

**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, November 17, 1998**

**Members Present:** Mr. C. W. Archer, C.P.C., Chairman (Fairfield)  
Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairman (Tuckahoe)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mrs. Mary L. Wade (Three Chopt)

**Members Absent:** Mr. David A. Zehler, C.P.C., and (Varina)  
Mr. James B. Donati, Jr., Board of Supervisors Representative  
(Varina)

**Others Present:** Mr. John R. Marlles, AICP, Director of Planning, Secretary  
Mr. Randall R. Silber, Assistant Director of Planning  
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  
Mr. Mikel C. Whitney, County Planner  
Ms. Leslie A. News, CLA, County Planner  
Mr. Todd Eure, Assistant Traffic Engineer  
Ms. Diana B. Carver, Recording Secretary

**Mr. Archer -** Good morning. Is there anyone here from the Press, this morning? If you are here and chose not to be recognized, we would like to say welcome. I'll turn the meeting over to the Secretary.

**Mr. Marlles -** Good morning, Mr. Chairman and members of the Commission. Mr. McGarry will handle the requests for deferrals and withdrawals.

**Mr. McGarry -** Good morning, Mr. Chairman, members of the Commission, ladies and gentlemen. The first deferral is on page 10 of your agenda. The applicant is requesting a deferral to your December 15, 1998, meeting. This is Crown Central Station, landscape plan, LP/POD-90-96.

**Mr. Vanarsdall -** Is your mike on, Mr. McGarry?

**Mr. McGarry -** Yes, sir, it is.

**Mr. Vanarsdall -** Could you speak up some?

**Mr. McGarry -** Yes, sir.

## **LANDSCAPE PLAN**

**LP/POD-90-96**  
**Crown Central Station**      **Purvis & 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 .56 acre site is located at 6715 Staples Mill Road opposite Penick Road on parcel 82-A-52. The zoning is B-2C, Business District (Conditional). (Brookland)**

**Mr. Archer -**      **Is there anyone here in opposition to the deferment of LP/POD-90-96, Crown Central Station to the December 15, 1998, meeting? No opposition. I'll entertain a motion.**

**Mr. Vanarsdall -**      **I move that LP/POD-90-96, Crown Central Station, be deferred at the applicant's request until December 15, 1998.**

**Mrs. Wade -**      **Second.**

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

**At the request of the applicant, the Planning Commission deferred LP/POD-90-96, Crown Central Station, landscape plan to the December 15, 1998, meeting.**

## **PLAN OF DEVELOPMENT**

**POD-109-98**  
**Stillman Place**      **Engineering Design Associates for Feld Development Corporation, C & P Telephone, The Harvard Company, LLC and Ralph L. and Marsha R. Costen: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County to construct a one-story, 28,000 square foot office/warehouse/showroom, a one-story, 25,530 square foot office/warehouse, and a future one-story, 6,184 square foot office/warehouse. The 5.54 acre site is located on the northeast corner of Stillman Parkway and Mayland Drive on part of parcels 48-A-70B and part of 58-A-21C and 22. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Three Chopt)**

**Mr. Archer -**      **Is there anyone here in opposition to the deferment of POD-109-98, Stillman Place, to the December 15, 1998, meeting? No opposition. Mrs. Wade.**

**Mrs. Wade -**      **I move POD-109-98 be deferred until December 15, 1998, at the**

**applicant's request.**

**Mr. Vanarsdall - Second.**

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

**At the request of the applicant, the Planning Commission deferred POD-109-98, Stillman Place, to the December 15, 1998, meeting.**

## **LANDSCAPE PLAN**

**LP/POD-65-97  
Willow Glen, Sec. G  
(Formerly Gayton  
Forest Condominiums)** **The Plan & Design Collaboration for Eagle Construction of Virginia: 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 12.79 acre site is located along the east line of Longwood Circle and Cedar Chase (private), approximately 150 feet south of Falconbridge Drive and adjacent to Ivystone Village and Foxfire Condominiums on parcel 78-A-23C. The zoning is RTH, Residential Townhouse District. (Tuckahoe)**

**Mr. Archer - Is there anyone here in opposition to the deferment of LP/POD-65-97, Willow Glen, Section G, to the December 15, 1998, meeting?**

**Mr. Plaxco - Excuse me. I'm not in opposition to the deferral, I requested it. I would like to ask if there is anyone here who plan to speak on this case, that they meet me outside so that I can get their telephone numbers. We were having trouble finding contacts for the neighborhoods.**

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

**Ms. Dwyer - I have a number also, sir, if you would like to call me after the meeting today. I have at least one number for you. So, call my office. Thank you.**

**Mr. Archer - Did everyone hear what he said? If there is anyone here who wanted to speak to this case, if you would meet with this gentleman, he would like to take your name and number so he can have some discussion with you. Okay. We still need a motion.**

**Ms. Dwyer - I move for the deferral of LP/POD-65-97, Willow Glen, Section G, to our December 15, 1998, meeting at the applicant's request.**

**Mr. Vanarsdall - Second.**

**Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall.**

**All in favor say aye...all oppose say nay. The motion passes.**

**At the request of the applicant, the Planning Commission deferred LP/POD-65-97, Willow Glen, Section G (Formerly Gayton Forest Condominiums), landscape plan to the December 15, 1998, meeting.**

**SUBDIVISION (Deferred from the October 27, 1998, Meeting)**

**Fort King  
(June 1998 Plan)**

**Foster & Miller, P.C. for Stern Homes: The 7.0 acre site is located along the south line of Fort King Road, approximately 700 feet east of Pemberton Road on parcels 68-A-23, 24, 25, 27, and part of parcels 68-A-22, 26 29 and part of parcel 68-A-2-E-1 The zoning is R-2A, One-Family Residence. County water and sewer. (Tuckahoe ) 17 Lots**

**Mr. Archer - Is there anyone here in opposition to the deferment of subdivision Fort King (June 1998 Plan) to the December 15, 1998, meeting? No opposition. Ms. Dwyer.**

**Ms. Dwyer - I move for the deferral of Fort King (June 1998 Plan), to our December 15, 1998, at the applicant's request.**

**Mrs. Wade - Second.**

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

**At the request of the applicant, the Planning Commission deferred subdivision Fort King (June 1998 Plan), to the December 15, 1998, meeting.**

**Mr. Archer - All right, Mr. McGarry, is that it?**

**Mr. McGarry - That's it. That's all that staff has. Mr. Secretary.**

**Mr. Marles - Mr. Chairman, the next item is consideration of items for the Expedited Agenda. Mr. McGarry.**

**Mr. McGarry - On the Expedited Agenda, on page one, transfer of approval for Bank of Virginia, POD-136-85.**

**TRANSFER OF APPROVAL (Deferred from the October 27, 1998, Meeting)**

**POD-136-85  
Bank of Virginia**

**Hirschler, Fleischer, Weinberg, Cox & Allen for Sidney J. Gunst, Jr. and Robert M. Atack: Request for transfer of approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code from Bank of Virginia to Sidney J. Gunst, Jr. and Robert M. Atack. The 1.15 acre site is located at the northeast corner of W. Broad Street and Dominion Boulevard on parcel 47-2-B-11A. The zoning is B-2C, Business District (Conditional). (Three Chopt)**

**Mr. Archer - Is there anyone here in opposition to this item POD-136-85, Bank of Virginia, transfer of approval? No opposition. Mrs. Wade.**

**Mrs. Wade - I move transfer of approval for POD-136-85 be approved.**

**Ms. Dwyer - Second.**

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

**The Planning Commission approved the Transfer of Approval request for POD-136-85, Bank of Virginia, on the Expedited Agenda.**

**PLAN OF DEVELOPMENT**

**POD-94-98  
Airport Sleep Inn  
Hotel -  
Audubon Drive**

**Dean E. Hawkins, ASLA for Hotel Holdings Associates, P & T Associates II for Hospitality VII: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-story, 97 room hotel. The 3.00 acre site is located on the north line of Audubon Drive approximately 500 feet east of Airport Drive and 200 feet north of Microtel Inn on part of parcel 163-A-19D. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer (Varina)**

**Mr. Archer - Is there anyone here in opposition to POD-94-98, Airport Sleep Inn Hotel - Audubon Drive? No opposition. Mr. Vanarsdall.**

**Mr. Vanarsdall - Mr. Chairman, I move POD-94-98 be accepted on the Expedited Agenda with all of the standard conditions, annotations on the plan and conditions Nos. 23 through 29.**

**Ms. Dwyer - Second.**

**Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor say aye...all oppose say nay. The motion passes.**

**The Planning Commission approved POD-94-98, Airport Sleep Inn Hotel – Audubon Drive, subject to the standard conditions, the annotations on the plan and the following additional conditions:**

- 23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.**
- 24. 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.**
- 25. 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.**
- 26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.**
- 27. 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.**
- 28. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development**
- 29. Federal Aviation Administration (FAA), Form 7460-1 shall be submitted to the FAA and proof of such approval shall be provided to the Planning Office prior to approval of the building permit application.**

## **PLAN OF DEVELOPMENT**

**POD-110-98  
Century Towing –  
Westmoreland Street**

**Bob Atack and Keith & Associates for Tye and Keith & Associates: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County to construct a one-story, 4,000 square foot office/garage. The 2.3 acre site is located at the northern terminus of Westmoreland Street on part of parcel 104-A-18N. The zoning is M-2, General Industrial (District). County water and sewer. (Brookland)**

**Mr. Archer - Is there anyone here in opposition to POD-110-98, Century Towing – Westmoreland Street? No opposition. Mr. Vanarsdall.**

**Mr. Vanarsdall - Mr. McGarry, I have a question for you. You said that there was no way you could connect Dabney Road to this project at the present time.**

Mr. McGarry - I don't know of anyone that would want to do that.

Mr. Vanarsdall - If they did want to do it at a later date, would we be notified about that  
Mr. Director? Would that be something to come before the Planning Commission?

Mr. Marles - Not that I am aware of.

Mr. McGarry - It would probably come either as a POD or a County road extension.

Mr. Vanarsdall - You would know about it in the department, wouldn't you? I wouldn't want to be riding down the road one day and see a bulldozer doing something and wonder what was going on. We don't need anything else on Dabney Road. That's all right. You answered my question. Thank you. At least when somebody reads the minutes they will know that I had some concern about it. All right. I move that POD-110-98, Century Towing – Westmoreland Street be approved on the Expedited Agenda with the standard conditions, annotations on the plans and conditions Nos. 23 through 26.

Ms. Dwyer - Second.

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

The Planning Commission approved POD-110-98, Century Towing – Westmoreland Street, subject to the standard conditions, the annotations on the plan and the following additional conditions:

23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. 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.
25. 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.
26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

## **LANDSCAPE PLAN**

**LP/POD-122-97**  
**Magnolia Ridge Child**  
**Development Center**      **Hawthorne: 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 1.5 acre site is located on the east line of Virginia Center Parkway opposite its intersection with Holliman**

Drive on parcel 32-A-103A. The zoning is R-5C, General Residence District (Conditional). (Fairfield)

Mr. Archer - Is there anyone here in opposition to LP/POD-122-97, Magnolia Ridge Child Development Center, landscape plan? No opposition. I move approval on the Expedited Agenda of LP/POD-122-97 subject to the annotations on the plan.

Ms. Dwyer - Second.

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

The Planning Commission approved the landscape plan for LP/POD-122-97, Magnolia Ridge Child Development Center, subject to the standard conditions and the annotations on the plan.

## **SUBDIVISION**

Allen Estates  
(November 1998 Plan)      **Engineering Design Associates for David H. Allen: The 3.949 acre site is located on the northwest corner of Portugee Road and Memorial Drive on part of parcel 197-A-5B. The zoning is A-1, Agricultural District. Individual well and Septic Tank/Drainfield (Varina) 3-2 Lots**

Mr. McGarry - This is a two-lot subdivision, I realize your agenda reads 3. Condition No.12 was offered to address the change in the number of lots. Nonetheless, staff is willing to put this on the Expedited Agenda.

Mr. Archer - Is there anyone here in opposition to subdivision Allen Estates (November 1998 Plan)? No opposition.

Mr. Vanarsdall - Mr. Chairman, I move subdivision Allen Estates (November 1998 Plan) be approved on the Expedited Agenda with the standard conditions, the annotations on the plan, and additional conditions Nos. 11 and 12.

Ms. Dwyer - Second.

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

The Planning Commission approved conditional subdivision Allen Estates (November 1998 Plan), subject to the standard conditions for subdivisions not served by public utilities, the annotations on the plan, and the following additional conditions:

11. The owner shall enter into the necessary contracts with the Department of Public



Utilities for water.

12. With any further division of this property, the remaining portion of parcel 197-A-5B owned by David H. Allen, shall be included by the applicant as a lot on the subdivision plat submitted for conditional approval.

## **SUBDIVISION**

**Wayne's Corner  
(November 1998 Plan)**      **Engineering Design Associates for Kelly/Davis, Inc.:** The 3.942 acre site is located on the southeast corner of Charles City Road and Yahley Mill Road on part of parcel 207-A-32. The zoning is A-1, Agricultural District. Individual well and Septic Tank/Drainfield (Varina) 3 Lots

**Mr. Archer -**      Is there anyone here in opposition to subdivision Wayne's Corner (November 1998 Plan)? No opposition.

**Mr. Vanarsdall -**      Mr. Chairman, I move Wayne's Corner (November 1998 Plan) subdivision be approved on the Expedited Agenda with the standard conditions, the annotations on the plan, and additional condition No. 11.

**Ms. Dwyer -**      Second.

**Mr. Archer -**      The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor say aye...all oppose say nay. The motion passes.

The Planning Commission approved conditional subdivision Wayne's Corner (November 1998 Plan), subject to the standard conditions for subdivisions not served by public utilities, the annotations on the plan, and the following additional condition:

11. The developer shall provide a single shared driveway connecting Lots 2 and 3 to Yahley Mill Road.

## **PLAN OF DEVELOPMENT**

**POD-108-98  
Guaranty Bank -  
The Shops      at  
Wellesley  
(POD-1-89 Revised)**      **Youngblood, Tyler & Associates, P.C. for Park Terrace Limited Partnership and Guaranty Bank:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,065 square foot bank building in an existing shopping center. The 0.77 acre site is located on the southwest corner of Lauderdale Drive and Park Terrace Drive on part of parcel 46-A-1F. The zoning is B-1C, Business District (Conditional). County water and sewer. (Three Chopt)

**Mr. Archer - Is there anyone here in opposition POD-108-98, Guaranty Bank? No opposition. Mrs. Wade.**

**Mrs. Wade - As I understand it, they are going to share trash facilities with the rest of the shopping center.**

**Mr. Wilhite - Yes. We received a letter from the engineers stating that they have reached a verbal agreement with the shopping center to use an existing dumpster and that the one along Lauderdale Drive will no longer be needed.**

**Mrs. Wade - Thank you. They have also been working with the Wellesley Association on this plan and I assume they will continue to do so with the landscaping and lighting when they come along.**

**Mr. Wilhite - Yes. They are committing to save the existing trees along Lauderdale. They will not be removed so there will be very limited vegetation removal with this project.**

**Mrs. Wade - I mean, they may want to add some.**

**Mr. Wilhite - Yes, ma'am.**

**Mrs. Wade - Okay. Thank you. That's all. I move POD-108-98, Guaranty Bank at The Shops at Wellesley, be approved subject to the annotations on the plan, the standard conditions and additional conditions Nos. 23 through 32 on the agenda.**

**Mr. Vanarsdall - Second.**

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

**The Planning Commission approved POD-108-98, Guaranty Bank – The Shops at Wellesley (POD-1-89 Revised), subject to the standard conditions, the annotations on the plan, and the following additional conditions:**

- 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.**
- 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.**
- 25. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after (12:00 midnight - B-1 zone).**
- 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of**

**Public Works.**

27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.
30. Only retail business establishments permitted in a B-1 zone may be located in this center.
31. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
32. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

**LANDSCAPE & LIGHTING PLAN**

**LP/POD-39-97**

**Eck Supply**

**Balzer & Associates, Inc.:** Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.12 acre site is located on the north line of Deep Rock Road approximately 600 feet south of West Broad Street (U.S. Route 250) on parcel 48-4-A-20C. The zoning is M-1C, Light Industrial District (Conditional). (Three Chopt)

**Mr. Archer -** Is there anyone here in opposition to the landscape and lighting plan for LP/POD-39-97, Eck Supply? No opposition. Mrs. Wade.

