to that is a Hardee's that has wood on it. The car dealer has a split block building and then there are two block buildings. If you go to the southeast corner where the Parham One Shopping Center is, that's brick, Dryvit, and precast. There's a new Texaco being built as we speak. That's all metal. The Howard Johnson is all brick, precast and wood. Then you have got the Wal-Mart which is split block, Hannaford's which is split box and precast and Lowe's which is split block and Dryvit. The point I'm making is, there are a lot of buildings with no brick. If you go to the northwest corner where this property is located, starting at the top. There is an Econo Lodge, which I will show you a picture of in a minute, that's brick and some Dryvit, but primarily brick, two stories. There's a Broadway Hotel which is one story with a tall roof, which is brick and some concrete and metal. There's a Wendy's, which is brick and metal. The McDonald's is brick and Dryvit and the Amoco with brick and Dryvit. Nearly adjacent to the site in question there is an El Paco Restaurant which is an all stucco building. The shopping center as I indicated is split block, Dryvit and painted block and then slightly off the screen is an F & M Building which is wood. Across the road there is a brick and Dryvit Nations Bank building.

The point is, there is a mixture. I can only find maybe one or two buildings that are all brick in the area, most of them are brick and Dryvit, not even most of them, nine of them. Eleven of them I found did not have any brick. So, we understand the interest and the concern. If I can go back to the picture. We think this is a rather attractive building and I would like for Bruce if he could explain from an architectural standpoint why this has some architectural appeal as opposed to an all brick.

Mr. Perretz- Good morning, I'm Bruce Perretz with Perretz & Young Architects. We were asked to look at the structure and comment on its aesthetics and use of

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materials. Originally, and I think the prototype design that Sleep Inn has most of their buildings are all Dryvit. In this particular case it's been redesigned and other alternatives have been looked at to introduce more brick to the site so that it would be more compatible to any kind of building that's going to be in this corridor. Whether they are all brick or brick and Dryvit, this is certainly a nice combination. As we go higher with brick we start to lose some of the architectural elements that are between the first and second floors that mark the entrance to this building. So, as it starts to go up with more brick, it seems and appears to be a little heavy. Also Sleep Inn's concern for Dryvit and the use of Dryvit it is a better insulated building for the patrons inside. So, it is quieter, it's an extra envelope of insulation. It also has classical lines. There are two colors to this Dryvit so there is a subtle change in the color at the entrance and at the tower. There is also some relief to the building so it creates some shadow lines and some interesting architectural angles. Again, to go up with brick to the top where there is a pitched roof, the pitched roof is there, again, Sleep Inn's concept is to be more residential and more pleasing to the patrons. An awful lot of interstate hotels and motels are using Dryvit nowadays. It's sort of the patrons' thought process to see a new fresh building and they are attracted to those kind of buildings.

In this building, with the brick base, gives some solid base to it and would be compatible with buildings in the future in this area whether they are all brick or partially brick. In our opinion the taller brick buildings that are in the County that are hotels, seem to be to monotone and they would look good with other brick buildings if they were all brick. And, in this area there's already buildings with a good amount of Dryvit so I think this needs to be compatible with those buildings, and I think it will be.

Ms. Dwyer - You did design the building or have you been hired to critique the design?

Mr. Perretz - That's correct.

Mr. Vanarsdall - Did you say Dryvit is quieter?

Mr. Perretz - Yes. It is quieter. Technically, when we talk to them about it from an exterior point. Form an internal point most definitely, from an external point they don't have any technical data on its absorption of sound from outside but they said that common sense dictates that it is. So reverberation off of brick is greater than their material but they don't have any technical testing or literature to support that.

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Mr. Vanarsdall - And the Comfort Inn and the rest of them are they going to Dryvit?

Mr. Perretz - All of them have introduced Dryvit in their buildings, but as far as all Dryvit or all brick I think it's sort of left up to us, as designers, to try to find something that's compatible. And leave it up to us and the planners to be compatible with the other buildings that are current and planned for the future.

At this time Mr. Silber and Mrs. Wade were making comments but due to audio malfunctioning, their comments were not legible.

Mr. Perretz - The floor to floor is eight feet. The lower floor is the taller floor, I believe is 8'-11", it was a foot taller. So that got us to 33 feet, to the eave, which is the lowest point of the roofline. Then half the distance up to the top of the ridge of the mainframe of the building, was about 10 feet.

Mrs. Wade - (unintelligible)

Mr. Perretz - I'll let Mr. Dankos answer that for you.

Mr. Dankos - I'm Jackie Dankos. I'm the developer of the property. The way I understood it when I was researching the height issue, that a feature like the tower, which is a stairway and maintenance, is not considered a part of the height, if it's let then, like, 10% of the roof area, or something like that.

Ms. Dwyer - (unintelligible).

Mr. Dankos - I mean, I could probably approximate it, but it's probably....

Mr. Axselle - Leslie, just pointed out that the tower is 55 feet to the bottom of the triangle on the top of the tower. Basically, it's 35 feet to the top. Leslie, why don't you share that instead of me?

Ms. News - It's showing 55 feet from the bottom of the roofline on the tower and 35' - 11" to the bottom of the roofline on the main bulk of the building.

Ms. Dwyer - So, it will be up to 55 feet?

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Mr. Axselle - It will definitely be over 55 feet. The tower as far as the County's ordinance, it is not counted as part of the.... So, we will not be over what the County's counts as the 45 feet, overall.

Mrs. Wade- (unintelligible). along the yellow lines, the outparcels are a part of the shopping center.

Mr. Axselle- The outparcels were a part of the original shopping center but have now been developed and sold off to the various users. The point I was making was that the center chose to do that. The reason I've got these pictures up. The two on the far left are of an all Dryvit hotels that are in Henrico County. That's what we had originally proposed. The one in the middle is the Food Lion that is at the shopping center adjacent to it. It's split block and Dryvit and we think that's fine. Then the one at the lower, in the middle, is an all brick building about six stories, I believe, off of Broad Street. You can see that the all brick building, the more height you add, it becomes more institutional and more massive. On the far right side are the Broadway and the Econo Lodge. The Econo Lodge is a two-story brick building. So, you think three or four stories of all brick, and I'm just not sure it's going to look as good as what we have proposed.

Mrs. Wade - There are quite a few hotels in the Innsbrook area that are using Dryvit, but if they are taller they are in an area where there are other tall buildings.

Mr. Axselle - The reason they are using the Dryvit is for the reason the architect mentioned, but also it just breaks it up. It is not as massive and institutional. It doesn't have the, I don't want to say prison look, but you know an institutional building. We really think a four-story, all brick, or 75% brick building is just not going to be as attractive as this. It's not often that we come before the Planning Commission with obvious disagreement with some folks who judgement we normally value but we just have a difference of opinions here and we have to present it to you.

In conclusion, and we will like to reserve some time for rebuttal, because I think there will be somebody that has a different perspective. We hope that you will consider, by the County ordinance standards of measurement, we will not exceed the 45 feet. And the architectural material, we think this is compatible with what's around us and consistent with it. We think that adding the brick and toning down the color of Dryvit, has actually been helpful, and we were glad to do that. We hope that the POD and the

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special exception will be approved. Thank you, Mr. Chairman. I appreciate the time.

Mrs. Wade - The air conditioning and heating has been screened.

Mr. Axselle - Yes.

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

Mrs. Wade - On the plan, somewhere, it indicated a sign that is probably coming down. Is that the existing billboard?

Mr. Axselle - Yes.

Mrs. Wade - Which brings me to another question, Mr. Silber. If they can move it 500 feet on the same side of the street, is there room there near the corner of Concord and Brook?

Mr. Silber - (unintelligible) Do you mean the billboard within 500 feet of it's current location?

Mrs. Wade - Yes. If they are allowed to (unintelligible).

Mr. Silber - I haven't studied this, Mrs. Wade. I would think that in essence there would be locations (unintelligible). Just looking at the vicinity map it looks as though the property is zoned B-3 back near Concord.

Mrs. Wade - There used to be a billboard on Route 1 next to Wendy's.

Mr. Axselle - Mr. Chairman, I understand the concern. We are committing that we are taking down this billboard. We are not relocating this billboard anywhere on any of our property.

Mr. Zehler - Mr. Chairman, I would like to make a comment too, that I also have two hotels in Varina that came before me that were all Dryvit and upon my recommendation that the first floor be done in brick which kind of makes the atmosphere better.

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Mr. Archer - If there are no further questions of Mr. Axselle, we will hear from the opposition.

Mr. Marron - Mr. Chairman, members of the Planning Commission, my name is Bryan Marron. I represent Hungary Brook Limited Company, the owner of Hungary Brook Shopping Center. I'll make my comments brief. First, in dealing with the ordinance. There is a limitation on 45 feet or four stories. I think that was done with purpose, and the purpose was that in either case, the intensity of the development would warrant consideration and an analysis of what impact it would be on adjacent uses. So, the fact that this building is less than 45 feet really is of no significance for purposes of this case. It is going to be four stories, so we need to analyze what special impact that is going to have on the adjacent property uses.