**Mrs. Wade -** It was hard to get around to look at all of these things and get back with staff and with developers and everything in the few days that we have had to do it. I was discussing with Mr. Strauss the possibility of them adding another tree or two here to help screen the loading dock that's out in the front here.

**Mr. Strauss -** I did have an opportunity to talk to the applicant this morning, and they have agreed to add two evergreen trees near that loading area, at the property line.

**Mrs. Wade -** Thank you. Therefore, I move that the landscape and lighting plan LP/POD-39-97 be approved. I assume that's a revised plan with the addition of perhaps two evergreens up near the road. I move it be approved.

**Ms. Dwyer -** Second.

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

The Planning Commission approved the landscape and lighting plan for LP/POD-39-97, Eck Supply, subject to the standard conditions for landscape and lighting plans and the annotations on the plan.

#### **LANDSCAPE PLAN**

**LP/POD-5-98  
Mountaineer  
Properties**

**C. Preston Dalrymple: 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 2.0 acre site is located on the east line of Homeview Drive, 554 feet north of the intersection of West Broad Street (U.S. Route 250) on part of parcel 59-A-12C. The zoning is B-3C, Business District (Conditional). (Brookland)**

Mr. Archer - Is there anyone here in opposition to the landscape plan for LP/POD-5-98, Mountaineer Properties? No opposition.

Mr. Vanarsdall - Mr. Chairman, I move LP/POD-5-98, Mountaineer Properties, be approved on the Expedited Agenda subject to the standard conditions and the annotations on the plan.

Ms. Dwyer - Second.

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

The Planning Commission approved the landscape plan for LP/POD-5-98, Mountaineer Properties, subject to the standard conditions for landscape plans and the annotations on the plan.

Mr. McGarry - That's the end of the Expedited Agenda.

Mr. Archer - Thank you, Mr. McGarry. All right. Let's go back to page, whatever.  
All right, Mr. Secretary.

Mr. Marles - The next case is POD-20-70, Humble Oil - 5101 Richmond - Henrico Turnpike. This is a request for at transfer of approval.

Mrs. Wade - Did we forget the subdivision extensions of conditional approval?

Mr. Marles - Excuse me.

Mr. Archer - Oh, yes. We skipped the subdivision extensions of conditional approval

**on page one.**

**Mr. Marles - Oh, I'm sorry. I stand corrected. The next item is the subdivision extensions of conditional approval. Mr. Wilhite will present those.**

## **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>
<b>Fairlawn (October 1993 Plan)</b>	<b>Varina</b>	<b>10</b>	<b>10</b>	<b>4</b>
<b>Hunt Valley (November 1990 Plan)</b>	<b>Varina</b>	<b>401</b>	<b>401</b>	<b>7</b>
<b>Wilton View (August 1997 Plan)</b>	<b>Varina</b>	<b>22</b>	<b>22</b>	<b>0</b>

### **Staff Recommends Extension for 12 months until November 16, 1999**

Mr. Archer - Mr. Wilhite.

Mr. Wilhite - Staff recommends all three of these listed on the agenda to be extended.

Mr. Vanarsdall - Longbridge? Mr. Wilhite, on the one that says Hunt Valley. Is that at Darbytown and

Mr. Wilhite - It's at I-295 and Darbytown Road. It's the old borrow pit there.

Mr. Vanarsdall - Thank you.

Ms. Dwyer - On Wilton View, what is the status on that at this time?

Mr. Wilhite - We did not get any information on the status. This would be the first extension that they have requested.

Mr. Vanarsdall - With that, I move subdivision extensions of conditional approval be approved at the recommendation of the staff.

Ms. Dwyer - Second.

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

The Planning Commission approved the subdivision extensions of conditional approval for the three subdivisions listed above until November 16, 1999.

Mr. McGarry - Mr. Secretary, the next four transfers of approval are for Fast Mart and the applicant called and said he is running late and he requested that we skip over them until he can arrive.

Mr. Archer - That will be fine. Mr. Secretary, would you take a note of that, and we will just move on to the next case.

Mr. Marles - Mr. Chairman, the next case is POD-115-98, NAPA – Retail Store Williamsburg Road and Klockner (POD-65-98 Revised).

## **PLAN OF DEVELOPMENT**

**POD-115-98  
NAPA – Retail Store  
Williamsburg Road  
and Klockner  
(POD-65-98 Rev.)**

**E. D. Lewis & Associates and Jim Thornton, Mays & Valentine LLP for Genuine Parts Company: 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, 7,920 square foot retail store. The 2.003 acre site is located on the southeast corner of the intersection of Williamsburg Road (U.S. Route 60) and Klockner Drive on part of parcel 162-09-03-36A. The zoning is B-3, Business District and M-1, Light Industrial District, ASO, Airport Safety Overlay District. County water and sewer. (Varina)**

Mr. Archer - Is there anyone in the audience in opposition to POD-115-98, NAPA – Retail Store at Williamsburg Road and Klockner Drive? No opposition. Mr. McGarry.

Mr. McGarry - This plan of development will revise a previous plan of development, POD-65-98, that you all approved back in June. It will do so by amending condition No. 7 which references the annotated plans. So, this reconsideration essentially will remove the Planning Commission's annotations relating to the building materials and the colors included in the approval in June. The Commission will be approving the staff's architectural, which are attached to the handouts you have been given with all the annotations regarding colors, materials deleted. All your other conditions of the Commission's approval from June will continue to apply. For approval of this reconsideration, the applicant has agreed to provide landscaping in access of the code requirements. He has agreed to file a conditional rezoning case on the property. Condition Nos. 9 and 32 address these two items. Staff can recommend approval of this project subject to the annotations on the plans with No. 7 acknowledging that all the architectural renderings will be deleted. No. 9 amended and conditions Nos. 23 through 32.

Ms. Dwyer - Mr. McGarry, what were we just handed? It looks different from what I thought we were being asked to approve today.

Mr. McGarry - The application came in the form of a document like this (referring to document in his hand) that you got in your packet. I thought it would be helpful to have the original site plan, the location map and the architectural in question. That's the original that will be modified.

Ms. Dwyer - So, this is what we approved last time.

Mr. McGarry - And I wanted you to see what it looked like, since it was not included with the document that was included in your packet.

Mr. Vanarsdall - So, you are saying that this, is this?

Mr. McGarry - Yes, sir. They supplement one another.

Ms. Dwyer - Mr. McGarry, I have a question about the wording in this amendment. It states that all of the staff's annotations would be deleted, and, yet, one of the staff's annotations permits metal under the name of the store and I would assume that they would still want to keep that.

Mrs. Wade - The approved one was in this book that we got.

Mr. McGarry - I hope I haven't muddied the waters on this. The folder that you were given in your addendum. Let's see. Would you like to address this because this doesn't have anything on it (Mr. McGarry was referring to Mr. Thornton).

Mr. Thornton - Mr. Chairman and members of the Commission. My name is Jim Thornton and I'm representing Genuine Auto Parts, which is an affiliate of NAPA and is the record owner of the two acres at the southeast corner of Williamsburg Road and Klockner Road that's the subject of this application. The issue that is before you is fairly narrow. We are looking to amend a single condition, which is the condition referring to the staff's annotations that were approved at your June 30, 1998, hearing.

The particular sheet that we are referring to is in the packet here at "Tab B." As you know, this piece of property was in an unconditional M-1 and B-3 zone. Genuine Auto Parts chose this piece of property in large part because of the flexibility it offered them in building their building. In particular, they proposed their standard national prototype store for this location. There were conditions on the annotated staff plan changing the colors and changing the building materials. Since the time of that approval, this has been discussed very extensively with Mr. Zehler and Mr. Donati and Mr. O'Kelly and the County's Attorney's Office and I think that everyone has come to the conclusion that Genuine Auto Parts is entitled to this requested change. In the spirit of cooperation, they have also agreed to help reduce the impact of this development by offering landscaping in excess of what the code requires. That's the purpose of your condition No. 9 that would require that landscaping plan to be brought back to the Planning Commission rather than be approved at staff level.

They have also agreed, and will file today, a conditional rezoning for this site. Again, the site is now zoned B-3 and M-1 unconditional. The entire site will be zoned B-3C removing the following uses from the property, automobile service stations, truck bus sales, storage lots for cars, trucks and RVs, boat and trailer sales, car wash, farm implement sales, fortune tellers



**and similar uses, manufactured home sales, dance halls, rifle or pistol range, sheet metal shops and recycling facilities.**

**Mr. Vanarsdall - Did you say automobile dealerships also?**

**Mr. Thornton - No, sir. Just truck and bus sales. So, again, although I think the State ordinances and the County ordinance entitle my clients to choose the building colors and materials. And, on this particular site they have offered to go the extra mile and do some things that will reduce the impact of this development and the potential future impact of the development on the area.**

**Mr. Vanarsdall - Ms. Dwyer, did he answer your question?**

**Ms. Dwyer - I believe on the larger sheet, I found in the shaded area, a reference to the blue metal panel. I think that's probably still valid.**

**Mr. Thornton - Yes, ma'am.**

**Ms. Dwyer - I did have a question about the landscaping. Where is condition No. 9?**

**Mr. Thornton - That is on your agenda. It's an amended condition that says: 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.**

**Ms. Dwyer - And the commitment to increase the landscaping, where can we find that?**

**Mr. Thornton - That's inherent in the review but we will be glad to beef up that wording if you would like to see that.**

**Ms. Dwyer - It's inherent in what?**

**Mr. Thornton - In the review by the Planning Commission of the landscaping plan, rather than having that done at staff level.**

**Mrs. Wade - Is there some note on the plan, I guess is what we are asking?**

**Ms. Dwyer - I think we need something to indicate that there has been a commitment to enhance the landscaping. Is there anyway to quantify that enhancement?**

**Mr. Thornton - We have discussed the possibility of having the landscaping plan approved at this time. Staff was uncomfortable with that on the, I think, quite reasonable grounds, that until the site work is done and you know exactly which trees are still in place, it's probably premature to try and consider a formal landscaping plan. So, at this time there**

isn't a quantity specified, but I think I can assure you that Mr. Zehler will be quite diligent in assuring that that comes to pass.

Mr. Marles - Mr. Chairman, members of the Commission, one way perhaps to handle this item would be to tack on some additional language to item No. 9 amended to indicate that the landscaping will exceed the minimum requirements of the ordinance.

Mrs. Wade - So you want a detailed landscaping plan exceeding the requirements shall be submitted.

Mr. Marles - That would be fine too.

Mrs. Wade - Ms. Dwyer, does that sound all right?

Ms. Dwyer - Just something to indicate that there has been an agreement. Although, I think it would be helpful to have some quantification.

Mr. Vanarsdall - Now, how are we going to handle that, Mr. Secretary? Are we just going to add to No. 9 that landscaping will exceed the ordinance or is Ted going to reword this No. 9 or how are we going to do this? We want to make sure we get right.

Mr. Marles - Mr. Vanarsdall, the staff's recommendation is that we amend the language of item No. 9 to indicate that the landscaping will exceed the minimum requirements of the zoning ordinance for landscaping requirements.

Mr. Archer - Mr. Thornton, are you in agreement with that amended language?

Mr. Thornton - I'm sorry. I was speaking to my client, may I hear it again?

Mr. Archer - We are talking about discussing adding language to condition No. 9 that the landscaping plan will exceed the requirements of the ordinance.

Mr. Thornton - Yes, sir. That is the commitment we have made.

Ms. Dwyer - Are we satisfied with that?

Mr. Vanarsdall - Are you?

Ms. Dwyer - I think that just reminds everyone that the commitment has been made. The other commitment to rezone and exclude certain uses, there is no specification in condition No. 32 about what those uses are. Would it be appropriate, Mr. Secretary, to add language to that also to say: As committed at today's meeting as reflected in the minutes.

Mr. Marles - That would be fine.

**Mr. Thornton -** Yes, ma'am. That case will be filed within the next several minutes, as soon as we walk out of here.

**Ms. Dwyer -** So, to add language then to No. 32 to say "as committed by the applicant, and as recorded in the minutes of today's meeting."

**Mr. Thornton -** Yes, ma'am.

**Ms. Dwyer -** Does that sound acceptable, Mr. Secretary?

**Mr. Marles -** Yes.

**Mr. Thornton -** Mr. Marles, if you prefer, we have provided a copy of that to Mr. O'Kelly and if you want to say "in accordance with the copy of the application submitted to Mr. O'Kelly" that might make it that much more definite. This is just a suggestion.

**Mr. Archer -** I guess we should read that condition so that we will know how we would finalize it to be committed to the record.

**Mr. Vanarsdall -** Go ahead and read it, somebody.

**Mr. Archer -** Ms. Dwyer.

**Ms. Dwyer -** Mr. Thornton, how about you reading that.

**Mr. Thornton -** The applicant shall request conditional rezoning of the subject parcel consistent with the application provided to staff prior to the issuance of an occupancy permit.

**Mr. Archer -** Okay. Is everybody satisfied with that? Are there any other questions of the applicant?

**Mr. Vanarsdall -** Mr. Chairman, I would like to ask a question. I would always like to know why something happens in a district. Did all of this come about because of the color of the building and the color of the sign and the look? Is that what all of this is about?

**Mr. Thornton -** Yes, sir. That's what it is about. NAPA has invested a lot of time and a lot of money in creating a recognizable development and it's very important to them to have that development a part of this project.

**Mrs. Wade -** Yes, we hear that every month, Mr. Thornton.

**Mr. Vanarsdall -** Well, let me ask you this question. I don't think your people are involved in this one. There was one on Staples Mill Road that is now closed and they moved

**up the street. Does NAPA come back and paint the building back to a normal color or do they just leave it like that?**

**Mr. Thornton - Well, I think NAPA would argue whether this is a normal color. It's certainly the color....**

**Mr. Vanarsdall - Oh, that's right. That would be arguable. Delete the word normal, the color.**

**Mr. Archer - Okay. Are we ready for a motion?**

**Mr. Vanarsdall - I guess so. Mr. Chairman, I recommend POD-115-98, NAPA- Retail Store Williamsburg Road and Klockner, be approved with the annotations on the plan, the standard conditions, No. 9 amended. Number 9 amended has been changed or language added. We want to add that landscaping will exceed the minimum requirement of the landscaping ordinance. Is that right.**

**Mr. Marles - Yes, sir.**

**Mr. Vanarsdall - Then we will go on to Nos. 23 through 32. We will change No. 32. Mr. Secretary, would you read the change on condition No. 32 for POD-115-98?**

**Mr. Marles - Mr. Vanarsdall, may I ask Ms. Dwyer to read that because I am missing a few of the words.**

**Mr. Vanarsdall - Ms. Dwyer, I can't really read what I wrote after copying it from you so do you mind reading it.**

**Ms. Dwyer - It's hard to write it while the meeting is going on. I believe Mr. Thornton said that he would agree the applicant shall request conditional rezoning of the subject parcel consistent with the application submitted to staff in the case file prior to the issuance of an occupancy permit. And, that application includes the uses that are going to be excluded when the rezoning is requested. Mr. Thornton agrees with that.**

**Mr. Vanarsdall - Thank you. Now, our addendum this morning, on the 17<sup>th</sup> of November, says that this will be for a plan of development and would revise POD-65-98 and so we will take the wording from that and that's my motion.**

**Ms. Dwyer - Second.**

**Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor say aye...all oppose say nay. The motion passes.**

**The Planning Commission approved POD-115-98, NAPA – Retail Store Williamsburg Road**

and Klockner (POD-65-98 Revised), subject to the standard conditions, the annotations on the plans and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits. Landscaping shall exceed the minimum landscape ordinance requirements.
23. The entrances and drainage facilities on U. S. Route 60 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. A standard concrete sidewalk shall be provided along the south side of Williamsburg Road.
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. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
31. 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. The applicant shall request conditional rezoning of the subject parcel consistent with the application provided to staff prior to issuance of an occupancy permit. The conditional rezoning shall exclude some of the more offensive uses permitted in the M-1 and B-3 districts.

Mrs. Wade - Mr. Chairman.

Mr. Archer - Yes, Mrs. Wade.

Mrs. Wade - With apologies to the citizens who are here, the applicant for POD-111-98 and POD-113-98 has a plane to catch. I wonder if we might move that up on the agenda. It shouldn't take long. It's on pages 20 and 22.