Another point that the applicant raised, and that is that the developer has blocked its own visibility out on Brook Road by constructing and selling off the outparcels. The significant difference between those outparcels and the development on Parham Road is that there is signage out on Brook Road that shows the location of the shopping center. With a four-story edifice on the subject property, which blocks the view of the shopping center, it creates a confusing traffic pattern if you are heading west on Parham Road. And you can't see the shopping center. You would have to loop back around on Hungary Road, if you even know where the shopping center is. So, that's an important consideration for the adjacent use. That's a better look at it.

If there was proposed signage, if you could point to that access road. If there was signage out on Parham Road directing people to the shopping center and access could be had along that right-of-way, then that might serve to offset the impact of the blocking of the view created by the size and mass of this structure. Also, in terms of the building materials, I think it's pretty well documented that the other outparcel buildings are significantly brick. I noted that in the sample pictures that were presented, the all brick buildings were all one color and I think that's a part of the problem with all brick. The Econo Lodge which is on one of the outparcels along Brook Road is predominantly brick, if not all brick. But, the brick is of different color, which serves to break up the massive appearance of an all brick structure. I think the reason for the Dryvit is because it is cheaper, it's less expensive. There are other benefits perhaps in terms of noise continuation inside the building, which could be handled in a brick building with additional insulation, but we are really talking about construction costs, and we are talking about the real reason for not constructing an all

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brick structure.

We would ask that the special exception be denied. I think we might be able to work some acceptable conditions out with the developer. We had a meeting on Friday where we discussed our concerns. And I think with some more time, maybe we can work this out. Do you have any questions? Thank you.

Mr. Archer - Mr. Axelle, would you like to use your rebuttal time?

Mr. Axelle - Only very briefly, and that will be only two points in rebuttal. One is that I certainly can appreciate the position that the Hungary Brook folks take. I hope we will sort of step back and think about what we are talking about here. I mean, they, and this is not intended as a criticism, I think it's a factual situation. It does need to be put out on the table. They built their center as they did and as they had a right to, knowing that they did not own this property, that's in question. Knowing that in some time that it was going to be built across a public road, Concord and so forth. So, I don't think it's unreasonable for us to want to be able to use our building in a fashion that we think is contemplated by the ordinance. Leslie, if you could put up the picture again. Thank you.

And the second point is, I don't think that is a bad looking building. I think it will, in fact, enhance the area, better than some in the area, and maybe not as nice as some others in the area. But, we think it's going to be a nice looking area and a nice looking building and we would hope that you would grant the special exception, keeping in mind that we are not exceeding the 45 feet as measured by the ordinance and that the difference is the three and four stories, and that's the real issue, I think, before us. Thank you very much. I realize we have taken a long time but it's fairly important to everybody.

Mr. Archer - Are there any other questions by Commission members? On more than one occasion we have discussed this. I do need to mention the fact that I have copies of letters from Mr. Trice, the shopping center owner. At some point in time Mr. Trice served on a committee approved by the Board. The purpose of that committee was to preserve the quality of development from Parham Road all the way down to, I believe, Virginia Center. Is that right?

Mr. Axelle - Yes, sir.

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Mr. Archer- So, we have two things we have to deal with here. The first thing we actually have to deal with is the vote for the special exception. I don't know that the height of the building is a critical issue. It has a lot to do with the fact that the applicant is aware of the prior height approval some time ago. There are two additional hotels that weren't there at the time, I don't think. I question the need for so much hotel space but the fact that a six-story building was approved at that time does add credence to the applicants' argument.

In the spirit of compromise, I move that the special exception be granted, primarily due to its prior approval, but with the notation that the building will be constructed of a minimum of 75% brick, which shall be distributed in a similar treatment on all sides of the buildings and the remaining material may be E.I.F.S. or split face block. So that will be my motion.

Ms. Dwyer - Second.

Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer to grant the special exception. All in favor say aye...all oppose say nay. The motion passes.

Now as for the case itself, and I will allude a little bit more to my reasons in terms of wanting (unintelligible). This building will turn out to be the largest single structure in this area, and will probably be the one that will stand as a landmark above the other uses near it. There are two motels already in the area which are both brick - the Broadway and the Econo Lodge. There are also Amoco, Wendy's and McDonald's which are brick. And all the visible exterior walls of the shopping center are split face block. This hotel sits on what is almost the dividing line between the Fairfield and Brookland Districts and, I think Mr. Vanarsdall would agree, brick will certainly maintain the character of the area and be consistent with the quality of the commercial development planned right across the street (unintelligible). I think the fact that there appears to be diverse opinions among my colleagues does indicate that we are paying attention and are thinking this through carefully and individually.

I don't believe the visibility of the shopping center would be a factor. I can't say that should be used as an argument against the building going up. In fact, the clientele of the hotel could be beneficial to the shopping center. So with that, I move approval of POD-45-98, Sleep Inn – Parham and Brook Roads, subject to the standard conditions,

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the annotations on the plans, and conditions Nos. 23 through 30.

Mrs. Wade - Second.

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

The Planning Commission approved POD-45-98, Sleep Inn – Parham and Brook Roads, subject to the standard conditions attached to these minutes, the annotations on the plans and the following additional conditions:

23. The right-of-way for widening of Parham Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least 60 days prior to requesting occupancy permits
24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
25. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
26. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans
27. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
29. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
30. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.

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PLAN OF DEVELOPMENT AND SPECIAL EXCEPTION

**POD-49-98
Marriott-Innsbrook
Corporation Center - Sadler
Road**

Foster and Miller, P.C. for First Union Bank and Impac Hotel Group: Request for approval of a plan of development and special exception for buildings in excess of three stories, as required by Chapter 24, Sections 24-2-24-59 and 24-106 of the Henrico County Code to construct a six-story, 242 unit hotel and an 11,000 square foot conference center on part of parcel 37-1-E-1. The 6.8 acre site is located on the southwest corner of Dominion Boulevard and Innslake Drive. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

Ms. Dwyer - Is there any opposition to POD-49-98, Marriott-Innsbrook Corporation Center - Sadler Road. Mr. Whitney.

Mr. Whitney - Thank you, Madam Chairman. Thank you for taking this request. I will say that for the applicant. You have just been handed a revised plan for the site and we will go over some of the particulars on this in a moment. I would like to add to the staff's recommendation regarding the approval here for a special exception, the applicant needs to make his case for that. Staff makes no recommendation.

Regarding the revised plan, staff has looked at the floor plan for this, which is a hotel and conference center. We have looked at the square footage of all of the uses in the hotel very carefully and we came up with the figure of 387 spaces with the floor plan's current configuration. The engineer with Foster and Miller provided us this revised plan Friday and the additional spaces on the site would be on the westerly side here, where I am indicating with the pointer. The site originally had 6.0 acres. There was .08 of an acre that was added to this that also was in line with the acreage for the rezone on this case for B-2C.

Staff became aware of another item, a transitional buffer requirement, adjacent to R-6 and A-1 property, which is to the south, along Sadler Road. Staff, with Commission's permission, would add an annotation that transitional buffer 25 would be required in

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this area. Regarding Sadler Road, Public Works and Planning had asked the applicant for information regarding the right of way at Sadler Road. That information has been provided to us and the engineer has talked with Public Works and he has agreed that any improvements they would require along Sadler Road in relation to that right of way would be offered by the applicant.

With that, staff can recommend approval of this plan and I will take any questions that you may have.

Mrs. Wade - How was the parking determined (unintelligible).

Mr. Whitney - With the present information on the floor plan, the parking is adequate. I have reminded the applicant that later in time I think changes become apparent on a floor plan; uses change and that we would have to modify that figure that we have now.

Mr. Vanarsdall - What kind of building material?

Mr. Whitney - E.I.F.S. 1 through 4 is what is indicated on the architectural. The building material is E.I.F.S. 1 through 4.

Mr. Parker - My name is Philip Parker with Foster and Miller and I represent the applicant, both First Union Bank and Impac Hotel Group. I have Mr. Scott Mattson with Impac here as well for any additional questions. First, I would like to thank you for your consideration in adjusting your schedule. We apologize. We have a 2:30 flight, the morning has run a little late, so we are going to be as brief as we can for the benefit of everyone else.

The questions as they arose, and Mikel, if I can borrow your pointer, real quick. The right of way along Sadler Road is just this portion right here. It is approximately 220 feet, and I want the Commission to understand that. That is the property line right there, aligns with the property line across Sadler Road, and that is what VDOT has established the right of way for Sadler Road as; from here through to this property line here, which is the bounds of the POD. We have spoken with the Traffic Engineer. We will make the standard improvements along Sadler Road as necessary as shown on the County's plan.