**Mr. Archer -  
these cases please?**

**I think that will be okay, Mrs. Wade. Mr. Secretary, would you call**

## PLAN OF DEVELOPMENT

**POD-111-98  
Hillcrest Office Park  
- Glen Forest**

**McKinney & Company for Pruitt Properties, 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 100,000 square foot office building and a master plan for two (2) additional office buildings totaling 160,000 square feet. The 16.55-acre site is located at the northern terminus of Bayberry Court approximately 150 feet north of Glen Forest Drive on parcel 81-15-A-5. The zoning is O-3C, Office District (Conditional). County water and sewer. (Three Chopt)

**Mr. Archer -** Is there anyone in the audience in opposition to POD-111-98, Hillcrest Office Park at Glen Forest? We have opposition. Mr. Whitney.

**Mrs. Wade -** Mr. Burcin has done the job and it shouldn't take very long. And, I think they have done a very good job of contacting neighbors and so any reservations has been taking care of.

**Mr. Whitney -** Thank you, Mr. Secretary. Referring to your addendum, there's a little bit of change in the language as far as the caption goes. Mr. Marles did read that into the record. This is approval for one office building of 100,000 square feet and a master plan for two additional office buildings. With that wording, staff is recommending condition No. 34, which deals with the conceptual master plan and the administrative approval thereof. I would point out to the Commission that POD-113-98, Commerce Park Island, will serve as the Stormwater Management for this property, which is the other case that will be heard by the Commission.

**Ms. Dwyer -** Do you want to move that one up also, Mrs. Wade?

**Mrs. Wade -** Yes, I mentioned that.

**Mr. Whitney -** Staff would like to point out that with the present layout and square footage of these three buildings, the parking is short some 40 spaces. However, the applicant has told us that it is unlikely that they will build out to the total square footage. With the master plan situation, and the administrative approval for that, staff will be looking to make sure each building satisfies all zoning requirements, including parking. I'll point out that the transitional buffer along the western boundary of the office project, the Code requires 25 feet, but the applicant is exceeding that to provide more buffer to the residential property to the west. With that I will take any questions you may have.

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

**Mrs. Wade - For POD-113-98, are the engineers satisfied with that or are they still looking at it?**

**Mr. Whitney - The Department of Public Works is now recommending approval as long as all the drainage information is included with POD-111-98. So, unfortunately, there will be two sets of plans with all the drainage information. With that, they are recommending approval.**

**Mrs. Wade - Thank you. Is that noted somewhere on here?**

**Mr. Whitney - No. I have notes in the file that reflects that.**

**Mrs. Wade - Thank you.**

**Ms. Dwyer - Mr. Whitney, are we approving all three buildings today?**

**Mr. Whitney - We are approving one building and a master plan for two additional buildings.**

**Ms. Dwyer - So the parking issue would be resolved by that, at a later date?**

**Mr. Whitney - Yes, it would.**

**Ms. Dwyer - Because they would not have to come back for another POD for the other two buildings.**

**Mr. Whitney - No, they would not. They would qualify for administrative approval for the future buildings.**

**Ms. Dwyer - So, how might that play out? Staff would just say you couldn't build a building that has more than so many square feet?**

**Mr. Whitney - Yes. They would have to decrease the square footage to provide the minimum requirements for parking.**

**Ms. Dwyer - Or, I suppose they could get a variance somehow by the BZA....**

**Mr. Whitney - They could apply for a variance for parking requirements from the Board of Zoning Appeals.**

**Mrs. Wade - Actually, all of the parking that's back there now is not being used. So, I don't think that would be a problem.**

**Mr. Whitney - Are there any other questions?**



**Mr. Archer - Are there any other questions of Mr. Whitney?**

**Mrs. Wade - Not of you, but I would like to hear from the applicant or the representative.**

**Mr. Burcin - Good morning, Mr. Chairman, members of the Commission. My name is Stacey Burcin with McKinney & Company, representing Mr. Pruitt in this approval of the two PODs that are before you at this time. Are there any specific questions by the Commission that you would like to have answered?**

**Mrs. Wade - Now do you have a lot of grading that has to be done here, Mr. Burcin?**

**Mr. Burcin - Regarding here being the Hillcrest site?**

**Mrs. Wade - Yes.**

**Mr. Burcin - Yes. There will be grading done at this point. The parking area adjacent to the residences will be dropped down below the existing grade that you have today.**

**Mrs. Wade - Will there still be some slope on the property? I mean, is there any way to level it off?**

**Mr. Burcin - No. It will not be all leveled. There is slope collecting to a central drainage point. We are taking approximately two acres that's currently draining through the neighborhood, going to I-64. We are now taking that through our site, collecting it and providing stormwater management for that additional water.**

**Mrs. Wade - I think one of the beauties of the rest of the office park is the difference in topography.**

**Mr. Burcin - It will still have a lot of topography. There are grade changes between the buildings that you will see, between building "A" that's being proposed now and building "B" there is an additional five feet in height, roughly, between finished floor elevation, between the two buildings.**

**Mrs. Wade - What kind of buffer, then, are you planning for, it wasn't really clear on the plan that we have?**

**Mr. Burcin - The landscape buffer adjacent to the residential property was originally proffered at 20. It has now been through our code changes over the years and it has now gone to 25. What is being provided with this plan is a 35-foot natural, undisturbed buffer, at least it is wider at some points, and then the balance would be 15-foot graded in landscape buffer. So, there will be a 50-foot buffer between the edge of the parking lot and the adjacent**

**residential uses.**

**Ms. Dwyer - Is that on the plan, mine says 25?**

**Mrs. Wade - The plans we have don't show that.**

**Mr. Burcin - The plan shows a staff annotation that asked us to call out that there is a code mandated 25-foot buffer. However, the spacious relation that has been left is 35 foot undisturbed and 15 foot graded. So, there is a 50-foot green buffer between the residents and the parking lot.**

**Mrs. Wade - And what steps do you take, then, to protect that 35 feet?**

**Mr. Burcin - There will be tree protection measures installed, they will be part of the erosion and control narratives and tree protection measures must be in place prior to any land disturbing activity being granted on the site.**

**Mrs. Wade - Now, by tree protection measures, do you mean by yellow ribbons, the orange fence, or by some other means?**

**Mr. Burcin - At this point, we have not specified one or the other. Most likely, in this case, because of the sensitivity, we would suggest the orange fencing, which is a standard.**

**Ms. Dwyer - Will we be annotating the plan to reflect the 35-foot undisturbed buffering and the 15-foot grading?**

**Mr. Burcin - It is actually on the plan. It may not show up well on your reduction. It does show up on our erosion control plans, which may not have been included in your packet, but we will clearly indicate on the erosion control plan and the narratives the preservation of those trees.**

**Mrs. Wade - And, that is on the west side.**

**Mr. Burcin - That is correct, the western property line of the Hillcrest site.**

**Mrs. Wade - All right. That's all I have.**

**Mr. Archer - Are there any further questions for Mr. Burcin?**

**Mrs. Wade - Oh. And, on the other one. Apparently, Mr. Whitney described the status of that as far as the County is concerned, the Commerce Park Island, that Public Works can approve that under certain circumstances.**

**Mr. Burcin - What has happened, since there were two separate plan submittals,**

calculations showed up on one plan and did not show up on the other. All calculations were complete and were reviewed. What we have agreed to do with the Department of Public Works is we will duplicate those sheets so that either plan you look at will have all of the necessary drainage calculations to evaluate the property.

Mrs. Wade - So, obviously, they will have to approve it before you start digging.

Mr. Burcin - Right.

Mrs. Wade - And I gather you have heard from some people, neighbors, about drainage concerns because they do have and have had problems in that area for a long time.

Mr. Burcin - Yes. We were very aware of the drainage problems along Upham Brook early in our design and one of the great things that has happened with this project is that we are helping to eliminate some of the drainage problems along Upham Brook. We are taking water that is currently not being retained for stormwater management and we are now diverting it through our site and retaining it in the pond and releasing it at a point downstream of where the flooding is currently occurring.

Mrs. Wade - And I believe there was a note on there that said even the road you are building down to the storm water management facility will be restored after the construction is finished.

Mr. Burcin - Yes. There will be limited access road constructed down to the facility for construction purposes. It will be, of course, restored, stabilized and grassed back over. So, it will only be used for access for maintenance purposes to the facility, which will not be expected to be very frequently.

Ms. Dwyer - Are we piping the water from this development across I-64?

Mr. Burcin - Yes. There is currently a culvert in existence. We have been working with the Virginia Department of Transportation regarding conveying the water through there. We have supplied all of the supporting calculations to show that the pipe sizes are adequate to handle the runoff through this site, through this culvert, and getting to the pond that we are constructing on the island site, if you will.

Ms. Dwyer - Will you be making any improvements at all or just using the existing pipe?

Mr. Burcin - We will be using the existing pipe underneath the Interstate. There will be some improvements done on the Hillcrest side in the form of a paved channel coming from our outfall of the Hillcrest site, down to the pipe crossing the Interstate.

Mrs. Wade - Is there any more land left on the Commerce Park side for development?

**Mr. Burcin -** There is currently approximately 39 acres over there that is shown in that larger piece of land. Of course, to build the pond we are disturbing approximately one to two acres of that.

**Mrs. Wade -** Will this pond be able to take the drainage from that or you might have to enlarge it or something in the future?

**Mr. Burcin -** No. The pond has been sized in order to anticipate a future development on that property if it were ever to occur. If you look on the last page of your packet it does show a drainage area and how the pond was sized. It was sized for an additional five acres of runoff that currently exists on the island site to drain to the pond and handle that at a rate of 80% impervious, if it were ever developed. But, there are no plans at this point to develop the island site.

**Mrs. Wade -** So, we would refer to this as regional....

**Mr. Burcin -** Yes. It is regional in that it takes future development into account. It does take developments that have occurred upstream that was done prior to Stormwater Management requirements and now provides Stormwater Management for them. It also provides Stormwater Management for this proposed facility, for the Hillcrest Office building.

**Ms. Dwyer -** This says a 2.4-acre future development and a 2.2-acre future development so that leaves some 39 acres available?

**Mr. Burcin -** There are 39 acres in the island site as it currently exists. A lot of that is floodplain, a lot of that is resource protection area for the Chesapeake Bay Act. There are wetlands on the property. I would not anticipate that the whole 39 acres will never be developed as a commercial type use.

**Ms. Dwyer -** This pond would be sufficient for whatever development occurs, maximum development of that 39 acres?

**Mr. Burcin -** No. It has been sized to anticipate the additional four and a half to five acres that's shown on the drainage plan that actually flows to the pond right now at a rate of 80% impervious. It would not necessarily accommodate the entire site being developed for commercial development.

**Ms. Dwyer -** I misunderstood your earlier statement.

**Mrs. Wade -** Some of it is barely useable. There have been proposals there before that didn't work out because of environmental factors. But, obviously, if something should occur and you could use it you would have to reconfigure your whole drainage situation. That's all I have, anybody else?

**Mr. Archer - Are there any further questions of Mr. Burcin?**

**Mrs. Wade - I think there was a gentleman who wanted to say or ask something.**

**Mr. Walker - My name is Jim Walker and I'm here in opposition to POD-113-98 and, to the extent that the two are linked, I find myself in opposition to both. So, when you discuss POD-113-98, I'd like to have an opportunity to comment further. Now I say I'm in opposition because I've got a one page letter that tells me of some changes that are going to be made in our area, so I really don't know what it is all about. When I do, maybe my opposition will go away. I live in that area and I understand very strongly the drainage problems in that area, and I have a real problem with the importation of stormwater from other areas into an area that's already got a severe problem.**

**Mrs. Wade - Do you live on Capehart, Mr. Walker?**

**Mr. Walker - Yes, ma'am.**

**Mr. Vanarsdall - Mr. Chairman, may I make a suggestion?**

**Mr. Archer - Certainly, Mr. Vanarsdall.**

**Mr. Vanarsdall - When we finish with this, go on to POD-113-98.**

**Mrs. Wade - Well, we are kind of talking about both of them right now anyway, Mr. Vanarsdall. So, apparently you haven't satisfied Mr. Walker about this.**

**Mr. Burcin - If you would like, we would be happy if you would pass over this case and we can meet with Mr. Walker in the hall and explain it to him in detail how the drainage in that area and the whole water situation should be improved by what we are doing. That was one of goals in the entire design of this whole pond. So, I think that his concerns I can explain to him and we can bring this up later.**

**Mrs. Wade - That's all right as far as I am concerned. And I suppose if Mr. Pruitt has to leave you can take care of the engineering details.**

**Mr. Pruitt - He has a legitimate question.**

**Mrs. Wade - And, you are?**

**Mr. Pruitt - I'm Tommy Pruitt, developer of both projects. He has a legitimate question and it's hard to put in a one-page letter, all the engineering data. We will be glad to go out into the hall for about 15 minutes or whatever it takes and discuss the whole project with him.**

Mrs. Wade - Which is fine. The next case that's coming up may take a while. Will that be all right, Mr. Chairman?

Mr. Archer - That's fine, Mrs. Wade. We will delay any action on this until you gentlemen have your discussion. Mrs. Wade, we will be bringing both cases back, POD-113-98 along with it?

Mrs. Wade - Yes.

Mr. Walker - If I may. One of the things I was hoping to accomplish here today is that I don't think the County really appreciates the problem that's in our area. It's keyed off by problems with stormwater but there is also a sewage problem. There's a problem with the sewage system. I think any plan that adds any additional stormwater to this area has got to consider the problems with the sewer system. I live on Capehart Road in the 100-year floodplain. Of course, we know that means if you live to be 100 you are going to be flooded several times, and I've been flooded three times in the last 20 years.

Mr. Vanarsdall - And you are not 100 yet.

Mr. Walker - That's right. I'm not 100 yet. There is a problem with the sewer system and I'm not sure if Mr. Pruitt can do anything about that. I think this is an area in which the County is going to have to address it.

Mr. Archer - We hear you, sir. I don't know what we can do about that at this particular moment.

Mr. Walker - Well, unfortunately, that's what we have been hearing for the last 20 years. That there is nothing that can be done about it. Now we are being told well there is one thing we can do about it, we can give you more water. Okay. So, that's my concern.

Mr. Archer - I didn't mean to imply that nothing can't be done about it, I'm talking about from the Commission's standpoint here and now. We have delayed this so that Mr. Pruitt and Mr. Burcin can have an opportunity to discuss it with you.

Mr. Walker - And maybe he has a good solution. We will be glad to listen.

Mr. Archer - We appreciate you listening and your comments.

Ms. Dwyer - Are you on public sewer or do you have a drainfield?

Mr. Walker - No. We are on public sewer. It backs up into our house. Every time there is a storm the sewage backs into my house. It has occurred on three occasions and there's nothing you can do about it. If you want a real exciting time, stand on your landing

**and watch eight to ten inches of sewer water back up into your first floor. Thank you.**

**Mr. Archer - Thank you, Mr. Walker.**

**Mr. Vanarsdall - Mr. Chairman, along those lines I think this is a good opportunity for me to tell you that when I saw this on our agenda about BMP and retention I called Mr. Whitney and talked to him and then I talked to Mr. Silber. I had concerns that we don't approve BMPs, the Planning Commission anymore. We have had a meeting and it's in writing that the Manager's Office takes care of that and I had concerns as to why we were handling it at all. I was not against us handling it, or whatever Mrs. Wade wants to do, it's just that I don't want to see us get into trouble without permission. I asked Mr. Silber did the Manager's Office know about this and what did they say and do they have it in writing and is it okay from Public Works? I feel like we are stepping into where we don't need to go unless they want us to go there. I just wanted to say that, for the record, that it was my understanding that the Planning Commission had nothing whatsoever to do anymore with BMPs. So, I don't want it to come back to haunt us one day and somebody say when did the Commission take that back over.**

**Mrs. Wade - And what was the response? It's on the agenda and we said it would be up to Public Works but we are prohibited. Mr. Silber or Mr. Marles or somebody.**

**Mr. Archer - Mr. Vanarsdall, we appreciate that observation. Mr. Silber.**

**Mr. Silber - This has been placed on the Planning Commission's agenda. This is somewhat of a gray area. It is not real clear as to whether this is something the Commission should be dealing with. Obviously, the Commission has no purview over the technical aspects of the BMP here. The technical aspects or the drainage issues. I believe this was felt to be put on your agenda because it is a particular use of this piece of property. It's not like the BMP is on a site that you are considering. This is a freestanding use. It is going to become sort of the principal use of this property. Therefore, we thought that because of its proximity to residences and etc. that we thought the Commission should have an opportunity to review this and the citizens have an opportunity to be aware that this is occurring in their neighborhood.**

**Mrs. Wade - And they can't do POD-111-98 without a pond, in its current form.**

**Mr. Silber - That's correct. The BMP is tied to this. We certainly will explore this further and get clarification and make sure that the County Manager's Office is aware of this and that they are comfortable with this for the future. I'm sure we will have other BMPs that will come up on adjacent properties to serve developments.**

**Ms. Dwyer - This is a POD because of a land disturbance and we are considering it not by technical merits but as a land use in this area.**

**Mr. Silber -** Yes. I don't think we need to be getting into the technical aspects of this BMP. I think we need to be looking at the aspects such as screening of this facility and those types of typical Planning Commission concerns, not the technical aspects of the drainage.