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Secondly, regarding the parking, this is a mixed use building. It does not fall under the ordinance for facilities. We had a meeting with the Director of Planning and staff as well. Unfortunately, the uses aren't separate buildings; therefore, it doesn't break itself out for shared parking, but Mr. Whitney and I have both worked through the individual square footages of those uses, restaurant meeting space, the number of rooms, and have derived the number of parking that is required, and we have come to an agreement as to that requirement, and we have proposed parking to meet that requirement.

Finally, we do request a special exception for the number of stories. We do propose a six story building. Site coverage allowed on this site is 65 percent based on proffer. We are right now at approximately 62 percent. We are maintaining or we are redesigning an existing pond that exists along Dominion Boulevard and Innslake Drive that we are improving, creating a little picnic area so to speak, if you would accept that term, with a proposed pond. Unfortunately, the grading plan shows this better than the site plan, and we have spoken with Public Works regarding that as well. It seems to be an acceptable solution. Otherwise, the six-story units - the six stories - falls right in line with the other hotels in Innsbrook currently existing and proposed. It is less intense development for the site and allows for a little better green space. Material types are an E.I.F.S. type material again. That is a very popular type of material for your larger type of developments. For the upper stories, we have got a granite finished column along the main entrance through the front quarter right through here, and it is a false granite material (Mr. Mattison can better describe the material for me) that acts as a base for the entire building. I will let Mr. Mattison if you'd like to discuss this material a little better. It is a granite type material. I am not quite as familiar with it as he.

Mr. Silber - Mr. Parker, are you in agreement with the transitional buffer requirements?

Mr. Parker - Yes, yes. That is again a lot of the side road portion, a lot of which has been covered up. But that is not a problem. We can accommodate that.

Mr. Zehler - (Asks question - unintelligible).

Mr. Parker - Let me ask Mr. Mattison to describe it. I don't want to say something. I am not as familiar as he is with it.

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Mr. Mattison - The granite material is actually called a mirror stone. It is very similar to E.I.F.S. It is actually manufactured by Dryvit. But, unlike E.I.F.S., you can hit this material with a hammer and not penetrate it and not destroy it. I am sure with E.I.F.S., if you have ever worked with it or played with it, you can hit it with a hammer, hit it with a baseball bat, and ruin the finish on it and go through it to the insulation. It is just like E.I.F.S. but it is a lot more durable. And like Mr. Parker said, we will have granite panels on the (unintelligible) at the column covers, also right here at the entrance. The remainder, the dark portions here at the base, will be this mirror stone, and from 10 feet away, visually, you cannot tell the difference.

We have this facility currently under construction in Denver, at Denver International Airport, in Hillsboro, Oregon, and also we are starting construction in New Jersey, and we have got photographs that have not been developed yet that I could show what this material looks like actually built. So, if there are any other questions? It is not like precast and it is not like stone. It is actually applied as Dryvit but a lot more layers and a lot more synthetic material.

Ms. Dwyer - (Asks question but cannot be understood.)

Mr. Mattison - It is lot thicker, the polymers are a lot stronger. There is more - if I had a hammer I could show you that you cannot penetrate it.

Mrs. Wade - How tall will it be?

Mr. Mattison - The parapet level of the facility will be 76 feet tall and that does not include the stair tower or the penthouse, the elevator penthouse area, where the mechanical systems are for the elevators. And also, there will be a screen at that same level that will act to screen off the chillers that will be on the roof for the air conditioning system.

Mr. Zehler - (unintelligible)

Mr. Mattison - I could look that up for you. Ball park, probably 80 feet.

Mrs. Wade - Are you a part of Innsbrook?

Mr. Mattison - Yes, we are a part of the Innsbrook Restrictive Covenants.

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Mrs. Wade - (unintelligible)

Mr. Mattison - Yes, there has been some give and take on the materials, on the base. They were under the assumption that the entire base was going to be entirely granite, and it has been made clear to them that that was never what we intended to have done, nor did we ever mislead them in anyway. I haven't shown this sample, but I am going to meet with them today after I get done here.

Mrs. Wade - Because they have to approve it.

Mr. Mattison - Correct. We, my company has been through this argument in a lot of different locations and we have been able to convince everyone that material is actually a lot more durable than granite.

Mrs. Wade - A lot more durable than granite?

Mr. Mattison - Well, if you hit granite, if you hit the polished granite with a hammer you will mark it. That you won't. I believe you have got our sample board. We submitted for the zoning review a sample board. I was under the assumption that the Planning Commission would get that, but somewhere, Henrico County has it, I wish it were here, it would clear things up a lot.

Mrs. Wade - What was it, Mr. Mattison?

Mr. Mattison - It was a color board. There is a large color board that Glenn Moore, I believe, gave to you, or gave to someone in zoning.

Mr. Whitney - Yes, ma'am. This property was rezoned to B-2C at the last board meeting.

(Commissioners talk among themselves but conversation is unintelligible).

Mr. Mattison - There will be four of these colors, the lighter and darker shades of the same basic color to add depth to the elevation so it won't look like one big blob. It is almost like a lime stone color with darker bands like right here.

Mrs. Wade - (unintelligible) Is it similar to the Signet Building?

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Mr. Mattison - I would say it was similar to that. It is not as stark as the Signet Building, no ma'am.

Mrs. Wade - It is not as stark?

Mr. Mattison - It is not as stark. It is more of a sandstone or butternut type color to it. It has got some depth to it. That board, I believe, is part of the zoning package. It is here. I apologize, we could not locate it, as well.

Mrs. Wade - And the dirt piles on the property easement.

Mr. Mattison - If it has not happened yet, it is happening within hours. The Erosion Control Plan for that stock pile. I have met with Mike Hackett. That plan is being submitted to Mr. Hackett today. First Union is currently taking prices as we speak on that plan for the removal of that pile. My anticipation is that by week's end or the first of the following week, we will see material being removed from that stock pile.

Mrs. Wade - Now, I know you have indicated that you were planning to ...(unintelligible) landscaping down at (unintelligible).

Mr. Mattison - Yes, ma'am. I spoke to that a little bit earlier and for the record we are locating what those tree types are, where their locations are. We are trying to save as many of those trees along Innslake in that little corridor that was not cleared prior to our coming to the site as part of not only our desires but the Innsbrook desires as well, and the County, and ties in with the transitional buffers throughout the area. We don't have a lot of grade changes right along the roadway, obviously, so we should be able to work with quite a few of those trees through there.

Ms. Dwyer - Are there any more questions?

Mr. Mattison - Thank you all for your consideration.

Mrs. Wade - Well, I move the special exception for POD-49-98 for buildings in excess of three stories to six stories be approved.

Mr. Zehler - Second.

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Ms. Dwyer - e have a motion and a second. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved the special exception for POD-49-98, Marriott - Innsbrook Corporation Center - Sadler Road. Mr. Archer was absent and did not vote.

Mrs. Wade - They seemed to have worked out their road and other **(unintelligible due to audio)** we have this revised plan, but the comments that are on the earlier plan, so, I move POD-49-98, Marriott - Innsbrook Corporation Center - Sadler Road, be approved, subject to standard conditions, annotations on the plan, the revised plan and annotations on the earlier plan, and added conditions Nos.23 through 32, and there is also a note on there about Public Works regarding **(unintelligible due to audio)**

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent and did not vote.

The Planning Commission approved POD-49-98, Marriott-Innsbrook Corporation Center - Sadler Road, subject to the standard conditions, the annotations on the plan, the revised plan and annotations, and the following added conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
25. Outside storage shall not be permitted.
26. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
27. The certification of building permits, occupancy permits and change of

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occupancy permits shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.

28. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
29. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
30. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
31. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
32. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.

TRANSFER OF APPROVAL

**POD-98-84 and
POD-45-85
Hampton Glen
Apartments**

Cornerstone Realty Income Trust, Inc.: Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Fogelman Secured equity L.P. to Cornerstone Realty Income Trust, Inc. The 16.0 acre site is located at the southwest corner of Springfield Road (State Route 157) and Gaskins Road on parcel 48-7-B-1. The zoning is R-5, General Residence District. **(Three Chopt)**

Ms. Dwyer -Is there anyone here in opposition to Transfer of Approval for POD-98-84 and POD-45-85, Hampton Glen Apartments? Mr. Whitney.

Mr. Whitney - Thank you, Madam Chairman. The owner accepts and agrees to the responsibility of continued compliance with the conditions of the original POD. The field inspection has been completed and there is no significant deficiencies. Staff recommends approval of this transfer request.

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Mrs. Wade -I move Transfer of Approval for POD-98-84 and POD-45-85 be approved.

Mr. Vanarsdall - Second.

Ms. Dwyer -We have a motion and a second. All in favor say aye. All opposed say no.
The motion passes.

The Planning Commission approved Transfer of Approval of POD-98-84 and POD-45-85, Hampton Glen Apartments, subject to the continued compliance with the conditions of the original POD. Mr. Archer was absent and did not vote.

TRANSFER OF APPROVAL

POD-64-97 **Dominion Land and Development:** Request for transfer of
Overlook Office approval of a plan of development, as required by Chapter 24,
Complex Section 24-106, of the Henrico County Code, from Dominion
 Land and Development Partnership and Childress Klein
 Properties to CK Overlook Associates, LLC. The 12.4-acre site
 is located on relocated Sadler Road and Nuckols Road on part
 of parcels 28-A-25 and 28-A-24A and parcels 28-A-23, 35A,
 35A, and 35B. The zoning is O-2C, Office District (Conditional)
 (Three Chopt)

Ms. Dwyer -Is there any opposition to transfer of approval of POD-64-97, Overlook Office Complex? Mr. Whitney.

Mr. Whitney - Thank you, Madam Chairman. This site is currently under construction so there was really no reason to have a site inspection at this time. Staff can, however, recommend approval of transfer of approval on this POD.

Ms. Dwyer -I move approval of transfer of approval for POD-64-97, Overlook Office Complex.

Mr. Zehler - Second.

Mrs. Wade -I was going to ask who is CK Overlook Associates? Do you know?
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Mr. Whitney - Not exactly. I believe it is a subsidiary of Childress Klein. Mr. MacFarland would be the principal, I believe, of this entity. Yes, Ms. Dwyer has been involved very closely.

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

The Planning Commission approved Transfer of Approval for POD-64-97, Overlook Office Complex. Mr. Archer was absent and did not vote.

LANDSCAPE AND LIGHTING PLAN

LP/POD-32-97

Fas Mart- Williamsburg And Elko Roads

Fas Mart, Inc.: Request for approval of a landscape and lighting plan, as required by Chapter 24, Section 24-106, and 24-106.2 of the Henrico County Code. The 3.09 acre site is located on the southeast corner of Williamsburg Road (U.S. Route 60) and Elko Road (State Route 156) on part of parcel 177-A-40A. The zoning is B-2C, Business District (Conditional). (**Varina**)

Ms. Dwyer - Is there any opposition to Landscape and Lighting Plan LP/POD-32-97, Fas Mart, Williamsburg and Elko Roads. There is none. Ms. News.

Ms. News - The revised landscape plans which detail planting at the entrance along Elko Road and revised planting in the 25 foot proffered landscape buffer are being distributed to you now. The applicant had added additional evergreen and large shade trees which in quantity are twice the minimum requirement, has increased the size of all of the trees to 3-1/2 inches from 2-1/2 inches and has added large areas of shrub plantings from what you saw on your original plans. Staff can recommend approval of the landscape plan with the understanding that the applicant will work with staff to choose the final shrub materials indicated. The lighting plan is recommended for approval with an additional annotation which requires the three wall pack fixtures on the rear of the building to be shielded or alternate shielded wall packs be substituted, which the applicant is also in agreement with.

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Ms. Dwyer -Are there any questions of Ms. News?

Mrs. Wade -Is there canopy lighting?

Ms. News - There is canopy lighting. It is recessed. They are 250 watt fixtures and they are within reasonable foot candle level.

Mr. Zehler - Has the revised landscape plan been agreed to by the applicant?

Ms. News - We met on Friday and agreed to all of these changes. I apologize for my writing.

Ms. Dwyer -Do you need to hear from the applicant?

Mr. Zehler - When this case came before the Planning Commission and the Board, there were comments made regarding preservation of existing trees. It has come to our attention that all of the trees had been removed, therefore, additional planting came before us and the applicant has addressed the issues as far as the existing trees and additional trees, and has gone far beyond what was called for and, unfortunately, you can't put the existing trees back, but he will be planting trees that are larger than the minimum requirement, so with that I move that LP/POD-32-97, Fas Mart, Williamsburg and Elko Road, be approved subject to the annotations on the plans as well as the plans that were given to us today.

Mr. Vanarsdall - Second.

Ms. Dwyer -We have a motion and a second. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved Landscape and Lighting Plan LP/POD-32-97, Fas Mart, Williamsburg and Elko Roads, subject to the standard conditions for landscape and lighting plans, the annotations on the plans as well as the plans given to the Planning Commission at the meeting today. Mr. Archer was absent and did not vote.

LANDSCAPE PLAN

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LP/POD-67-97
Wingate Inn Airport

VA Lawn and Landscaping: 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 4.11 acre site is located between International Center Drive and Airport Drive approximately 700 feet north of Audubon Drive on parcel 163-11-A-1A. The zoning is M-1, Light Industrial District. (**Varina**)

Ms. Dwyer - Is there anyone in opposition to Landscape Plan LP/POD-67-97, Wingate Inn Airport? There is none. Ms. News.

Ms. News - The applicant submitted revised landscape plans last Friday, which addressed all of staff's annotations and staff can recommend approval of the revised plan.

Mr. Zehler - This right here in the corner, is that a BMP?

Ms. News - That is a storm water detention basin and from Airport Drive it is not really visible, you are actually looking over it, but the applicant has added some bayberry in front of it just to be sure. You can see it a little bit from the parking area of the gas station next door. The BMP is actually in the front, on International Center Drive.

Mr. Zehler - Is this going to be dry or wet?

Ms. News - The detention basin, I am not positive. It is kind of in a low wet area adjacent to wetlands anyway and it is kind of at the perimeter of the site.

Mr. Zehler - Is there any question as to why we didn't extend it all of the way around?

Ms. News - From the inside of the site? The actual bigger BMP is at the front of the site and it is my understanding that is going to be wet and the one in the rear is more of a shallow ditch. The applicant is saying it is almost dry now.

Ms. Dwyer- (Asks question regarding screening in front of the BMP - not intelligible due to audio problems.)

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Ms. News - The front of the BMP is bermed, so that when you are riding up the road you really can't down see into the BMP, you can just see grass, but as you ride up the roads into the hotel site you can start to see down. So we talked about planting behind it as a backdrop. We talked about planting and screening from that angle.

Ms. Dwyer - Are there anymore questions of Ms. News? Do you need to hear from the applicant?

Mr. Zehler - No. I don't need to hear from the applicant, Madam Chairman. I move that Landscape Plan LP/POD-67-97, Winngate Inn Airport, be approved subject to the new plan that was just given to us and the standard conditions for landscape plans.

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion and a second. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved Landscape Plan LP/POD-67-97, Winngate Inn Airport, subject to the revised plans and the standard conditions for landscape plans. Mr. Archer was absent and did not vote.

SUBDIVISION

Hob Nob Hill
(May 1998 Plan)

Engineering Design Associates for T. M. Construction:
The 4.0 acre site is located between Charles City Roads (State Route 156) and Hob Nob Hill Road on part of Parcel 243-A-2B. The zoning is A-1, Agricultural District. Individual well and septic tank drainfield. **(Varina) 2 Lots**

Ms. Dwyer - Is there anyone here in opposition to Subdivision Hob Nob Hill?
There is none. Ms. News.

Ms. News - The applicant has submitted revised plans again on Friday, which are being distributed to you now. There is one unresolved issue on this project. The Code indicates on lots with double frontage a planting strip easement shall be provided along the major street, which was staff's original annotation. The applicant was in disagreement with the requirement of access from Hob Nob Hill Road due to the fact that the adjacent developed parcel has access to Charles City Road and the fact that Hob Nob Hill Road is a substandard County road which is not required to be widened by the Department of Public Works. The staff agreed that access to Charles City Road could be recommended. However, because Charles City Road is a minor arterial road on the Major Thoroughfare Plan, staff recommended that they share a joint access drive to minimize conflict points on the road. The applicant is not in agreement with the joint access. Should this plan be approved with access to Charles City Road, condition No. 11 in the agenda should be revised to require the planting strip easement along Hob Nob Hill Road in lieu of Charles City Road.

Mr. Zehler - Is the applicant in agreement with everything else other than this?

Ms. News - The applicant is in agreement with all of the annotations except for the access to Charles City. They would like to have a separate driveway for each lot rather than one shared driveway.

Ms. Isaac - I am sorry I couldn't hear you. I am Laraine Isaac with Engineering Design Associates.

Mr. Zehler - Ms. Isaac, how much frontage is on Charles City Road?

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Ms. Isaac - The minimum frontage is 150 feet for each lot.

Mr. Zehler - So, 280 feet for ...lots?

Ms. Isaac - I believe so, yes.

Mr. Zehler - As far as the access on Charles City Road, do you have any indication as far as (unintelligible).