**Mr. Archer -** Thank you, Mr. Silber.

**Mr. Vanarsdall -** That was a good explanation and I think, to add to that, that if we are going to run into this in the future that somebody on the third flood ought to know about it.

**Mr. Archer -** Mr. Vanarsdall, we appreciate you making that observation.

**Mr. Vanarsdall -** I wasn't trying to throw a wrench in the work.

**Mr. Archer -** No you didn't but the discussion enlightened all of us here today.

**Ms. Dwyer -** Another comment, Mr. Vanarsdall, is that when we have a public hearing and we are looking at a BMP, if there are questions that need technical answers, it seems to me that it would be helpful to have a technical person respond to the citizens who have questions.

**Mr. Vanarsdall -** I have no problem with it as long as the Manager's Office and Public Works change the rules and sets it in writing and knows about it.

**Mr. Whitney-** Excuse me. If I could add one more thing. When the application came in for POD-113-98, we called the applicant and asked them why it was a separate application and why it was not included with the Hillcrest Office Park, POD-111-98. The applicant stated that it was a different entity that owned the property, on the north side of I-64, where the BMP would be located. So, it's really their application, their request to do it this way that placed us in this position.

**Mr. Archer -** Okay. I guess, Mr. Secretary, at this point we are going to delay this case until that discussion can be had and we will move on to the next one, wherever we were.

**Mrs. Wade -** I'm sorry. It took a little longer than I thought.

**THIS CASE CONTINUES ON PAGE 44**

## **PLAN OF DEVELOPMENT**

**POD-104-98**  
**The Glenms at Millers**  
**Lane**  
**(POD-80-98 Revised)**

**Koontz-Bryant, P.C. for Varina Station Associates, LLC:**  
**Request for approval of a revised plan of development as required**  
**by Chapter 24, Section 24-106 of the Henrico County Code to**  
**construct nine, two-story, two and three bedroom apartment**  
**buildings totalling 144 units and a one-story 1,715 square foot club**



house with pool. The 16.57 acre site is located along both sides of Millers Lane approximately 250 feet south of Gay Avenue on parcels 162-A-13, 11, 14, 15 and part of 162-A-10A. The zoning is R-6, General Residence District and R-4, One-Family Residence District and ASO, Airport Safety Overlay. County water and sewer. (Varina)

Mr. Archer - Is there anyone in the audience in opposition to POD-104-98, The Glens at Millers Lane? We do have opposition. Mr. McGarry.

Mr. McGarry - This plan of development would revise the previous POD, POD-80-98, that you all approved back in September of 1998. The developer has added an additional parcel of land to his original site, actually, 0.85 acre to his site. So, his total site contains a little more than 16 acres. This plan would allow for construction of a total of nine, two-story, apartment buildings rather than the 12, three-story buildings approved by the earlier plan of development. No special exception is required for two-story apartment buildings. The total number of apartment units will remain at 144. The actual density of this site has declined by virtue of adding additional land. Staff can recommend approval of this plan before you subject to the annotations on the plan, the standard conditions for developments of this type and the following conditions Nos. 23 through 32. I'll be happy to answer any questions.

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

Mr. Vanarsdall - Mr. Chairman, I have a question. This is on the same lines we just finished with. Number 32, Mr. McGarry. The BMP shall be fenced.

Mr. McGarry - That's correct.

Mr. Vanarsdall - Have we always had that? I think that is a good idea, and I wondered when we could use it on other cases.

Mr. McGarry - This was something that was discussed during the original plan of development in September and it was considered advisable to include it with this development as well.

Mr. Vanarsdall - So, this is something we could add to cases.

Mr. McGarry - If it is appropriate, based on the size and the depth of the BMP in its relationship to residential neighborhoods.

Mr. Vanarsdall - If there are a lot of children playing around it and so forth.

Mr. McGarry - Yes, sir.

Mr. Vanarsdall - Thank you.

**Mr. Archer - Thank you, Mr. Vanarsdall. Are there any other questions for Mr. McGarry?**

**Ms. Dwyer - I have one question. Mr. McGarry, it appears that this site has been maximized, is that accurate? Would it be possible to get any more buildings spaced on this lot?**

**Mr. McGarry - Theoretically, yes, there could be more than 144 units. The density maximum I think is 19.0 something units per acre and this development is coming into 17.3. So, it is below the maximum allowed and theoretically you could have more units. The question then becomes how would you layout the site in as nice of a lay out as we have here.**

**Ms. Dwyer - So, they are limited by the wetlands.**

**Mr. McGarry - The wetlands probably limits them from ever getting their maximum theoretically density.**

**Mrs. Wade - Did you say 17.3 units per acre?**

**Mr. McGarry - My calculations indicates that this is 17.3 units per acre and you could actually go to 19.2 or something under the Code.**

**Mr. Archer - Okay. Are there any further questions of Mr. McGarry? Thank you, Mr. McGarry. We have opposition so I assume that the applicant would want to speak.**

**Mr. Marles - Mr. Chairman, because there is opposition, the ten-minute rule will be in affect. Both the applicant and the opponents will have a total of ten minutes to present their cases. The applicant may want to consider reserving some time for rebuttal.**

**Mr. Axselle - Mr. Secretary, I would ask to reserve five minutes for my presentation and five minutes for rebuttal.**

**Citizen - Is there any way the PA system could be turned up? We can't hear. We can't hear the people up there and we can't hear you either.**

**Mr. Archer - You can't hear us either?**

**Citizen - Huh.**

**Mr. Archer - No, you can't.**

**Mr. Vanarsdall - It doesn't have a thing to do with your hearing. We can't hear it either. I can't hear either. If you would write a letter to the Manager maybe we can get something**

done about it. We went to all of this elaborate system with these little bit of pencil things here and the system is no better than it was with the old system that we lived with for many years.

Mrs. Wade - Would somebody back there in the back turn up the volume.

Mr. Archer - We will try to get the volume turned up a little bit. Mr. Axselle, could you pull that other one up a little bit too please.

Mr. Vanarsdall - We are going to have to give courses on how to speak into the mike.

Mr. Archer - Good morning, sir.

Mr. Axselle - Mr. Chairman, ladies and gentlemen of the Commission, my name is Bill Axselle. I am the attorney for the applicant. I'm here with the applicant and the engineers and the engineers will respond to any technical questions that you might have. I thought, however, it might be helpful, in light of the history of this case and where I think we will likely proceed, to give you a little bit of background. The property, as you know, is zoned R-6 and under the County zoning ordinance that allows apartments that has been zoned R-6 for over 30 years. We are here today not on a zoning matter but on a plan of development approval and as your staff has indicated this application that is before you is in full compliance with all of the County's applicable development standards.

I thought it may be helpful for all of us here in attendance to maybe have a little refresher course on what the policy and the law is for this type of matter because that policy and that law benefits all interested parties. Our system basically says that there are certain obligations on a property owner. A property owner must comply with the zoning. The use they want to put on the property must be consistent with what the County says is the proper zoning. They must comply with all applicable development standards. The County and the neighbors are very proper in requesting, even insisting, that the property owner do that. At times the property owners may not like that but the property owner has to accept that that is a part of their obligation to develop the property consistent with the zoning and the development standards. Correspondingly, the system also says that there are certain obligations on the property owners in the County. And, that is, if the property use that comes before you is in full compliance with the zoning and if the plan that comes before you is in full compliance with the development standards, then the law and our policy basically says that the property owner has a right to request, or even insist, that the plan be approved.

There are times when the County and times when the neighbors really don't like that outcome and that result but, in fact, is a part of the system, it is a part of the obligation that's on the County and the neighbors. Just like the property owners have to accept certain obligations, I suggest that folks who maybe are opposed to it, it is in full compliance of certain obligations they need to accept. Here we have a situation where the property use is in full compliance with the zoning. The proposed plan is in full compliance with all of the development criteria. We recognize that there are folks who do not want this use on this property. They have what,

I think, they consider very good and reasonable issues and reasons for that. But, for better or for worse, that really is not the issue before you today. That was decided, quite frankly, about 30 years ago as to what the appropriate use was. So, while we respect those opinions, we would ask that everyone keep in mind what the issue is today and that is the approval of the POD that is in full compliance with the County standards and zoning. Mr. Chairman, I will respond to any more questions and I'll reserve the remainder of my time. Thank you.

Mr. Archer - Thank you. Are there any questions of Mr. Axselle by the Commission?  
All right. Sir, would you come forward and state your name and address please.

Mr. Boone - I'm Willie Boone, 3705 Denison Road in Lawndale Farms subdivision. It seems like we come up here every quarter with this. We have been with you for the last year, it would appear. What we would like for you to do, we would like for you to defer this until we can get Mr. Zehler and Mr. Donati here from the Varina District. They must be working today and it is hard for us to get more people up here because of people that are working. We would like to be able to hold this during the night and we would give you our reasons then and have them all charted out for you as to why we don't want to be surrounded with any more apartments. If you go out there and look. We are surrounded by apartments. I've been out there for 40 years. I don't want to move, but if these apartments come in as they are projecting them to us, I'll probably be looking out in another County. I don't want to leave Henrico but I probably will if this takes place. I'm going to reserve time for Mr. Hutchinson. It's got him surrounded on every side and he has a few things that he wants to bring out to you.

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

Mr. Hutchison - Mr. Chairman and members of the Commission I'm Carp Hutchison and I live at 3610 Denison Road and I have property adjoining this property. One thing that's got me confused, in the writing of this, it says that this takes place on both sides of Millers Lane, these apartments. On the west side of Millers Lane that's true, that's zoned for apartments. On the east side of Millers Lane it's not zoned. I thoroughly don't understand, and I don't believe any of these other people understand, that aspect of it.

Ms. Dwyer - Mr. Secretary, maybe you can shed some light on that comment.

Mr. Marles - Sure. Mr. Hutchison, the apartments are proposed on the left side of Millers Lane. Under our ordinance, it is possible to locate a BMP off site, and it's the BMP that's located on the east side of Millers Lane, not the apartments.

Mr. Hutchison - The BMP.

Mr. Marles - Right.

**Mr. Hutchison -** That is another one of my concerns, the BMP. Myself and the people on Denison have a water problem and that come up way back over the years, where this BMP, whether VEPCO and people on the gas pipe line is going to approve this. I know Mr. Wilton said they will approve it. And I was reading out there in the book and it said it have to have letters from VEPCO and the people at the pipe line. Mr. Wilton has not produced these letters but I'm definitely concerned about the drainage. If BMPs are not in place, in the right way it's, going to flood me out. And, let me just add too, if I may, where I stand and why I am concerned about this. About a year ago I entered into an agreement with Mr. Wilton to buy my property, you know, for x number of dollars and then you put up an x number of dollars in escrow, well it wasn't to become before you people, my property, and it wasn't zoned for apartments that was fine with me, whatever will be will be. But, I have a kind of sour taste with the developer. I spent a thousand dollars for surveying. I spent a thousand dollars for a lawyer. In an agreement if a certain time Mr. Wilton did not agree to buy at the price we had agreed on, then we entered into a contract and I gave him a week and on top of that he said he needed to get with his partner to see if he could pay me what we had agreed on. I didn't hear anything and I asked my lawyer and he checked with him and with the developer and Mr. Wilton's lawyer and what I got back, my lawyer said I had about four choices, go to court and try to make Mr. Wilton pay me what he had agreed to pay to start. Number two. Make him pay the \$5000,00 escrow. Walk away from the whole thing or write him a letter to try and negotiate and try to get a little bit of my money from being tied up and all the heartaches that me and my wife went through going to dozens of meetings and going to Pennsylvania trying to find me a house. And the reason I was going to Pennsylvania is that I have a son that's disabled and he's in a mental health system in Henrico, which I am thankful for, and the reason I was going to move up there is so that I would be next to my daughter so when we pass on we she can help look after my son that's disabled. That cost me a lot of money. When I wrote Mr. Wilton a letter about retrieving part of the agreed escrow money, I never got anything in return on that. So, I have a very bitter taste in dealing with this particular developer. We attended many meetings before on this case, on my case, and then after this. But, this meeting, this time, he never offered to get with any of us to show us a drawing or anything. And when we read about both sides of Millers Lane, that was totally confusing to us. So, we are definitely still concerned with that drainage... we understand that on the west side if it's zoned then I guess there is nothing that can be done about it. But, we are concerned about the drainage because if Mr. Wilton couldn't afford to pay me the agreed price and if he builds more apartments, which is going to lower the value of my property. If all that water comes over on me, that's definitely.... my taxes are going up every year, but nobody can afford to buy my property on the agreed price. I agree with Mr. Boone and the rest of the people, we would like for this to be deferred so that Wilton, maybe if he would, I guess he's getting like us, getting tired of getting with us. But, we didn't know where these holding areas are going to be. I know which way the water comes by living there 35 years. So, we would like to see all that and want it deferred if we could. I appreciate your time.

**Mrs. Wade -** Where is your property, Mr. Hutchison?

**Mr. Hutchison -** It's directly east adjoining this.

- Mrs. Wade - Is it east of the power line?**
- Mr. Hutchison - East of the power line, yes. Another thing,....**
- Mrs. Wade - And you were living here, apparently, when this was rezoned R-6 for apartments.**
- Mr. Hutchison - No.**
- Mrs. Wade - No, not your property, I mean the current site.**
- Mr. Hutchison - No I was not. That was way before I came here. I came here in 1968.**
- Mrs. Wade - Thank you.**
- Mr. Hutchison - May I had too, the power lines, Mr. Wilton owns a strip of land between the power lines and my property. I tried to negotiate with him. He sent me where he wanted to buy a strip of mine so he could put a road and two rows of houses. He offered me x number of dollars, which would have backed little houses right up in my front door. He offered me x number of dollars, which I would have been foolish to take because it wasn't enough and I would have been with little tiny houses backed right up to me. So, in turn I said, why don't you sell me that strip between there and then we all will be happy. Well, he asked me for \$25,000 more for his strip than he was going to give me for the same on mine. So, I don't think I've never been treated fairly no way shape or form in this whole thing. Thank you.**
- Mr. Archer - Are there any more questions of Mr. Hutchison before he takes his seat?**
- Ms. Dwyer - Mr. Vanarsdall, I was thinking about your earlier question on the previous case. In that case we had a fairly detailed plan showing the location of the BMP, the depth of the BMP and all that. Here, all I see are two hand-drawn circles with BMP basin handwritten in there. Do we have any more details about the location and the appearance and the characteristics of the BMP that will be planned for this site?**
- Mrs. Wade - Well, he already said we can't approve it anyway.**
- Ms. Dwyer - I would hate to approve something that has two hand-drawn circles on it.**
- Mr. Vanarsdall - No, I don't know of any.**
- Mr. Koontz - I'm Greg Koontz engineer for the developer. There is a complete set of plans that were originally submitted with the whole design and grading submitted with this plan.**

Ms. Dwyer - With the BMP?

Mr. Koontz - Yes, ma'am.

Ms. Dwyer - Okay. We just didn't get it out with our packets.

Mr. Vanarsdall - The first time, the first meeting?

Mr. Koontz - Yes, sir. Basically, the BMP never did change from the other POD. There was really no change on the east side.

Mr. Archer - Thank you for that information, Mr. Koontz. Is there anyone else to speak on the opposition? I think we have about three minutes. Mr. Axselle, I think you had reserved some time for rebuttal. I think you have approximately five minutes.

Mr. Axselle - First off, just a couple of miscellaneous issues. We will be required by the approval to obtain certain permissions from Virginia Power and so forth, regarding the BMP. We have the contract here submitted by Virginia Power so that is well in place. The BMP, as you know, as Greg just indicated to you, has been submitted and approved as a part of the original POD. All of those detailed plans are for the County. Mr. Hutchison's personal situation with Mr. Wilton, I won't get into detail. Obviously, there was a contract to buy his property for use of apartments. The zoning case was not approved and there has been some differences of opinions between those gentlemen and that's something that obviously should be resolved by them either personally or through the court system it's not something before this issue. We are prepared, and would ask that you go on and approve it. We would ask that the matter not be deferred. There is no real basis for deferral. The reasons we have heard is that we really don't want any more apartments and that's really not the issue and I suggest to you that... Your County staff has looked at everything, at the original POD, which was approved by the Planning Commission and the revised POD, as indicated to you, is in full compliance with the development standards of the County. And, for that reason, we would ask that you would go on forward. I don't think any additional meetings or anyone else being in attendance is going to change the fact that it is a use that probably these neighbors don't want but it is a use that is allowed and should be approved under our County system. Thank you very much.

Mr. Vanarsdall - Mr. Axselle, what year was this property rezoned?

Mr. Axselle - I do not know but I've been told and from the minutes it says it was 30 years ago was the expression used in the earlier minutes.

Mrs. Wade - It must have been more than that. He's been there 35 years. Anyway, that's not the issue. I am interested in who owned it at the time. We have a lot of these little parcels around.

Mr. Axselle - It's been a long time. It was probably before any of us here were really involved with any of this.

Ms. Dwyer - Mr. Axselle, you are accurate in stating that this plan meets the minimum County requirements and that there are no conditions that increase buffer size or address materials or those kinds of things and you are also probably correct that there is nothing more that this Commission can require other than those minimum requirements. But, has your client considered maybe improving the quality of this development to make it more in keeping with the single-family residences that are nearby. For instance, adding some more quality materials or adding some space, a modicum of space for the residents in the apartments to be used for recreational purposes.

Mr. Axselle - There are two separate parts of that, if you will. I think that prior to my involvement, and prior to the last hearing, there were probably about four or five maybe six meetings with the neighbors, which they went through and agreed to certain terms and conditions, some of which have been incorporated into, prior to this POD and so forth, and I think they feel like they have improved the plan. This site now has less buildings, if you will, than the previous plan that actually has less density than the previous plan that you approved. We think that those are, in fact, improvements and we think are good quality construction. It is still apartments and I think that is the issue for some folks. Thank you very much.

Mr. Archer - Thank you, Mr. Axselle. Is there any further discussion?

Mr. Gallmeyer - Can I say something in opposition?

Mr. Archer - Yes. I think you have a little time left.

Mr. Gallmeyer - I'm William Gallmeyer, I'm a neighbor. This new plan, the apartments on the east side of Millers Lane was not brought to our attention until now, today. We were unaware of it. In fact, Mr. Wilton point blank told me that it did not include apartments on the east side.

Mr. Archer - There are none, sir.

Mr. Gallmeyer - Pardon me.

Mr. Archer - There are none on the east side of Millers Lane.

Mr. Gallmeyer - This is what his plan is to put apartments on the east side also.

Mr. Archer - No. They are on the west side, the BMP will be on the east side of Millers Lane.

Mr. Gallmeyer - Okay. I'm sorry.



Ms. Dwyer - It's a drainage area, that's all.

Mr. Gallmeyer - I don't hear well and you PA system doesn't work well either. So, the apartments are only on the west side, is that correct?

Mr. Archer - That's correct.

Mr. Gallmeyer - Well, what about the east side, is that just where the BMP is going?

Mr. Archer - That is correct.

Mr. Gallmeyer - Okay. Thank you. So, no buildings are going on the east side?

Mrs. Wade - Not on this plan.

Mr. Archer - Not on the plan that was submitted, no.

Mr. Vanarsdall - Just the BMP. We call it the "Big Mud Puddle."

Mr. Gallmeyer - Well, 16 acres includes that side which would be.....

Mr. Archer - Sir, can you see the site plan that's on the map up there?

Mr. Gallmeyer - Yes.

Mr. Archer - Can someone point out Millers Lane to him please?

Mr. Gallmeyer - I understand that. I understood the problem was that he was going to put the apartments on the east side of Millers Lane as well as the west side.

Mr. Archer - They are all on the west side, sir.

Mrs. Wade - So far. They don't have zoning on the other side. The other side is zoned R-4 anyway.

Mr. Boone - Mr. Wilton is planning on putting houses on the east side. He talked of 900 square foot houses up to 1000 square foot houses and could sell them for \$90,000 a piece. If he can do that, I'm going to start selling houses. That is his plan to put houses on that side, and if he do that's going to create more problems for us with the addition of the apartments over there. He told us that is his plan to put houses over there. And, he told us he could put what he wanted to over there, any size house he wanted to.

Mr. Hutchison - May I say just one more thing?

Mr. Archer - You have about 30 seconds.

Mr. Hutchison - Okay. At the previous meetings, I had requested before this that a fence between Mr. Wilton's property from Gay Avenue all the way to Denison Road, that he be required to put up a fence between his property and mine for the simple reason. Mr. Gallmeyer farms my property with pumpkins, watermelons, cantaloupes and sweet corn and with all of these apartments and the houses going over there it is natural, I don't have anything against kids, but they are going to be coming over there and I would definitely like to request that a fence be put between his property and my property. Thank you.

Mr. Archer - Mr. Axselle, is there any response to that request, sir?

Mr. Axselle - I'll make this statement, but I'll ask Mr. Wilton and Mr. Kornblau to confirm it for me. The accuracy of it, what I think I understood, is that Mr. Hutchison has requested that a fence be located on his property but his property is not adjoining and adjacent to the property that's subject to this POD request. His property is adjoining and adjacent to property that Mr. Wilton may have single residential on. He is nodding and confirming so that is an accurate statement. So, that is an issue that would be addressed at the time of the development of that property, it's not this property.

Mr. Archer - Mr. Hutchison, I see you nodding negatively.

Mr. Hutchison - Pardon me.

Mr. Archer - Mr. Axselle was saying that you were requesting that a fence be placed on your property. Is that what you are saying?

Mr. Hutchison - No. It's going to be on his property because he's the one bringing the people in to come on me. I don't want it on me, I want it right off of my property on to his.

Mr. Archer - Mr. Axselle, does that change your answer?

Mr. Axselle - Whether it's on our property or his property it is not the property that is before the Planning Commission today, that's the point.

Mr. Vanarsdall - What you are seeing is not buffering what we are speaking of this morning.

Mr. Axselle - Yes, sir. That's correct.

Mr. Archer - Is there any more discussion on this case?

Ms. Dwyer - I would like to ask the staff if they have a copy of the plan for the BMP

**in your file there?**

**Mr. McGarry - I'm sorry, not with me.**

**Ms. Dwyer - Will there be one or two BMPs?**

**Mr. McGarry - It's a single BMP.**

**Mr. Koontz - It's the same BMP that was approved last time.**

**Ms. Dwyer - I can't remember what that looked like.**

**Mr. Koontz - It's got two main areas that are interconnected with a pipe, but it's basically one BMP with one outlet structure.**

**Ms. Dwyer - What's the approximate length of that BMP from end to the next?**

**Mr. Koontz - Off the top of my head I couldn't tell you.**

**Ms. Dwyer - Can you give me a ballpark figure?**

**Mr. Koontz - It's going to be real ballpark I believe about 300 feet, 250 feet somewhere around there.**

**Ms. Dwyer - There has been a commitment in the conditions to plant 50 evergreen trees and I'm wondering if that's going to be, how far apart are those trees going to be and that's going to depend on the size of the BMP.**

**Mr. Koontz - Right.**

**Ms. Dwyer - So we don't really know that at this point.**

**Mr. Koontz - I think primarily they would be, I mean, they could put more on one side to try to screen a certain area if somebody wants to do that.**

**Ms. Dwyer - Maybe we can bring this back for landscape plan and then we could look at that question in more detail, when we have more information about the BMP, and look at that.**

**Mr. Koontz - That's fine.**

**Ms. Dwyer - And, we may need more evergreens in order to have a more effective planting. It may be helpful to amend No. 32 to say there will be evergreens every so many feet around the BMP as opposed to limiting the exact number. Do you have an idea of what**

would be an appropriate distance between trees?

Mr. Axselle - My I suggest another alternative and that is to amend that to say evergreens as determined as a part of the landscape plan approval. That way you could actually have the site, you could have the specifics and you will know where they should be and so forth. We have no problems coming back. We anticipated coming back for the landscape plan approval around the BMP, so we have no problems committing that we will do the evergreens as determined appropriate at that time.

Ms. Dwyer - And this does say a minimum of 50, so you haven't actually limited the number that you plant.

Mr. Axselle - That's correct.

Mr. Archer - Okay. Are there any other questions, observations, or comments? All right, then, Mr. Vanarsdall.

Mr. Vanarsdall - Mr. Chairman, let me start off by telling all of these people who did come that we appreciate you coming. Mr. Donati is at a funeral and Mr. Zehler is out of town. It was not preplanned to be this way at all. Secondly. I can't think of any reason to defer the case any further because we have talked about it. We have deferred it. They have met with you all, and we couldn't possibly, even if we deferred it today, we couldn't possibly pick up any more. Someone else would be left out and so I guess it's sort of like going to the Doctor and he finally has to tell you, you have something he didn't want to tell you to start with. So, we are going to have to bite the bullet this morning, if that's what you call it. I realize you don't want apartments. Our system is a good system that we have and there are certain things that the Planning Commission of this County can't approve. We can't go against anything that's against the law. We can't alter codes. We can't do anything. This property was zoned 35 years ago. We have a very good system in the County and in government. We have a public hearing for rezoning of property and then we have a public hearing, like today, for what's going to be built on the property, what's going there. The unfortunate thing in today's society is when it comes up for rezoning, we don't have, in many cases, we don't have very many numbers of people to come out in behalf of the rezoning. Then when the woods are torn down or something is going to be built, then they want to know how come or what happened. When we had our Land Use Plan meetings, we had five throughout the entire County, and I was chairman of the Commission at that time, so I went to every one of them just to see. I will give you an example: Down in Varina we had a lot of people but according to the number of people who live in Varina and should have been there, it wasn't very much. I'm not here to lecture this morning, I'm just telling you the system. Out in the Tuckahoe and Three Chopt Districts we had a combined meeting at the Short Pump Elementary School, including me and Mrs. Wade and Mr. Shadwell, who was the Supervisor then, Mr. Kaechele and the staff members, we had a total of about 50 people and that's two districts. The same thing in the Brookland and Fairfield Districts. We had a lot of people who were very interested, but, when I say a lot of people, we had a lot of people very interested

but the numbers of people were very few. So, what we have come to this morning is something that we can't do anything about. Now, you people were here last time and you remember that we did deny the three-story building because we leverage on that, we had the authority to deny that third story and we did. Now, the applicant has come back with three fewer buildings this time, 9 instead of 12, but he has not increased the units. The units are still 144, so you have three fewer buildings and you do not have any three-story buildings and the same number of units. We understand your position on apartments. Mr. Hutchison, we understand that you have a lot of personal problems with Mr. Wilton that we are not going to get into.

Mr. Hutchison - Well, it's the water drainage now because nobody could tell me anything today about the drainage.

Mr. Vanarsdall - Mr. Hutchison, excuse me, I didn't interrupt you while you were talking and I appreciate it if you wouldn't interrupt me.

Mr. Hutchison - I apologize.

Mr. Vanarsdall - We understand that you have a lot of personal gripes with Mr. Wilton and we are not involved in that and we don't get involved in that. So, to make a long story longer, we don't have any way of doing anything this morning. We do not have the authority. I want you all to understand that. So with that, Mr. Chairman, I move that POD-104-98, The Glens at Miller Lane, be approved with No. 9 amended, that means it's going to come back to us for landscaping for you all to get the fence and so forth, Mr. Hutchison. And additional conditions Nos. 23 through 32.

Mrs. Wade - Second.

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

The Planning Commission approved POD-104-98, The Glens at Millers Lane (POD-80-98 Revised), subject to the standard conditions attached to these minutes, the annotations on the plans, and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The 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 developer shall provide fire hydrants as required by the Department of Public

- Utilities in its approval of the utility plans and contracts.
26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
  27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
  28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
  29. 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.
  30. Prior of issuance of a building permit, the developer must furnish a letter from Virginia Power and the Natural Gas Company stating that this proposed development does not conflict with their facilities.
  31. Prior to construction plan approval, the Director of Public Works shall grant approval of an offsite BMP, and Virginia Power shall grant permission for the BMP/storm sewer in their easement subject to the County Attorney's approval of the easement agreement.
  32. The BMP shall be fenced with black vinyl clad chain link fencing and landscaped with a minimum of 50 evergreen trees planted at a minimum of five feet in height.

Mr. Vanarsdall - Thank you all for coming. Can we take a break now, Mr. Chairman?

Mr. Archer - Mr. Burcin, are you all prepared to come back? Okay. I think we will continue with these two cases and then we will take a break Okay. We will continue with POD-111-98 and POD-113-98.

**AT THIS TIME THE COMMISSION CONTINUES WITH POD-111-98, HILLCREST OFFICE PARK AND POD-113-98, COMMERCE PARK ISLAND - BMP & RETENTION FACILITY, THAT WAS PASSED BY EARLIER FOR DISCUSSION WITH THE CITIZENS.**

#### **PLAN OF DEVELOPMENT**

**POD-111-98  
Hillcrest Office Park  
- Glen Forest**

**McKinney & Company for Pruitt Properties, 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 100,000 square foot office building and a master plan for two (2) additional office buildings totaling 160,000 square feet. The 16.55-acre site is located at the northern terminus of Bayberry Court approximately 150 feet north of Glen Forest Drive on parcel 81-15-A-5. The zoning is O-3C, Office District (Conditional).

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

**Mrs. Wade - Are you all set now, Mr. Burcin?**

**Mr. Burcin - Yes. We've met with Mr. Walker and discussed what his concerns were and as well he has looked at our detailed plans, our drainage area maps, and I think we have all come to the conclusion that obviously what we are doing will help the drainage situation behind his house and along Upham Brook. The concern regarding the sewer, from talking to the neighbors regarding the sanitary sewer, it sounds as if the County has been starting some effort to raise the manholes behind the houses so that they are out of the 100-Year Floodplain and out of the floodplain. What appears to be happening now is that when water raises, it backs up into the sewer, through the manholes and then backs up pressure into the houses. From what I am hearing from one of the neighbors, the manhole has been raised and that has fixed that part of the problem. But just down stream, the next one hasn't been raised yet by the County and therefore the water still gets into the system creating the back flow into the houses.**

**Mrs. Wade - Have they discussed this with their Supervisor?**

**Mr. Walker - Yes, twenty years ago.**

**Mrs. Wade - But, in the meantime or just 20 years ago?**

**Mr. Walker - Every time we have a flood we discussed it.**

**Mr. Burcin - It sounds like something that maybe staff would want to suggest to the Department of Public Utilities that they look at to see if that can be fixed. If it is a matter of raising the manhole, it's a fairly minor fix to eliminate this problem, if in fact that is the problem.**

**Mrs. Wade - It could be that it is not that simple, I don't know.**

**Mr. Burcin - It could be. That's what it sounds like to me.**

**Mrs. Wade - I think they have tried to take care of most of that kind of situation around the County when they can. Thank you. But, you have convinced him that his drainage situation is not going to get any worse or would get better.**

**Mr. Burcin - Yes. Drainage should be better in this area. We are detaining a lot of water that is currently being released at development rates unchecked, such as the Interstate, West Park Convalescent Center. We are picking up those sites that are being released undetained and now we are detaining those. We are helping the situation in that regard.**

**Mr. Walker - For the record, I will withdraw my objection of before.**

Mr. Archer - Thank you, Mr. Walker.

Mrs. Wade - Very good. I will talk with the appropriate authorities about the sewage situation. Is there anything else? All right. This looks like a continuation of a very nice office park and I appreciate the sensitivity to the neighbors as far as the buffering and the communication and everything that's of concern and also now with the drainage problem. Therefore, I move POD-111-98 be approved subject to the standard conditions, condition No. 9 amended to bring the landscape plan back and Nos. 23 through 34, and No. 34 being on the addendum addressing the master plan and future development on the property, I move it be approve.

Ms. Dwyer - Second.

Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in favor say aye...all oppose say nay. The motion passes.  
The Planning Commission approved POD-111-98, Hillcrest Office Park – Glen Forest, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
29. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
30. 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.



31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.
32. A certificate of occupancy shall be issued to this site, or portion thereof, only when all applicable provisions for stormwater management have been fulfilled by a method approved by the County Engineer.
33. All administrative plans for future buildings must demonstrate that adequate parking as needed to meet code requirements is provided
34. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.

## PLAN OF DEVELOPMENT

**POD-113-98**  
**Commerce Park**  
**Island -**  
**BMP & Retention**  
**Facility**

**McKinney & Company for North Gayton Company, LLP:**  
 Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a regional stormwater management facility. The 39.17 acre site is located between the southern terminus of Oak Ridge Street and I-64 on parcels 81-A-17 through 27, 81-3-A-6 through 9, 81-A-2 and 2N and 81-2-F-17. The zoning is R-3, One-Family Residence District. (Three Chopt)

Mrs. Wade - As far as POD-113-98 is concern, apparently, somebody has decided that we should take some action on this, although we realize that it's more of an engineering situation than planning. And, although Mr. Silber said it is closely connected with other property around and future possible development and, of course, obviously, the development of POD-111-98. Regional BMPs is something I thought we would like to encourage but we realize we don't have the final technical authority over approving these things. I move that POD-113-98, Commerce Park Island – BMP & Retention Facility, be approved subject to the annotations and conditions Nos. 23 through 27.

Ms. Dwyer- Second.

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

The Planning Commission approved POD-113-98, Commerce Park Island – BMP & Retention Facility, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to

- the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The limits and elevations of the 100 year frequency flood shall be conspicuously noted on the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable Width Drainage & Utility Easement."
  25. The drainage facilities along I-64 shall be approved by the Virginia Department of Transportation.
  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. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.

**LANDSCAPE PLAN (Deferred from the October 27, 1998, Meeting)**

**LP/POD-120-95  
Meineke Muffler**

**Potts, Minter and Associates: Request for approval of landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.18 acre site is located at the northeast corner of Parham and Hungary Roads on parcels 63-A-4B and 63-A-2C. The zoning is B-3, Business District. (Fairfield)**

**Mr. Archer - Is there anyone in the audience in opposition to LP/POD-120-95, Meineke Muffler? No opposition. Ms. News.**

**Ms. News - The applicant has agreed with all of the staff's annotations. The plan just distributed shows addition of evergreen and accent planting around the perimeter of the parking lot in lieu of the accent planting at the proposed sign location. Staff recommends approval of this plan.**

**Mr. Archer - Are there any questions of Ms. News by the Planning Commission?**

**Mrs. Wade - There won't be any planting on the Parham side? Is that what you said?**

**Ms. News - That's correct. They pulled the planting to put it around their parking lot and they are not putting anything up at the corner.**

**Mrs. Wade - They can't do both?**

**Ms. News - We could ask.**

**Ms. Dwyer - Are there any evergreens around the BMP?**

**Ms. News - Yes. The BMP is surrounded with a combination of Bayberry and Burning bush and trees all around the public road sides and the adjacent property side.**

**Ms. Dwyer - The trees are Maples, Ginkos, right?**

**Ms. News - There are Ginkos, Maples and Weeping Willows.**

**Ms. Dwyer - None of those are evergreens.**

**Ms. News - No. The evergreens are being provided by the Bayberry shrubs.**

**Mrs. Wade - Do you know if they are going to paint this building?**

**Ms. News - The building is a split face block and it is being painted.... It is actually a concrete stain; a buff colored stain that's going on it.**

**Mrs. Wade - So, it won't be gray, it will be buff?**

**Ms. News - That's correct.**

**Mr. Archer - It will be done to match the shopping center.**

**Mrs. Wade - Okay. Because it is kind of grim that way it is.**

**Ms. Dwyer - I didn't see any Bayberries on mine.**

**Ms. News -** There are two plans in your packets. The first one is dated the 10<sup>th</sup> of October and the second plan is revised for November 17, 1998. There you can see where we have substituted out Bayberries for Burning Bush.

**Ms. Dwyer -** Oh, I see, staff's annotation.

**Ms. News -** Correct.

**Ms. Dwyer -** Thank you. I was looking at the symbol.

**Mr. Archer -** Ms. News, what was the reason why there wouldn't be any planting on Parham Road side?

**Ms. News -** The code requires planting around the perimeter of the parking lot. They pulled it up against their parking lot rather than down in the strip there. Putting trees on that corner, there, could be an interference with sight distance. We could pull them down some. We've got another hotel coming in right next to it that would hopefully have planting that will pull up along the road there.

**Mrs. Wade -** Actually, you recommended accent planting, which I assume was going to be something lower than what causes sight distance problems.

**Ms. News -** That's true. I did recommend that and then we came back and asked the applicant if he would add planting around his parking lot and he chose to do that in lieu of the accent planting, for budgetary considerations. The applicant is here if you want to talk to him.

**Mr. Archer -** Okay. Are there any further questions?

**Mrs. Wade -** And the billboard is coming down? Is that what you said?

**Ms. News -** That's correct.

**Mr. Archer -** Thank you, Ms. News. Would the applicants come forward please? I think there are a couple of questions that the Commission would like to have resolved.

**Mr. Durrett -** I'm Joe Durrett of Potts and Minter.

**Mr. Archer -** Okay, Commissioners, ask away. Mr. Durrett, I do have one question. I understand there is not to be any lighting at all for this building.

**Mr. Durrett -** That is the plan, that there be no lighting.

**Mr. Archer -** Is there any particular reason why?

**Mr. Durrett - I suppose it is because of monetary reasons.**

**Mr. Archer - Well, that's a reason.**

**Mrs. Wade - This is going to be a utilitarian building and if it's like all the others the doors will be open all the time with the work going on and highly exposed. It would seem to help the whole site if you had something planted there at the corner, but you said you don't want to do that.**

**Mr. Durrett - Well, we had several trees and there was objection about the doors being open. That's why we pulled the landscaping up next to the parking area.**

**Mrs. Wade - What is that planted though there?**

**Mr. Durrett - It's low shrubs. There are trees along the right-of-way, but they are not evergreen.**

**Mrs. Wade - There are some that are not on this plan?**

**Mr. Durrett - Well, there are trees along the right-of-way.**

**Mrs. Wade - There are trees on the Hungary side but not on Parham, right?**

**Mr. Durrett - No, ma'am.**

**Mr. Archer - Are there any more questions for Mr. Durrett or Ms. News? None. All right. Thank you, Mr. Durrett. Ms. News, I believe pulling those trees back to the parking lot (unintelligible) represented an improvement over the original plan, did it not?**

**Ms. News - I was afraid there was going to be sight distance conflicts. They are required to have those two trees. Either they could put them right along Parham Road or they could pull them back up closer to the parking lot and just have green area up there.**

**Mr. Archer - Okay. Are there any further questions from anyone? Okay. I move for approval of LP/POD-120-95 subject to the annotations on the plan and the standard conditions for landscape plans.**

**Mr. Vanarsdall - Second.**

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

**The Planning Commission approved the landscape plan for LP/POD-120-95, Meineke Muffler, subject to the standard conditions for landscape plans and the annotations on the plan.**

## LANDSCAPE PLAN

**LP/POD-86-96**  
**Blockbuster Square**

**Purvis 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 1.75 acre site is located at the southwest corner of West Broad Street (U. S. Route 250) and Tanelorn Drive on parcel 59-3-A-2A. The zoning is B-2C, Business District (Conditional). (Three Chopt)**

**Mr. Archer -** Is there anyone in the audience in opposition to LP/POD-86-96, Blockbuster Square, landscape plan? No opposition. Mr. Strauss.

**Mr. Strauss -** Thank you, Mr. Chairman. Since the preparation of the agenda, staff has visited the site and has made some additional observations. These observations have resulted in four additional staff annotations, which have been added to the revised staff plan, which we have distributed this morning. The annotations are primarily in regards to the request for additional landscaping. At the perimeter of the site, staff feels that we are justified in asking for the additional landscaping because the original zoning case had a proffer, proffer No. 3 which said: Landscaping and/or appropriate buffering shall be provided and maintained around the perimeter of the property that is rezoned to the B-2 classification. So, if I can orient you to the site here (referring to projection on the screen). This is W. Broad Street, here, and this is Pemberton Road, there. The subject of this application is this area right, here, which is a parking area, which will be serving the combination retail/restaurant facility. Staff's concern was that along W. Broad Street we would need some additional evergreen landscaping. The adjacent building, this building right here is the "New school" snowboard retail facility. They have evergreen plantings along this side of the building. This building, well, actually, the building is up now. It doesn't show on this older aerial photo, but we would like to see some additional evergreen plant material across here. There is a BMP facility there. We would like to see some additional evergreen planting in this location. Plus, we would like to see some additional planting up and down Tanelorn Drive, which is the private access road that serves this facility. We've discussed the annotations on this revised plan with the applicant, Ms. Sue Purvis. She is here this morning to answer any questions that you may have and I'd be happy to answer any questions as well.

**Mr. Archer -** Thank you, Mr. Strauss. Are there any questions from the Commission?

**Mrs. Wade -** This is also an entrance, really, into a residential area, in terms of the apartments that are there.

**Mr. Strauss -** Right. This is Broadmore Apartments and this is Culpeper Farms Apartments, and this access area does serve those two residential developments. There is existing landscaping in the form of six trees in this median here. The applicant proposed with the original plan to add trees along this parking area. We would just like to see some additional evergreen shrub planting on that parking area.

**Mrs. Wade - I have a question for Ms. Purvis. Oh, are the lights satisfactory?**

**Mr. Strauss - Actually, the lighting plan is an administrative review and approval, but I'll be happy to answer any questions. The lighting proposed; they intend to use the existing fixtures, which meets our policy. They are shoebox fixtures with the flat lenses. They do intend to install or reinstall one additional pole which has been taken down. That will be in this location right here.**

**Ms. Purvis - Good morning. I'm Sue Purvis and I can answer any questions you might have.**

**Mrs. Wade - Are you agreeable to the annotations on the revised plan?**

**Ms. Purvis - Yes, ma'am. I spoke with Jim about this yesterday and I've already revised the plan to show evergreens along the front of the store, around the BMP and along the entrance drive as you go into the proposed development.**

**Mrs. Wade - That will be much better. Do they have a permit for their sign? Do you know?**

**Ms. Purvis - That I'm not sure about. I know there is a sign there for the new development and I will contact the client and get back with you and let you know whether there is a permit or exactly what the status is of that.**

**Mrs. Wade - Or you can talk to Mr. Strauss, or whoever it is in the Planning Office, who handles that.**

**Ms. Purvis - Sure.**

**Mr. Archer - Okay. Are there any other questions?**

**Mrs. Wade - I move LP/POD-86-96, Blockbuster Square, the revised plan with the annotations, be approved, along with the standard conditions for landscape plans.**

**Mr. Vanarsdall - Second.**

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

**The Planning Commission approved LP/POD-86-96, Blockbuster Square, subject to the annotations on the plan and the standard conditions for landscape plans.**

## LANDSCAPE PLAN

**LP/POD-12-97**  
**Broad Street Square,**  
**Phase II**                      **Foster & Miller, P.C.:** 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 1.37 acre site is located approximately 600 feet south of W. Broad Street (U.S. Route 250) and 220 feet east of Enterprise Parkway on part of parcel 70-8-A-6. The zoning is O-2, Office District. **(Three Chopt)**

**Mr. Archer -**                      Is there anyone in the audience in opposition to the landscape plan for LP/POD-12-97, Broad Street Square, Phase II? No opposition. Mr. Strauss.

**Mr. Strauss -**                      Thank you, Mr. Chairman. This application is for approval of a landscape plan for an additional parking area, which serves the W. Broad Square Office Building. Staff has reviewed the plan, and the landscaping does meet code. The lighting plan, once again, is an administrative item that I'd be glad to answer any questions you may have about the lighting. The applicant has agreed to the staff's comments and those are, in substance, where we needed to have some light poles moved to allow for landscaping of the islands in this parking area. There is a chain link fence that's proposed for security purposes around the parking area. With that, Mr. Phil Parker is here with Foster & Miller. He represents the applicant and he can answer any additional questions you may have.

**Mr. Archer -**                      All right. Are there any questions of Mr. Strauss by the Commission?

**Mrs. Wade -**                      No. Not me.

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

**Mrs. Wade -**                      No, I don't think so, unless he has something to add. Does he has something to add?

**Mr. Strauss -**                      No. He just wanted to verify about the lighting plan. That is an administrative item. The lighting does meet our policy requirements for lighting. He just wanted to make sure whether that was a separate approval, and it indeed is. Staff will review this approval, it's not a Planning Commission item.

**Mr. Archer -**                      All right, Mrs. Wade.

**Mrs. Wade -**                      I move the landscape plan LP/POD-12-97, Broad Street Square, Phase II, be approved subject to the annotations on the plan and the standard conditions.

**Ms. Dwyer -**                      Second.

**Mr. Archer -**                      The motion was made by Mrs. Wade and seconded by Ms. Dwyer.



**All in favor say aye...all oppose say nay. The motion passes.**

**The Planning Commission approved LP/POD-12-97, Broad Street Square, Phase II subject to the annotations on the plans and the standard conditions for landscape plans.**

### **LANDSCAPE & LIGHTING PLAN and TRANSITIONAL BUFFER DEVIATION**

**LP/POD-2-98**

**Park Central –**

**Robinson**

**Development Phase I,**

**Building A**

**Higgins Associates, Inc.: Request for approval of a landscape and lighting plan and a transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 6.6 acre site is located along the east line of Park Central Drive approximately 700 feet north of Parham Road on part of parcel 53-A-80M. The zoning is M-1C, Light Industrial District (Conditional). (Fairfield)**

**Mr. Archer - Is there anyone in the audience in opposition to LP/POD-2-98, Park Central – Robinson Development Phase I, Building A? No opposition. Ms. News.**

**Ms. News - Revised plans have been submitted which address the majority of staff's comments. The original loading doors for this project have been converted to store front office stores. The screening of the loading area is no longer an issue at this time. There are two 25-foot transitional buffers required on this property due to the rezoning of this property. The applicant has requested a deviation from the planting requirements along Park Central Drive as outlined in your agenda. Staff can recommend approval of that deviation. In addition, the applicant is asking to delay installation of the plant material in the transitional buffer along the southern property line until such time as the adjacent property is developed. Staff recommends that the landscaping be installed now in this buffer so that it will have time to become established before the time it is needed. In addition, installation of buffers based on future development of adjacent property presents many unknowns and it's difficult to enforce.**

**The lighting plan has been revised to remove light poles from islands. It appears the photometric plan may be based on a 25-foot height of the poles, although, a 20-foot pole is being provided. Revised photometrics are required prior to final signature. The Police have indicated that light levels are low at the edge of the building. The wall mounted fixtures submitted for the former loading area will not be a significant source of light. The applicant has indicated, just prior to his presentation, that the original wall packs shown on the first submission in the packets will be installed with the shield in lieu of the new packs shown on the revised plan. This should satisfy the Police concerns for lighting in the rear. The applicant is here to address any questions.**

**Mr. Archer - Thank you, Ms. News. Ms. News, yesterday you and I were talking about this, specifically about the lighting. So, are you saying now that they have gone back to the original plan and we won't have the 13-watt fixtures?**

**Ms. News -** Correct. They have decided to go ahead and install shielded wall fixtures at the back of the building, which from the first foot candles that were submitted showed that there was enough light in the rear. In the front area of the building, they have light fixtures in the soffits at the doorways and he does not wish to install any additional lighting at this time. They understand that if this is installed, and they still don't think they have enough light out there, they will have to come back to us for additional approvals.

**Mr. Archer -** Okay. Are there any further questions of Ms. News? Thank you, Ms. News. Would the applicant please come forward for just a moment?

**Mr. McCutcheon -** Good morning. My name is Cary McCutcheon and I'm with Higgins Associates, Landscape Architects.

**Mr. Archer -** Good morning, Mr. McCutcheon. The one item I think we do need to address has to do with installing the landscaping now instead of waiting. I have to agree with staff, I think it's probably best to do it now. The enforceability, or being able to enforce it at a later date would be difficult. Also, I think if it's done now then it has the chance to mature along with the rest of the site and probably overall would tend to make a better plan.