Ms. Isaac - No specific number has been mentioned, just that both dwellings have separate entrances onto Charles City Road.

Mr. Zehler - And that is subject to VDOT approval?

Ms. Isaac - Yes, it is.

Mr. Zehler - I have no further questions. Madam Chairman, I move that Subdivision Hob Nob Hill (May 1998 Plan) be approved subject to the standard conditions for subdivisions not served by public utilities, the annotations on the plans, annotation No.18, that joint access would not be required subject to VDOT approval, as well as annotations and conditions recommended by staff, that Condition No. 11 read "The detailed plant list and specifications for the landscaping to be provided within the 25 foot wide planting strip easement along Hob Nob Hill road shall be submitted to the Planning Office for review and approval prior to recordation of the plat," and Condition No. 12. That will change No. 11 from Charles City Road to Hob Nob Hill Road.

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion by Mr. Zehler and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent and did not vote.

The Planning Commission approved Subdivision Hob Nob Hills (May 1998 Plan), subject to the standard conditions for subdivisions not served by public utilities, the annotations on the plans, that joint access would be permissible subject to VDOT approval, and added conditions No. 11 and 12:

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11. The detailed plant list and specifications for the landscaping to be provided within the 25 foot wide planting strip easement along Hob Nob Hill road shall be submitted to the Planning Office for review and approval prior to recordation of the plat.
12. Each lot shall contain at least one acre.

PLAN OF DEVELOPMENT

POD-48-98 Cox Concrete Plant

Engineering Design Associates for S. B. Cox, 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 two-story, 2,000 square foot control house/office and Portland cement concrete mixing plant. The 36.63 acre site is located on the southwest corner of Portugee Road and LaFrance Road on parcel 196-A-18A. The zoning is M-2, General Industrial District and ASO (Airport Safety Overlay District). Proposed public water and septic tank/drainfield.
(Varina)

Ms. Dwyer - Is there anyone in the audience in opposition to POD-48-98, Cox Concrete Plant? There is no opposition. Mr. McGarry.

Mr. McGarry - Staff has nothing to add and can recommend approval subject to standard conditions, plus conditions Nos. 1A, because there is a well and septic situation here, and then conditions 23 through 30.

Mr. Zehler - The construction of the building, Mr. McGarry. It is made of what?

Mr. McGarry - I believe it is a CMU building. I believe the applicant can confirm that for us. Standard control tower and building for the plant.

Laraine Isaac - I am Laraine Isaac, Engineering Design Associates. The plans that we submitted along with the original submittal did call for a painted block building.

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Mr. Zehler - Could you change that to split block?

Ms. Isaac - Yes. We can change it to split block.

Mr. Zehler - I recommend approval of POD-48-98, Cox Concrete Plant, subject to the annotation on the plan, the standard conditions for developments of this type, and added conditions No. 1A and Nos. 23 through 30.

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion by Mr. Zehler and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent and did not vote. Mr. Donati left the meeting at this time.

The Planning Commission approved POD-48-98 Cox Concrete Plant, subject to the standard conditions for developments of this type and the annotations on the plans, and added conditions Nos. 1A and Nos. 23 through 30:

- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the building.
23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.

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27. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
28. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
29. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the Health Department have been met that insure the proposed septic tank drainfield system is suitable for this project prior to the issuance of a building permit.
30. The required improvements to Portugee Road, curb and gutter, pavement widening and any necessary storm sewer for the limits of this development shall be constructed prior to the issue of any occupancy permits, unless the Director of Public Works permits these improvements to be partially constructed with each phase of development.

LIGHTING PLAN

LP/POD-70-96 Tuckahoe Village Shopping Center

TIMMONS: Request for approval of a lighting plan, as required by Chapter 24, Section 24-106, of the Henrico County Code. The 16.09 acre site is located at the intersection of Lauderdale Drive and Patterson Avenue (State Route 6) on parcels 88A-19, 20, 21, 22, 23 and 25. The zoning is B-2, Business District and B-3C, Business District (Conditional). **(Tuckahoe)**

Ms. Dwyer - Is there anyone in opposition to LP/POD-70-96, Tuckahoe Village Shopping Center. Mr. Strauss.

Mr. Strauss - Thank you, Madam Chairman. Staff has received the additional photometric plan as requested at the time of agenda preparation and can now recommend approval. I will be happy to answer any questions you may have.

Mrs. Wade - **(Audio is not working)**...poles?

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Mr. Strauss - They are 35 foot poles which are similar in height to the previous poles, but they are more modernized poles with a shoebox fixture.

Ms. Dwyer - (unintelligible)

Mr. Strauss - The new page you are looking at is the photometric plan with the foot candle distribution. We handed out two cases at this time. I hope you are not getting confused here. We are trying to limit the number of handouts per case here.

You caught us. The photometric shows foot candles in the range of 1 to 2, and that is pretty much what we normally see for parking areas.

Mrs. Wade - (unintelligible)

Mr. Strauss - I did not ask the applicant whether they had any plans for lighting in the rear. We received no comment from Police Community Services on this plan. I don't think the applicant is here today, so I can't ask them or defer that question to them. But the parking lot lighting you see there, we can recommend approval for that.

Ms. Dwyer - I move that LP/POD-70-96, Tuckahoe Village Shopping Center, lighting plan be approved subject to standard conditions for lighting plans and added condition No. 4.

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent and Mr. Donati abstained.

The Planning Commission approved Lighting Plan LP/POD-70-96, Tuckahoe Village Shopping Center, subject to the revised plan, standard conditions for lighting plans and the following additional condition.

4. All light fixtures shall be concealed source, shoebox fixtures and light levels should not exceed .5 foot candle at the property line adjacent to residential.

LANDSCAPE PLAN

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LP/POD-23-97
Crown Gas Station -
West Broad Street

Purvis and Associates: 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 1.0-acre site is located on the southwest corner of West Broad Street (U.S. Route 250) and Spring Oak Drive, on part of parcel 36-A-51. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

Ms. Dwyer - Is there anyone in the audience in opposition to LP/POD-23-97? Mr. Strauss.

Mr. Strauss - Thank you, Madam Chairman. Staff requested a revised plan to address the West Broad Street Design Overlay District requirements and we did receive that plan on Friday and you should have that plan in front of you now. It was handed out previously. With that, I can answer any questions you may have. Basically, the plan shows the requisite street tree planting and hedge planting along the West Broad Street frontage as annotated and it is to be irrigated. I might add the lighting was previously approved by the Commission some time ago, I don't have that date in front of me, but lighting is not a part of this approval. It is landscaping only.

Mr. Silber - Could we have some clarification as to whether the large oak tree in the back of the property is going to be saved?

Mr. Strauss - I think in order to determine that we are just going to have to look at future plans for that piece of property, which is A-1, to the west, as your map is configured. I have had no discussions with the applicant in regards to it, they've done a good job trying to do what they can, although I guess we won't know until several years later whether the tree is, indeed, going to be saved. As far as the access issue, this applicant can't really address that. I don't know if Mr. Dave Cohen is here, but Sue Purvis is here, and Sue Purvis is the landscape architect for the project. I might add, Mr. Silber, that the canopy cover calculations do not require that tree be saved in order to meet the canopy cover requirements.

Mrs. Wade - I move that the revised landscape plan for LP/POD-23-97, Crown Gas Station, West Broad Street, be approved, subject to the annotations and standard

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conditions for landscape plans.

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent. Mr. Donati abstained..

The Planning Commission approved LP/POD-23-97, Crown Gas Station, West Broad Street, subject to the annotations on the plans and the standard conditions for landscape plans.

SUBDIVISION

**Hungary Glen
(May 1998 Plan)**

Koontz-Bryant, P.C. Company for Wilton Development Corporation: The 17.15 acre site is located approximately 272 feet east of the intersection of Hungary road and Walton Farm Drive on parcels 50-A-4, 16, 18, part of 15 and part of 100P. The zoning is R-3AC, One-Family Residence District (Conditional). County water and sewer. **(Brookland) 41 Lots**

Ms. Dwyer - Is there anyone in the audience in opposition to Subdivision Hungary Glen (May 1998 Plan)? No opposition.

Mr. Strauss - Thank you, Madam Chairman. Staff was provided a revised plan which changed the entrance in order to address Traffic Engineer comments and comments from the Department of Public Works for a right-turn lane on Hungary Road, and realignment of Woodlake Drive, with the existing median crossover. Also, I might add that this revised plan actually makes Condition No.12 on your agenda moot. They have removed "old lot 30" and provided for a BMP on that lot. Although, I might note the applicant would like to reserve the right to develop that lot in the future. They intend to get an offsite BMP design and are negotiating with offsite property owners to the south. So, they would basically like the right to develop that lot if they can accomplish that on the final construction plan. I can defer questions for that to Mr. Greg Koontz if need be. Staff has some reservations about the 150 foot VEPCO

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easement across the rear of many of the lots as you can, but it has been done that way in the past, as the applicant pointed out, with the St. James project to the south, and we did annotate the plan that the developer should coordinate with VEPCO in regards to any design restrictions that may exist. We routed the plan to VEPCO, but did not receive any comments during staff/developer from the Virginia Power people. With that, staff can recommend approval. I will try to answer any questions you may have.