**Mr. McCutcheon -** The owner is willing to bond the landscaping if that would help any.

**Mr. Archer -** What is the major objection of doing it now?

**Mr. McCutcheon -** I think it's monetary at this point. They would rather delay it.

**Mr. Archer -** And if we delay it, how long are we talking about?

**Mr. McCutcheon -** Well they told me when the adjacent site is developed they would want to install it.

**Mr. Archer -** That's a contingency that none of us can predict as to when that site might be developed.

**Mr. McCutcheon -** Right. But, it's a very wooded site. I don't know if you have been out there. You can't see our particular site from Parham Road.

**Mr. Archer -** Ms. News, would you come back up please. How does staff feel about bonding the site? Do you still prefer to do it now?

**Ms. News -** We prefer doing it now just because from an enforcement standpoint we would have to somehow know when that site came up, and when it was time to go back and look at this site to install the landscaping. Then you have the issue, that had the plant material been there for five years it would be doing a much better job than it would be doing initially.

Mr. Archer - Okay. Thank you. Mr. McCutcheon, I have to agree with her. I still think it's best to do it now.

Mr. McCutcheon - Okay.

Mr. Archer - The other thing had to do with the photometrics being based on a pole height that we are not certain of. Can that be resolved to staff's satisfaction?

Mr. McCutcheon - Yes, sir. We are working on that now. It was done at a 25-foot height and it should be done at 20 feet.

Mr. Archer - And, you understand that if the lighting is done, as you have submitted it, and it's not deemed to be adequate that it does have to come back for approval. I think there has been some improvement over what the first version was, lesser light. And, of course, the Police Department always likes to have at least adequate lighting so that if some activity is occurring out there they can at least see what's going on. Hopefully, we can accomplish that with what we have.

Mr. McCutcheon - I think with putting the lights on the back of the building and lowering the height will both make improvements to the plan. I'll be bringing that back to Leslie at the end of the week.

Mr. Archer - Okay. Are there any further questions? I don't have any. Thank you, sir. With that, I will move for approval of LP/POD-2-98, Park Central, subject to the staff's recommendations concerning landscaping and lighting and the fact that the landscaping will be done immediately instead of at a later date.

Mrs. Wade - Second.

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

The Planning Commission approved LP/POD-2-98, Park Central – Robinson Development Phase I, Building A, subject to the annotations on the plan, the standard conditions for landscape and lighting plans, and the transitional buffer deviation.

## **PLAN OF DEVELOPMENT**

**POD-99-98  
Springfield  
Veterinary  
Center**

**Schmidt & Associates for Steven R. & Theresa Escobar:  
Request for approval of a plan of development as required by  
Chapter 24, Section 24-106 of the Henrico County Code to  
construct a one-story, 3,600 square foot veterinary clinic. The  
0.810 acre site is located along the west line Springfield Road  
(State Route 157), approximately 140 feet north of Gaskins Road  
on parcel 48-A-17. The zoning is B-1C, Business District**

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

**Mr. Archer - Is there anyone in the audience in opposition to POD-99-98, Springfield Veterinary Center? No opposition. Mr. Wilhite.**

**Mr. Wilhite - You have just been handed out the architectural plans associated with this development. These plans do meet proffered conditions that deal with architectural treatment and material used. It is also in substantial conformity with the elevations submitted as part of the rezoning case. Also, the site plan before is in substantial conformity with that submitted with the rezoning case. Staff is in a position to recommend approval of this development.**

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

**Mrs. Wade - Will there be cross access necessary or desirable to the north, there?**

**Mr. Wilhite - With this development there was none proposed. However, the office portion of the site plan has been filed with the County and it should appear on your agenda next month. With that plan, they are proposing the cross access between this site and the site to the north.**

**Mrs. Wade - And there is a place available here for that, but you would have to remove the note that says "eliminate...."**

**Mr. Wilhite - Right. Originally, the owner did not want to have access with the site to the north and then found out that there probably was not going to be a median break on Springfield Road at his entrance location. So, he thought it would be a good idea to include it.**

**Mrs. Wade - Yes. It would make certainly a better access and circulation I would think.**

**Mr. Archer - Are there any other questions? Would you like to hear from the applicant, Mrs. Wade?**

**Mrs. Wade - Just one thing, please.**

**Mr. Schmidt - My name is William Schmidt to represent the owner.**

**Mrs. Wade - We discussed the trees that exist now and certain commitments are being made.**

**Mr. Schmidt - Yes. The owner said he will latch himself to the trees to make sure that they don't get torn down.**

**Mrs. Wade - That sounds good. But, I gather you are going to try to preserve all you**

can of the large ones that are there.

Mr. Schmidt - As many as possible, yes.

Mrs. Wade - Those at the corner, do they belong to the apartments?

Mr. Schmidt - Yes, they do.

Mrs. Wade - And you all see now the value of having an access to the property to the north.

Mr. Schmidt - Yes. We were unaware of that when we first did the deed. The design we find out at the next POD we may want that and it may be quite desirable.

Mrs. Wade - Actually, how much is going to have to come off the front with the Springfield improvements?

Mr. Schmidt - Just the curb along the side of the property. It would be removed to provide a driveway going over to them. Is that what you mean?

Mrs. Wade - I mean of the Springfield improvements, that the State's doing.

Mr. Schmidt - Well, they are widening road, putting in curb and gutter and a sidewalk through there.

Mrs. Wade - But, will that take some off the front of this property?

Mr. Schmidt - No. The property line that's shown on the plan is after the widening.

Mrs. Wade - Okay, good. And there will be a sidewalk too.

Mr. Schmidt - Yes.

Mrs. Wade - Then you can even walk to work. He lives in the area. Okay. Thank you, Mr. Schmidt.

Mr. Archer - Are there any other questions. Thank you, sir. Mrs. Wade.

Mrs. Wade - This is one of the differences between having an applicant who lives in the area and one who lives in Dallas or Atlanta or someplace. Thank you. I move, therefore, POD-99-98, Springfield Veterinary Center, be approved subject to the annotations and the standard conditions and remove that annotation about eliminating the drive to the north. I move it be approved and conditions Nos. 23 through 32.

Ms. Dwyer -           **Second.**

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

The Planning Commission approved POD-99-98, Springfield Veterinary Center, subject to the annotations on the plan, eliminating the annotation about the drive to the north, the standard conditions and the following additional conditions Nos. 23 through 32.

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 Pemberton Road (State Route 157) 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 Public Utilities in it's approval of the utility plans and contracts.
27. A standard concrete sidewalk shall be provided along the west side of Springfield Road.
28. Outside storage shall not be permitted.
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. 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. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.

#### **PLAN OF DEVELOPMENT (Deferred from the October 27, 1998, Meeting)**

**POD-70-98  
Car Nation –  
W. Broad Street**

**Resource International, Ltd. For Victor J. Moes, MGT Construction and Taco Bell Corporation: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story 1,275 square foot used car sales facility. The 0.425-acre site is located on the north line of W. Broad Street (U.S. Route 250), opposite its intersection with Willard Road approximately 310 feet west of Bethlehem Road on parcel 81-12-A-1A. The zoning is B-3, Business District. County water and sewer. (Brookland)**

**Mr. Archer - Is there anyone in the audience in opposition to POD-70-98, Car Nation, W. Broad Street? No opposition. Mr. Whitney.**

**Mr. Whitney - Staff has received a signature from Taco Bell Corporation as being a part of this approval. Staff can now recommend approval of this POD. I'll take any questions you may have.**

**Mr. Archer - Are there any questions of Mr. Whitney by the Commission?**

**Mr. Vanarsdall - Is Mr. and Mrs. Christian in the audience?**

**Mr. Whitney - I didn't see them, Mr. Vanarsdall. I believe they were here at the last meeting.**

**Mr. Vanarsdall - Mr. McGee has been in touch with them constantly and they are in accordance with what we are doing. I don't have any more questions, Mr. Chairman.**

**Mr. Archer - Okay. Do you need to hear from the applicant?**

**Mr. Vanarsdall - No, I don't need to talk to the applicant either. I move POD-70-98, Car Nation - W. Broad Street, be approved with standard conditions, the annotations on the plan and conditions. Nos. 23 through 33 and on our addendum I believe it says the staff recommends approval subject to all of those things.**

**Ms. Dwyer - Second.**

**Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor say aye...all oppose say nay. The motion passes.**

**The Planning Commission approved POD-70-98, Car Nation - W. Broad Street, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions:**

- 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.**
- 24. The entrances and drainage facilities on Broad Street (U.S. Route 250) 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 Public Utilities in its approval of the utility plans and contracts.**



27. A standard concrete sidewalk shall be provided along the north side of W. Broad Street (U.S. Route 250).
28. All repair work shall be conducted entirely within the enclosed building.
29. Outside storage shall not be permitted.
30. 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.
31. 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.
32. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
33. 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.

## **SUBDIVISION**

**Glenbrook Hills**  
 (November 1998 Plan)      **Grattan Associates, P.C. for Chuck Jumet: The 5.7 acre site is located at the intersection of Summit Drive and Glenbrook Circle west on part of parcel 125-5-A-7A. The zoning is R-1, One-Family Residence District. County water and sewer and septic tank/drainfield. (Tuckahoe) 3 Lots**

Mr. Archer -            **Is there anyone in the audience in opposition to subdivision Glenbrook Hills? No opposition. Mr. Whitney.**

Mr. Whitney -            **The revised plan has just been handed to you. It is in response to the annotation from staff that flag lots shall front on be it developed only along public cul-de-sac streets. A cul-de-sac has been designed. Traffic Engineering has approved this design. The plan just handed to you is that design. However, the radius for the right-of-way would be 50 feet and the radius for the pavement would be 40 feet. With this revised plan, staff can now recommend approval of this subdivision, and I'll take any questions you may have.**

Ms. Dwyer -            **This is a 10-foot road? Is that correct, ten feet of pavement?**

Mr. Whitney -            **There would be an additional 10 feet of pavement making the radius of that pavement 40 feet.**

Ms. Dwyer -            **Okay. The additional lots that are being proposed will not have septic systems, is that correct, they will have public system?**

Mr. Whitney -            **I believe Lot 1 will remain on a septic system. The other two lots, 1A and 1B, will connect to public sewer.**

Ms. Dwyer - And this plan, as proposed and annotated, then meets all of the County requirements for subdivisions.

Mr. Whitney - It does now, with the revision that we have received.

Mr. Archer - Are there any further questions?

Ms. Dwyer - I move that the Commission approve subdivision for Glenbrook Hills (November 1998 Plan) subject to standard conditions for subdivision served by public utilities and the additional condition No. 13 as well as the annotation on the plan.

Mr. Vanarsdall - Second.

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

The Planning Commission approved Glenbrook Hills (November 1998 Plan) subdivision plan subject to the standard conditions for subdivision served by public utilities and not served by public utilities attached to these minutes, the annotations on the plan and the following additional condition:

13. The septic drainfield system for Lot 1 shall be subject to the requirements of the Health Department.

#### **PLAN OF DEVELOPMENT (Deferred from the October 27, 1998, Meeting)**

##### **POD-84-98**

**River of Life Church  
- Phase 1 and Master  
Plan**

**Hulcher & Associates for River of Life Church, Trustees:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story 5,508 square foot education building (Phase 1) and a master plan for a one story 9,350 square foot fellowship/recreation building and a one story, 10,000 square foot sanctuary. The 6.22-acre site is located on the north line of Gayton Road, approximately 500 feet west of Red Hawk Road on parcel 90-A-13C. The zoning is R-3, One-Family Residence District. County water and sewer. (Tuckahoe)

Mr. Archer - Is there anyone in the audience in opposition to POD-84-98, River of Life Church? No opposition. Mr. Wilhite.

Mr. Wilhite - Thank you, sir. The church had to go before the Board of Zoning Appeals to ask for variances from County requirements on this site in relation to lot width requirements and also to locate parking in the front yard for this development. The Board of Zoning Appeals approved the request. However, they put a condition on it that parking in the

front yard would only be allowed for future phases of this development and that with the first phase they would have to construct the parking lot to the rear. A revised site plan has been handed out to you. The master plan for this site has not changed. The revised site plan does reflect the parking to be constructed first in the rear and not in the front yard.

In addition, there is also a request to put a chain link fence around a part of the boundary of this site. The site plan shows a six-foot-high chain link fence. The staff is recommending 42 inches in height. It's around the boundary and also around the BMP in the front of the property. In order to approve a height of greater than 42 inches in the front yard, you would need to approve an alternate fence height request. Revised architectural plans have been submitted, we have indicated by the developer that instead of a metal building they would be putting up a vinyl sided building. We have not received architecturals for the future phases of this development. As written, condition No. 29 on your agenda would approve the master plan for informational purposes only and require that the POD for the future buildings and the rest of the site come back to the Planning Commission for approval. If you so desire, that can be adjusted to allow staff to do that administratively.

Steve Bandura and Jeff Perry from the Department of Public Works are here. We have gotten a lot of input from the neighborhood. There is a lot of concern about drainage and water quality issues on site. Those gentlemen from Public Works are here to address any questions you may have of them pertaining to those issues. Staff is in a position to recommend approval for Phase 1 of this development. Public Works has not, to their satisfaction, the water quality requirements for the future phases has not been worked out. And as I said before, that can be done administratively or could be required to come back to the Commission at your pleasure.

Ms. Dwyer - But the water quality issues have been resolved as far as Phase 1, correct?

Mr. Wilhite - For Phase 1, yes ma'am.

Ms. Dwyer - And, there's no opposition here? Oh, there is.

Mr. Archer - Oh. I'm sorry. I didn't see you raise your hand.

Ms. Dwyer - No, sir. I don't want you to speak at this moment. I was just asking because when he first asked there was no response.

Mrs. Wade - Where does the water go from the BMP from here?

Mr. Wilhite - The BMP is located in this area here in the front. This property drains from a high spot about, here (referring to the projection on the screen) down towards Gayton Road. There is an existing creek that runs under Gayton Road and goes to the lake by Waterford Rhye Townhouses. This water would drain into the creek there.

**Ms. Dwyer - I know there were some citizens here from the Westmoor Subdivision earlier. Did they leave a document to file or information?**

**Mr. Wilhite - Yes. They gave us some information pertaining to drainage and water quality issues on the site, and we do have a copy for the file.**

**Ms. Dwyer - Is that the memo from Robert Stebbins?**

**Mr. Wilhite - Yes. It is from Robert Stebbins who is a consulting geologist as listed on this report.**

**Ms. Dwyer - Just for the record and so that the other Commissioners will know, we have had at least two meetings on this particular POD. One on which all of the neighbors were invited and the representatives from the church spoke and went over their plans, both master plan and the Phase 1 plan. Subsequent to that, there was a meeting in which several members from the County staff were in attendance along with neighbors from the Westmoor Civic Association. The issues in this particular report by Mr. Stebbins were specifically addressed. And, it was my understanding that the issues were resolved to the neighbors satisfaction, as long as it was clear that the applicant would comply with all of the County requirements regarding drainage and water quality and sediment control. I believe we have a letter also in the file from the church indicating that, of course, they would be in compliance with that.**

**Mr. Archer - All right. Are there any further questions or comments?**

**Ms. Dwyer - Has there been a request from Fire or other emergency services to have an additional emergency access to this property?**

**Mr. Wilhite - No, ma'am. That was discussed at the staff/developer meeting. They felt that the size of the site and the proposed development that they would not need emergency access at this point.**

**Ms. Dwyer - They will not need that. Okay. Thank you. And the siding is vinyl?**

**Mr. Wilhite - Yes. They indicated they would change from metal to vinyl siding.**

**Ms. Dwyer - And where is the dumpster location on Phase 1?**

**Mr. Hulcher - There is no dumpster.**

**Ms. Dwyer - There is no dumpster, no trash.**

**Mr. Hulcher - None that would be (unintelligible).**

**Ms. Dwyer - That's all I have.**

**Mr. Archer - Are there any other questions? Thank you, Mr. Wilhite. Would you like to hear from the applicant, Ms. Dwyer?**

**Ms. Dwyer - Yes. The applicant would like to make a brief presentation because we do have opposition.**

**Mr. Archer - Sir, I would like to remind you of our ten minute rule, if you would like to reserve some time for rebuttal you may.**

**Mr. Hulcher - Whatever I don't use I would like to reserve. I don't think I will be long. I'm Bruce Hulcher of Hulcher & Associates and represent the applicant in this case. Mr. Wilhite said we had to revise the plan because of BZA considerations. We also listened to the neighbors and incorporated some of their comments and concerns about fencing, fencing the BMP, and those are reflected on your plan. We are not requesting approval of the master plan, we are only requesting approval of Phase 1. We think the master plan is important to help plan the infrastructure as well as let the neighbors know what this ultimately might look like. While the master plan didn't change much, it did change in one aspect in that we have reduced the parking and pulled the paved area from the west closer toward the building. So, there is more buffering on that side, on the current master plan.**

**Ms. Dwyer - Are you speaking of the side between the parking lot and Warfield Road area?**

**Mr. Hulcher - No, ma'am. This would be between the very end of the parking lot and the adjacent property to the west.**

**Ms. Dwyer - The Miller Road?**

**Mr. Hulcher - Yes. We have pulled that back some. We felt we had more parking than we actually needed under the long range plan. We have tried to leave more trees in that area.**

**Ms. Dwyer - And, are you agreeable to the 42-inch fence or do you believe a six-foot fence is more appropriate?**

**Mr. Hulcher - We are agreeable to 42 inches. There or anywhere in between. We understand the neighbors concern about traffic across this property. We are trying to put an impediment to that, and if 42 inches will do it, that's certainly is okay with us.**

**Ms. Dwyer - I have just a brief question about the control of the silt that would be generated from the construction activities. That's going to be taken care of in the BMP basin and will also serve as a sediment basin.**

**Mr. Hulcher -** That will initially be constructed as a sediment basin in accordance with the Erosion Control Guidelines and the County standards. We will have as much of the developed site as we could directed through that and retain in it for settling of the sediment and removal of any material that will settle in that basin. Ultimately, it will be converted into a BMP.