Mrs. Wade - This is in Brookland.

Mr. Strauss - Yes, ma'am. I guess the preliminary agenda may have gone out incorrectly saying that it was in Three Chopt. So, as a point of information, this is in Brookland. Sorry, I thought that we had fixed that.

Mrs. Wade - It is on here somewhere where it refers to Recreation and Parks' comments. What do you have on that?

Mr. Strauss - You will have to allow me a moment to pull the file. I don't have, I don't think that they were substantive, but I will check. If you will bear with me a moment. I have the Director of Recreation and Parks' comments sheet and it says, "Comments None." I guess that was a standard procedure note then. (Archeological impacts - none, historical impact - none, Civil War Battlefield area - none.)

Ms. Dwyer - Are there any other questions of Mr. Strauss? Is the applicant here?

Mr. Koontz - Yes, ma'am. My name is Greg Koontz and I am with Koontz-Bryant.

Mr. Silber - As far as the buildable area is concerned, do you know what size house - whether there will be any uses for backyard outside easements. Can you elaborate on that?

Mr. Koontz - On some of those lots, it is going to be fairly shallow. I think we tried to provide at least a minimum of 30 by 40 buildable area, and I would say that the majority of the houses that are built in there won't be 30 feet deep. I think a lot of the ones, the older ones are 24 to 36.

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Ms. Dwyer - Will these be...

Mr. Koontz - Outside of the easement, yes, ma'am. But the lots themselves are all, you know, as far as using some areas underneath there, there is quite a bit more room on a lot of those that they can use as a yard.

Mr. Vanarsdall - Won't be able to have a porch, or...

Mr. Koontz - That is correct. They won't be able to do that. Unless they stay within that 30 foot buildable area. I think this is the same plan showing the lots going beside the power easement that was used during the zoning process.

Ms. Dwyer - Are there any more questions for the applicant?

Mr. Vanarsdall - I move that Subdivision Hungary Glen (May 1998 Plan) be approved subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities and added conditions No.12 through 15.

Mr. Strauss - Madam Chairman, I don't think No. 12 applies at this point since this latest plan does not remove Lot 30, so I just wanted to make sure, that condition No.12 is kind of moot at this point. They did remove lot 30. They would simply like the right to develop 41 lots if they can arrange to have offsite BMPs.

Mr. Vanarsdall - So Condition No.12 is not relevant and can be deleted?

Mr. Strauss - Yes, sir.

Mr. Zehler - Second.

Ms. Dwyer- We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent and Mr. Donati abstained.

The Planning Commission approved Subdivision Hungary Glen (May 1998 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities and the following additional conditions:

13. The detailed plant list and specifications for the landscaping to be provided

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within the 25 foot wide planting strip easement along Hungary Road shall be submitted to the Planning Office for review and approval prior to recordation of the plat.

14. Any necessary off-site drainage easements must be obtained prior to final approval of the construction plans by the Department of Public Works.
15. Prior to requesting final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by homeowners, association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the plat.

PLAN OF DEVELOPMENT

**POD-56-98
Springfield East
Apartments -
Phase II**

Foster and Miller, P.C. for Springfield East II Associates, L.C. and Weinstein Management 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 15, two-story apartment buildings with 122 units total. The 9.9 acre site is located 400 feet south of Hungary Road along the south line of Fairlake Lane on parcels 49-A-24 and 26. The zoning is R-5, One-Family Residence District. County water and sewer. **(Brookland)**

Ms. Dwyer -Is there anyone in the audience in opposition to POD-56-98, Springfield East Apartments, Phase II? No opposition. Mr. Whitney.

Mr. Whitney - Thank you, Madam Chairman. Staff would like to point out that this is a POD that was previously approved under POD-105-97. There were some problems with the density on this when the engineer was trying to work out final plans. He has come back and has worked out all of the density problems on this and with this approval has included another portion of vacant land at the corner of Fairlake Court and Fairlake Lane on the west side of your location map. With that comment, staff has carefully looked at the density for this entire R-5 area from Springfield Road over to the east side, along Fairlake Lane, and everything seems to be in order as far as density in this development. With that, staff can recommend approval of this plan.

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Mr. Vanarsdall - I move approval of POD 56-98, Springfield East Apartments - Phase II, subject to the annotations on the plans, the standard conditions for developments of this type, and added conditions Nos.23 through 29.

Mr. Zehler - Second.

Ms. Dwyer - We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent.

The Planning Commission approved POD-56-98, Springfield East Apartments - Phase II, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

23. The unit house numbers shall be visible from the parking areas and drives.
24. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be ordered from the County and installed prior to any occupancy permit approval.
25. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
28. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
29. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

PLAN OF DEVELOPMENT

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POD-51-98
Virginia Credit
Union- Wellesley
Center

TIMMONS for Wellesley Centre, L.C., and MGT Realty Advisors, Inc. Virginia Credit Union, 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, 4775 square foot credit union branch office. The 2.16 acre site is located on the northeast corner of Three Chopt Road and Lauderdale Drive on part of parcel 36-A-49. The zoning is 0-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

Ms. Dwyer -Is there anyone in the audience in opposition to POD-51-98, Virginia Credit Union - Wellesley Center? No opposition. Mr. Wilhite.

Mr. Wilhite - As of this morning, there were a number of issues that had not been worked out on this proposal. Staff did meet with the applicant and the engineer this morning and we were able to work out most of these issues. I will go through the list for you.

Staff had recommended that there be a sidewalk provided along Three Chopt Road in keeping with the West Broad Street Overlay District guidelines that calls for sidewalks along all major roads. The applicant is agreeable to providing a sidewalk along Three Chopt and, in addition, he is going to provide an internal access sidewalk along the entrance drive on the side where the Credit Union is shown. There will also be a connection from the sidewalk to the Credit Union site.

Another issue that was worked out was originally staff had recommended that improvements along Three Chopt, as far as pavement widening and curb and gutter, be provided along the entire frontage, not just on the Credit Union site, but also across the access drive on the remaining portion of this project property. In talking with the Traffic Engineer, they have come to an agreement to provide a turn lane onto the entrance drive. This turn lane would be 150 feet in width with 100 foot taper, curb and gutter would be provided along the 150 foot width. The applicant is agreeable to that as well.

The dumpster screening will be brick to match the building being proposed. It will be at least eight feet tall, and more specifically, that is something the Planning Commission has to approve is the dumpster screening treatment.

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Also, the Planning Commission would specifically approve any intrusions into the proffered buffers along Lauderdale and Three Chopt Road. At this point, all that is being proposed is the entrance drive off of Three Chopt. There is also two storm sewer lines and one sanitary sewer line that would cross these buffers at a perpendicular angle, more or less. One of these storm sewer lines would cross on the Virginia Credit Union property. The other two sewer lines would be across from the entrance drive on the adjacent remainder of the project property.

The architectural plans per proffer require to be compatible with the medical office building proposed on the Bon Secours site across Lauderdale Drive. As part of the proffer, they were supposed to provide the County with a rendering of that building. Staff did receive that last week, the rendering was of a small scale, it left off a number of details as far as the type of materials that would be used. The applicant will have to make his case that this building is compatible with the Bon Secours Medical Office Building.

Also, included in this packet is a master plan. He had a conceptual master plan approved with the rezoning case on this site and subsequent updates of the master plan have to be approved with each plan of development. They are showing some modifications to the master plan in your packet. Basically, some of the footprint locations have changed. Any buildings with drive-thrus were shown along Broad Street. The Credit Union, which is a bank with a drive-thru, has been relocated next to the corner of Lauderdale and Three Chopt Road. So, that is a change from the conceptual master plan. In addition, the master plan change also shows a second access from Three Chopt Road onto the site. This was a change specifically from the master plan with the rezoning case. There is a proffer that states there will be only one access point from Three Chopt Road unless specifically approved by the Planning Commission or another governmental body. At this point, we don't have any information as far as what building is being proposed on the opposite side of this access drive, and I believe I have covered all of those changes. I will be happy to answer any questions you may have.

Ms. Dwyer - Are they providing irrigation?

Mr. Wilhite - The proffer does require irrigation. None is shown with this plan. It was anticipated that would be included on the landscape plan for approval.

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Mr. Silber - could we be acting on the master plan here and would we have to contemplate the second point of access on Three Chopt Road...

Mr. Wilhite - Yes.

Mrs. Wade - I thought we were not going to get that far...

Mr. Wilhite - Their master plan shows a second access point onto Three Chopt Road, but they would have to make a case for including that on the conceptual master plan. At this point, we don't have any information on what building is going to be constructed on the opposite side of the access drive, so it may be premature to approve a second point of access here.

Mr. Silber - (unintelligible) does not lock yourself into a second point of access onto Three Chopt Road (unintelligible).

Mrs. Wade - I was not involved at all (unintelligible). I would like to hear from the applicant.

Mr. Thompson - I am Fred Thompson with Architects Dayton and Thompson and representing the applicant this morning also with us representing civil engineering are TIMMONS and the developer MGT Realty Advisors, Inc. to address any issues of the master plan. I am here solely to speak with regard to the first development, which is Virginia Credit Union which is 2.2 acres on approximately 28 acres of the master plan. The plan you see before you is again a straight forward banking type layout. We have an entrance off of Three Chopt that is provided for the entire development. Our entrance into the Credit Union occurs some 200 plus feet to the north and is an ingress/egress. It allows all traffic going to the drive-thru to be excluded from the traffic that is internal to the Credit Union lobby destination, the drive-thru then could go all the way around the stack, go through the drive-thru and then be disbursed either back onto the internal network or back into the Credit Union's parking area. You see the drive-thrus, again we have an inboard ATM built into the building to promote security and safety to both the use user as well as the Credit Union people themselves.

The design was proffered to be compatible with the master plan of a building across the street on the west, on the Bon Secours property. We believe we comply and are

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compatible and consistent with the architectural vocabulary of that building. Our building, albeit 4700 hundred square feet, is fairly small relative to the multi-story and size building that is planned across the street, but even so we are utilizing the same brick that is approved with the master plan building. We are utilizing the same standing seam roof that is with the master plan, a same similar feature window type and the colors which don't show up well on your screen are from the approved color range. We also use a low-sloped roof and overhangs to again be sympathetic with the master plan building.

We have met with and received the approval from the Bon Secours Architectural Review Committee. That Committee included the design architect for Bon Secours of the multi-story building across the street and it also included a member of the Wellesley Homeowners Association. Separately we have met with the Homeowners Association at Wellesley and presented the designs and received their approval, and as stated earlier, we have met with staff and are agreeable with all staff comments. I will be happy to take any questions.

Mrs. Wade - You say that the bricks stay the same color as the proffer (unintelligible)..

Mr. Thompson - Yes, the proffer indicated two brick types that were acceptable and we chose the lighter color of the two. The same thing on the roofing. The roofing was a terra cotta red or a slate gray and we chose the slate gray.

Mrs. Wade - Can you address the (unintelligible) technical engineering...

Mr. Saunders - I am Sam Saunders with TIMMONS.

Mrs. Wade - I understand the runoff from here will go to the Wellesley site. What steps are you going to take so that this is not a problem?

Mr. Saunders - We are going to and we have been working with the staff. We are going to install a sediment basin. It will probably be a sediment basin versus a sediment trap just below the road on the other side of our entrance road where the Credit Union is going to control the Credit Union site and the entrance road coming in there. It will be a regular sediment basin, and we have talked with Environmental Engineering and we are going to bring our design over even before we submit it and work that through with them, but it will be a standard sediment basin. Once the site is

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finished and the grass is stabilized, that basin will be taken out, which is standard practice and I wouldn't be concerned about the sediment moving after that. Does that answer your question? There is no BMP required in this setup because we are using the Wellesley Lake and taking credit from the lake for the BMP piece of it, but there would be a temporary sediment basin there.

Mrs. Wade - You would have to build for the runoff.

Mr. Saunders - When we are doing construction we would build the sediment basin to handle the runoff of the sediment and once we are through with that, then the BMP and the pollutant removal would be in the Wellesley Lake and they have credits available in that lake and the MGT folks have worked with them to buy those credits.

Mrs. Wade - Is the sedimentation on here or is it somewhere else?

Mr. Saunders - It's right there. Do you see where that bar scale is and some of the notes - right in there - right in this area, and we would direct the runoff down to that, while we are building it, so it won't be far away because we don't want to clear anymore land than we have to. Yes, ma'am. We would either clear it there. Initially we had it up on the site, but we moved it out of this area to preserve some of the buffer and this would be some of the future developable area. It would be a parking lot area in the future more than likely.

Mrs. Wade - The site is all wooded, so did you, or do you all plan on leaving the buffer?

Mr. Saunders - Yes, ma'am. We have had a number of discussions with the staff on it and we are going to limit our crossing for storm sewers, they are perpendicular here, and there is another one down in here and then further down.

Mrs. Wade - I assume you all got together then and worked this out?

Mr. Saunders - We got together with you this morning and with the Transportation Engineer also and worked out these items.

Mrs. Wade - And you proffer the rest?

Mr. Saunders - Yes, ma'am. We need to work on the master plan and I think I can

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speak for the developers at this time. They don't know who is going to be going into those buildings or what and it certainly could change, and we will have to get back on the master plan and work it through a little bit more.

Mrs. Wade - And I assume because it was (unintelligible) we are a little bit cautious about...

Mr. Saunders - And I don't know what the reasons were. Mark Slusser may.

Mrs. Wade - Well, it was already approved and we don't have to approve a second one today.

Mr. Slusser - Yes, ma'am. Just as a matter of interpretation, oh, I am Mark Slusser. I am with Energy Realty Advisors and it was not our intent to submit the master plan for any approval today other than where the road is coming in off of Three Chopt. It was submitted as part of this as information only. We are not asking for any approval to the master plan in general, or any changes, and I apologize for that extra point of access onto Three Chopt and if that is necessary in the future, we will discuss that then. It may not be necessary. That is just our concept right now.

Mrs. Wade - All right then, I move that plan of development POD-51-98, Virginia Credit Union - Wellesley Center, be approved, with a left-turn lane, with curb and gutter (unintelligible), standard conditions for developments of this type and added conditions Nos. 9 and 11 Amended and Nos. 23 through 31.

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent.

The Planning Commission approved POD-51-98, Virginia Credit Union, Wellesley Center, subject to the annotations on the plans including curb and gutter and no-left turn lane, standard conditions for developments of this type and the following added conditions:

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

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11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. A standard concrete sidewalk shall be provided along the east side of Lauderdale Drive and the north side of Three Chopt Road.
26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
27. Deviations from County standards for pavement, cur or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
29. The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico maintained right-of-way. The elevations will be set by Henrico County.
30. Evidence of joint ingress/egress maintenance agreement must be submitted to the Planning Office and approved prior to the issuance of a certificate of occupancy for this development.
31. The conceptual master plan, as submitted with this application, is for planning and information purposes only.

PLAN OF DEVELOPMENT

**POD-55-98
Quioccasin
Veterinary
Hospital Addition**

Foster and Miller, P.C. and B. O. Zubowsky: Request for approval of a plan of development, as required by Chapter 24, Section 24-106, of the Henrico County Code, to construct a two-story, 3,500 square foot addition to an existing veterinary hospital. The 1.3 acre site is located along the north line of Quioccasin Road, approximately 200

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feet east of Pemberton Road on parcel 79-A-15A. The zoning is B-1C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

Ms. Dwyer -Is there anyone here in opposition to POD-55-98, Quioccasin Veterinary Hospital Addition? No opposition. Mr. Wilhite.

Mr. Wilhite - The one remaining issue that we had on this was the staff had recommended that a sidewalk be provided along Quioccasin Road. You do have two schools on Quioccasin, on the other side of Pemberton Road. There are some questions about improvements to Quioccasin in front of the veterinary hospital and the timing of these improvements, and whether or not the existing curb and gutter would have to be torn up and replaced for grade changes. Staff had recommended condition No. 25, "A standard concrete sidewalk shall be provided along the north side of Quioccasin Road." We would also propose a modification to condition No. 25 to allow the applicant to escrow funds for the construction of the sidewalk to be done in conjunction with any road improvements along Quioccasin. The applicant is agreeable to that and so is the Traffic Engineer. I suggest that wording be added to No. 25, "The applicant may escrow sufficient funds for the construction of said sidewalk in conjunction with future right-of-way improvements to Quioccasin Road. With that change to condition No.25, staff would recommend approval to this POD proposal.

Ms. Dwyer -I move approval of POD-55-98, Quioccasin Veterinary Hospital Addition, subject to the annotations on the plans, the standard conditions for developments of this type and added conditions Nos. 23 through 28.

Mr. Vanarsdall - Second.

Ms. Dwyer -We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent and did not vote.

The Planning Commission approved POD-55-98, Quioccasin Veterinary Hospital Addition, subject to the annotations on the plans, the standard conditions for developments of this type and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any

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- occupancy permits being issued.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
 25. A standard concrete sidewalk shall be provided along the north side of Quioccasin Road. The applicant may escrow sufficient funds for the construction of said sidewalk in conjunction with future right-of-way improvements to Quioccasin Road.
 26. Deviations from the County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

PLAN OF DEVELOPMENT

POD-115-97
Huguenot Crossing
Shopping Center

Jordan Consulting Engineers, P.C. for M. A. Carneal and W.T.P., 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, 30,000 square foot shopping center. The 3.84 acre site is located on the south line of Huguenot Road (State Route 147) on parcel 126-A-8. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

Ms. Dwyer - Is there anyone in opposition to POD-115-97, Huguenot Crossing Shopping Center? There is opposition. Mr. Wilhite.

Mr. Wilhite - In your packet there was included a revised site plan and revised architectural plan. The staff has not had an opportunity to review them at the time. The revised site plan, the basic change on that, is the shifting of the eastern most entrance onto Huguenot away from the median crossover across the street from the River Road Shopping Center entrance. The applicant had originally wanted to locate the entrance there and to have a stop light installed at that intersection. VDOT would not agree to that, and in conjunction, the fact that there is not room for a left-turn lane from Huguenot Road onto the site of that location, the site was shifted further to the east, and this would be a right-turn in and right-turn out only intersection. Also, the revised site plan does show an outdoor dining area in the southeastern corner of the building. B-1 zoning does not allow for outdoor dining and that would be stricken from the site plan approval.

The applicant has indicated to staff that they are agreeable to providing a sidewalk along Huguenot Road and also agreeable to widening the landing or stairs behind the building to accommodate more pedestrian access facing the canal. We did receive a revised elevation today that the applicant can show to the Commission dealing with the color and materials of the building. With that, staff can recommend approval of this revised site plan based on those annotations.

Mr. Vanarsdall - The applicant has agreed to furnishing a sidewalk along Huguenot Road?

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Mr. Wilhite - The applicant has indicated they are willing to provide a sidewalk along Huguenot Road in the conversations we have had with them prior to this meeting.

Mrs. Wade - (unintelligible) Well, would the curb cut remain there?

Mr. Wilhite - The curb cut would have to remain there because that is an access from the River Road Shopping Center, and there may be the need for the modification of that right turn in and right turn out point to make sure there are no u-turns made at that location for people using that access.

Mrs. Wade - (unintelligible)

Mr. Wilhite - Well, that was discussed. I would have to defer that to the Traffic Engineer for any further detail on that.

Ms. Dwyer - Any further questions? We will hear from the applicant.

Mr. Mills - Madam Chairman, members of the Commission, my name is Malachi Mills. I am with Jordan Consulting Engineers and I represent the applicant in this case. Back in early November, the developer had a potential user and part of their agreeing to the lease was to try and propose a traffic light there at the intersection we are talking about there opposite River Road Shopping Center access. In meeting with VDOT and Henrico Traffic, they were not going to be able to support that in any way. Some time went by, we deferred the case at that time and that tenant has now since, without the traffic light, they have moved on. The applicant realizes there was no chance in trying to accomplish that, so we have come back, in response to the concerns at that intersection and have pushed that entrance as far to the east as we could to try and tie into the internal drive isles. In talking with Henrico County Traffic, I think there are still some concerns on the geometric, the same as Mrs. Wade has commented on, and I believe we have the ability to push that entrance an additional 20 to 30 feet to maximize that separation, and also in coordination with what VDOT would also us to do. Looking at the median cut, it is an expansive median cut, and I believe we could tighten up on that to preclude, particularly, the left-turn lanes or someone trying to turn left if they are westbound on Huguenot or if it is someone trying to hook back and go against the grain there. Yes, ma'am.

Ms. Dwyer - (unintelligible)

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Mr. Mills - Not prior to today's meeting, no, ma'am.

Ms. Dwyer -In light of the fact that there are still some details (unintelligible).

Mr. Mills - Yes, ma'am. That would be acceptable. OK. That is fine. I appreciate your pulling the plug on me.

Ms. Dwyer -(unintelligible)

Mr. Mills - Yes, ma'am. That would be acceptable. Oh, no ma'am. I know we have asked for it several times. As long as we can,

Ms. Dwyer -(unintelligible) I move that POD-115-97 be deferred to June 30 at the applicant's request.

Mrs. Wade -Second.

Mrs. Dwyer - We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer was absent.

At the applicant's request, the Planning Commission deferred POD-115-97, Huguenot Crossing Shopping Center, to its meeting on June 30, 1998.

DISCUSSION ITEM: Presentation by The Keep Henrico Beautiful Committee.

Ms. Sharon Francisco - Good afternoon. My name is Sharon Francisco and I serve as chairperson of The Keep Henrico Beautiful Committee, and I am here this afternoon on behalf of the committee. The committee members are appointed by the Board of Supervisors as an advisory committee to promote litter prevention and for the general improvement of the environment in Henrico County, thereby, making the County a cleaner place to live. Population growth has created a significant increase in the development of new communities and businesses and therefore a significant increase in litter as well.

I am here to request that we change the wording of the statement in the plans of development that now reads: Trash container unit shall be properly screened and maintained with regular pick-up. The site shall be kept clean and the trash container

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shall be properly screened and add: Litter and debris shall be cleaned from front and back parking lots on a daily basis. Thank you for giving The Keep Henrico Beautiful Committee the opportunity to make this presentation. If you have any further questions, we will be glad to address them.

I have several other committee members with me here today, Doris Davis and Bee Newell, and we will be happy to address any questions if we can. I feel you are far more knowledgeable about this than we, but we do observe litter on quite a regular basis throughout the County. And, heretofore, we have done everything in a very positive way, and we feel this is very positive, too. We annually recognize a business with a Clean Business Award from each district, and we also, throughout the year, send letters of commendation to businesses that we feel are doing a superb job in litter prevention and just keeping their businesses looking very impressionable for people that may be coming to Henrico County.

Ms. Dwyer - Thank you for making this presentation.

Ms. Francisco - Well, we appreciate the opportunity.

Ms. Dwyer - Are there any questions?

Mr. Silber - I have a few things to be clarified. First of all, I didn't get all of that language down. If you could just leave that, and it may be best for staff to look at this, and maybe suggest back to the Planning Commission a condition that addresses this later. Perhaps your language is right on. I think it is important the Commission recognize that several issues, that this condition would only be imposed on new development that comes forward. It would not be for all development that exists out there. Currently, there are enforcement challenges that we have anyway, such as the Code requires we give the property owner notice, and that notice is a 30-day notice, so there are enforcement and compliance challenges along with this. So, we can't just go out and bring enforcement, and the same day have the site cleaned, and this would be somewhat of a challenge for staff to deal with this and they may be able to resolve it..

Ms. Francisco - Well, we can appreciate that, yes, sir. We understand.

Mr. Vanarsdall - Mr. Secretary, (unintelligible).

Mr. Silber - I think we could bring back a condition that we could recommend

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to the Commission, and if you endorse that, then we could begin to recommend that condition on new cases.

Mr. Vanarsdall - I move that we adopt the suggestion that was made by The Keep Henrico Beautiful Committee.

Mrs. Wade -Second.

Ms. Dwyer -We have a motion and a second. All in favor say aye. All opposed say no. The motion passes. Mr. Archer and Mr. Donati were absent and did not vote.

Ms. Francisco - We certainly do appreciate this. Should I just give them to you? I have a copy of what I just asked you to put in there and also a copy of a letter that we send to businesses, also, so you can get an idea of what our wording is. Thank you.

DISCUSSION ITEM: Slide Presentation/Public Service Corporation Facilities (Subdivisions)

Mr. Silber - Mr. Jim Strauss will present this. Mr. Strauss.

Mr. Strauss - I think you will have to bear with me a moment until the control room gets the slides set up for us. I can use a laser pointer from back there. We are passing out an agenda which is basically what we handed out April 22. Staff presented these slides previously to members of the County Managers Office, the Department of Public Works and guests from the Public Service Corporation, which included representatives from Virginia Power, Media One and Bell Atlantic and if I can some help from the control room, maybe we can get these slides up.

Mr. Wilhite - The slide is dropping in, the machine is advancing, but the slide is not advancing.

Mr. Strauss - If it is the Commission's pleasure, maybe we can defer this to next month.

Mr. Silber - Let's give it one more minute. If not, we may have to put it off.

Mr. Strauss - That is the problem, Mary. We don't have a projector so to speak.

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The tray has to be put into the machine that digitizes the slide. Normally this is not a problem.

Mr. Silber - The slide is not displaying it.

Mr. Zehler - I move we adjourn.

Mr. Vanarsdall - Second.

Ms. Dwyer - All in favor say aye. All opposed say no. The meeting is adjourned at 1:00 p.m.

Chris W. Archer, C.P.C., Chairman

Randall R. Silber, Acting Secretary