**Ms. Dwyer -** Okay. And it will also serve as detention basin as well?

**Mr. Hulcher -** Yes, it will. It will serve all three functions, sediment basin, BMP and 50/10 retention basin.

**Ms. Dwyer -** And who will maintain this in all phases of the development? Is that the responsibility of the owner of the property or....?

**Mr. Hulcher -** Ultimately, yes. There are some notes on the drawing, or a note, that we are trying to alert the contractor to the fact that this will be the subject of special inspections in terms of erosion control. And that it will be an item that he needs to take into account when he prices his job. That note is on the plan.

**Ms. Dwyer -** And during the construction phase, the only entrance will be from Gayton Road, not from any of the other potential access points?

**Mr. Hulcher -** That is correct, yes, ma'am.

**Ms. Dwyer -** Now, in several meetings and discussions and letters there has been some commitments made about buffers around the perimeter. Have you committed to a particular buffer of is it what we see on the plan at the moment?

**Mr. Hulcher -** We have not drawn a line and said this is a buffer. We have tried to develop as little as possible to accommodate the requirements of the County and the needs of the church. We are not going to clear any more than is necessary for the construction, and we fully anticipate that a landscaping plan will come back to the Commission. Certainly, we will retain as much of the vegetation as we can.

**Ms. Dwyer -** Will you be clearing between the access drive and Bowden Road?

**Mr. Hulcher -** You probably don't have it in front of you, but clearing limits are shown on a different plan, and only in as much as we need to grade the site will we be clearing. We have to do a little bit of grading along that side. But, as you notice the road swings away from Bowden and we are trying to get as far from Bowden as we can.

**Mrs. Wade -** Are you paving this road and your parking lot?

**Mr. Hulcher -** Yes, ma'am. They will be be paved.

**Mrs. Wade - Will the building have a basement? I see it's one story.**

**Mr. Hulcher - No, ma'am. No basement is planned.**

**Mrs. Wade - So, you won't have child care there or anything, at least for Phase 1.**

**Mr. Hulcher - No. We discussed that with the neighbors. There is no potential for child care or any other type of education. Primarily, it's a Sunday School type of use. When we say education that's what we really mean.**

**Ms. Dwyer - This will be brought back to the Commission for a public hearing on the landscaping, as you mentioned.**

**Mr. Hulcher - Yes, ma'am. I would anticipate that being required.**

**Ms. Dwyer - And we may be looking at landscaping around the BMP?**

**Mr. Hulcher - Yes, we will be looking at that.**

**Ms. Dwyer - And your client are also willing to supplement as necessary or as appropriate, as I should say, around the perimeter?**

**Mr. Hulcher - Yes. Supplement the existing vegetation as required to provide proper screening and buffering.**

**Ms. Dwyer - Thank you.**

**Mr. Archer - Are there any other questions of Mr. Hulcher? I believe we have some opposition. You can come up now, sir.**

**Mr. Miller - I withdraw my opposition. Ms. Dwyer covered everything I need, sir.**

**Mr. Archer - Very good. That deserve some applause.**

**Ms. Dwyer - Are you, Mr. Miller?**

**Mr. Miller - Yes.**

**Ms. Dwyer - I read your letter and I had my notes.**

**Mr. Miller - Thank you very much.**

**Ms. Dwyer - Thank you for being here monitoring the process.**

Mr. Archer - Good work, Ms. Dwyer.

Mr. Vanarsdall - She wiped out the opposition. I wish I could do that sometimes.

Mr. Archer - I've never been able too. All right, Ms. Dwyer.

Ms. Dwyer - With that, I move approval of POD-84-98, River of Life Church – Phase I. My motion includes standard conditions for developments of this type, additional conditions Nos. 23 through 29 as well as Nos. 9 and 11 amended and also including the annotations on the plan.

Mr. Vanarsdall - Second.

Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in favor say aye...all oppose say nay. The motion is granted.

The Planning Commission approved POD-84-98, River of Life Church – Phase 1, subject to the standard conditions attached to these minutes, the annotations on the plans and the following additional conditions:

9. AMENDED - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. AMENDED - Prior to 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. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
27. Insurance Services 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. 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.



**29. The master plan, as submitted with this application is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement the future phases of this master plan shall require separate plan of development approval.**

## **PLAN OF DEVELOPMENT & ~~LIGHTING PLAN~~**

**POD-97-98  
Best Buy @  
Brookhollow**

**TIMMONS for Haywood B. & Claudette H. Hyman, Jr. and Best Buy Stores, L.P.:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct two one, one-story, retail stores totalling 75,039 45,391 square feet. The 9.593 acre site is located at the northwest corner of W. Broad Street (U.S. Route 250) and Brookriver Drive on parcel 47-4-A-1A. The zoning is M-1C, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)

**Mr. Archer -** Is there anyone in the audience in opposition to POD-97-98, Best Buy @ Brookhollow? No opposition. Mr. Wilhite.

**Mr. Wilhite -** I would like to point out in the caption, the request here is for one building, one-story retail store totalling 45,391 square feet. They do show a second building on the site plan. We have not received architectural drawings on this building and they are not requesting approval at this time. There is a revised site plan being handed out to you. It shows an entrance connection to the existing shopping center, Brookhollow Center, to the west. We have not received a signature from the property owner to the west allowing this access. In such, we would recommend that condition No. 32 on your agenda be modified to require evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office prior to the Planning Office approval of the construction plans, and not prior to the issuance of a certificate of occupancy for this development. Also on the revised plan there was a modification to the main entrance drive off of W. Broad Street to push back the entrance points into the rest of the parking lot of the shopping center, back at least 150 feet away from the entrance. There are some landscape islands that are less than 9 feet on this plan. The engineer has committed to bringing those up to a nine foot minimum as per County standards. I recommend the revised site plan with the change to condition No. 32 and the changes in the caption.

**Mr. Archer -** Thank you, Mr. Wilhite. Are there any questions?

**Mrs. Wade -** What's the BMP situation now with this one?

**Mr. Wilhite -** They will be utilizing existing BMP that serves the entire Brookhollow site. There's already a bond existing on the Brookhollow Center Shopping Center.

**Mrs. Wade -** And this, of course, is in the Broad Street Overlay District. So, the landscape requirements will be met up front.

**Mr. Wilhite -** Yes, ma'am.

**Mrs. Wade - Do we have a rendering here? Oh, yes we did. It doesn't indicate what color or anything it's going to be.**

**Mr. Wilhite - Let me also indicate that the lighting plan has been removed from this agenda as well. They intend to come back at landscape and lighting plan time of approval for that.**

**Mrs. Wade - I had some kind of note before this about a 10-foot deviation and the 15<sup>th</sup> of December. Do you know what that could be?**

**Mr. Wilhite - This has not appeared on the agenda before. There is a previous approval for POD for a car dealership on this same site.**

**Mrs. Wade - Okay. So, we don't have any deviation involved here?**

**Mr. Wilhite- No deviation request, no.**

**Mrs. Wade - Do you know what color it's going to be?**

**Mr. Wilhite - According to the rendering that we have seen it's blue drivit, the remainder of the building is split face block, primarily. I will have to have the applicant address the rest of the colors.**

**Mrs. Wade - Maybe someone else can enlighten us in that regard.**

**Mr. Archer - You want to hear from the applicant, Mrs. Wade?**

**Mrs. Wade - Yes, briefly please.**

**Mr. Johns - Good morning. I'm Bill Johns with TIMMONS and I'll address your concern for the color. The building is predominantly a brickish color split face block and it does have some blue drivit over top of the door entrance. I'd be glad to answer any other questions you may have.**

**Ms. Dwyer - What color did you say, I'm sorry.**

**Mr. Johns - It's a brickish color.**

**Ms. Dwyer - That blue, is it a NAPA blue?**

**Mr. Johns - There is a blue element that we submitted with the architectural renderings over top of the door that is a part of the standard of Best Buy logo colors.**

**Mrs. Wade - How would you describe blue just so that we won't be shock?**

**Mr. Johns -** I think Kevin has a copy of it, here, that he can put up for you.

**Mrs. Wade -** Oh, okay. That's just an angle.

**Mr. Johns -** That's right. That's an angle element there.

**Mrs. Wade -** And that's the only thing that's blue then. Okay. Is that a part of the roof, then, that angle? I notice you've got your sign up there.

**Mr. Johns -** Yes. That's a part of the parapet there.

**Ms. Dwyer -** And the blue is drivit?

**Mr. Johns -** Yes.

**Mrs. Wade -** All right. I think that's everything. And, you know about the Overlay District?

**Mr. Johns -** Yes, ma'am.

**Mrs. Wade -** Thank you. And you've got room there for an outparcel, the corner. Who owns the land down there?

**Mr. Johns -** Mr. Hyman owns the land currently but he's selling the land to Best Buy.

**Mrs. Wade -** All of it?

**Mr. Johns -** Yes, all of it. They don't have any plans for this other building other than we are developing it at this point and soon as they find a tenant they will come back before you for that and the same thing with the outparcel.

**Mrs. Wade -** We certainly encourage.... I don't know what this zoning case says here anymore but some kind of coordination between the three activities in terms of architecture.

**Mr. Johns -** Yes. It will all be compatible. This is a piece of property that was involved originally with the overall (unintelligible) that we did. It's all tied together from that element.

**Mrs. Wade -** Thank you.

**Mr. Archer -** All right, Mrs. Wade.

**Ms. Wade - I move POD-97-98, Best Buy @ Brookhollow, revised plan be approved subject to the annotations, conditions Nos. 23 through 24 as they appear on the agenda, I move it be approved.**

**Ms. Dwyer - Second.**

**Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in favor say aye...all oppose say nay. The motion is granted.**

**The Planning Commission approved POD-97-98, Best Buy @ Brookhollow, subject to the standard conditions attached to these minutes, the annotations on the plans and the following additional conditions:**

- 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.**
- 24. The entrances and drainage facilities on West Broad Street (U. S. Route 250) 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 Public Utilities in its approval of the utility plans and contracts.**
- 27. A standard concrete sidewalk shall be provided along the west side of Brookriver Drive.**
- 28. Prior of issuance of a building permit, the developer must furnish a letter from the Plantation Pipe Line stating that this proposed development does not conflict with their facilities.**
- 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. 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. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to Planning Office approval of the construction plans.**
- 33. The ground area covered by all the buildings shall not exceed in the aggregate 25**
- 34. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).**

## **LANDSCAPE PLAN**

**LP/POD-56-97  
Captain D's  
Short Pump**

**Mark A. Sweeney: 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 1.21 acre site is located at Short Pump Plaza on the east line of Pouncey Tract Road (U.S. Route 271) 850 feet north of the intersection of West Broad Street (U.S. Route 250) on parcel 36-A-18L. The zoning is B-3C, Business District (Conditional). (Three Chopt)**

**Mr. Archer - Is there anyone in the audience in opposition to LP/POD-56-97, Captain D's Short Pump, landscape plan? No opposition. Mr. Strauss.**

**Mr. Strauss - Thank you, Mr. Chairman. This is an application for a landscape plan approval, and the site is in the W. Broad Street Overlay District so additional design standards do apply. Since the preparation of the agenda, the staff has had an opportunity to complete its review and we have passed out the current annotated staff plan. The applicant has met the landscape requirements of the ordinance of the W. Broads Street Overlay District. I've spoken to the applicant who could not be here today, Mr. Mark Sweeney. He has agreed to provide the irrigation in the 35-foot buffer that is required as a part of the W. Broad Street Overlay District. And he has agreed to the other staff comments and annotations. So, with that, staff can recommend approval, and I'll answer any questions you may have.**

**Mr. Archer - Thank you, Mr. Strauss. Are there any questions of Mr. Strauss by the Commission?**

**Mrs. Wade - No. It looks good.**

**Mr. Archer - Mrs. Wade, would you like to hear from the applicant?**

**Mrs. Wade - No. He's not here anyway, and it has been represented that he is agreeable. I move, therefore, that the landscape plan LP/POD-56-97 revised plan be approved subject to the standard conditions and the annotations on the plan.**

**Mr. Vanarsdall - Second.**

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

**The Planning Commission approved LP/POD-56-97, Captains D's Short Pump, subject to the standard conditions for landscape plans and the annotations on the plan.**

## **SUBDIVISION**

**Cross Creek  
(November  
Plan)**

**1998**

**Q.M.T. for Gregory A. Windsor, Robert P. Bain, John W. Gibbs, Windsor Woods Development Pension Plan, John E. and Anne L. Joyne, Kenneth D. and Debra I. Barker and Bawin LLC: The 15.2 acre site is located at Country Creek Way and Country Hill Lane along the north line of Nuckols Road on part of parcels 9-A-28G, 9-A-37 and parcels 9-1-A-11, 9-1-B-17B, 9-1-B-17A and 9-1-B-12A. The zoning is A-1, Agricultural District and R-2C, One-Family Residence District (Conditional). County water and sewer. (Three Chopt) 11 Lots**

**Mr. Archer - Is there anyone in the audience in opposition to this subdivision, Cross Creek? No opposition. Mr. Wilhite.**

**Mr. Wilhite - There is a revised caption on your addendum. We have gotten the signatures from all property owners in the subdivision. The boundary of the subdivision, the acreage has increased from 10.8 to 15.2 acres. There are existing lots, Lots 11 and 17 on the west side of Country Hill Lane, that are being resubdivided with this proposal as well as some existing acreage is being split per the subdivision plan.**

**Mrs. Wade - How many acres did you say it is now?**

**Mr. Wilhite - I said 15.2 total. That shows up on your revised caption. One issue that has not been worked out yet is that staff has requested a 25-foot planting strip easement along Nuckols Road. It's fairly consistent with the subdivisions approved both to the east and the west of this development. To the east in West Chase subdivisions there is a 20-foot planting strip. To the west in Cambridge there will be a 25-foot planting strip easement. The problem is that there is some existing drainage easements along Nuckols Road and there will be a need for a proposed utility easement that apparently is going to take up most if not all of this 25-foot planting strip easement. The existing drainage easement to the east... Along Nuckols Road to the east of the Country Hills Lane on a portion of Lot 3, appears can be abandoned. It will be abandoned for West Chase subdivision to the east. However, the existing drainage easement will be needed to the west. This is the issue that we have not resolved at this time.**

**Mrs. Wade - So, what kind of note will we put on here then about that? When it gets resolved, hopefully they can landscape it. Is that what you were saying?**

**Mr. Wilhite - At this point we do not know how much room for landscaping we will have.**

**Mrs. Wade - Or we can say they will landscape considering the easements.**

**Mr. Wilhite - Unfortunately, per County standard requirements they are very limited to**

how much landscaping we can place in the easements. Certainly, no larger trees that...

Mrs. Wade - But, we are not sure exactly about the easements. Maybe Mr. Lincoln can enlighten us. Okay. Thank you.

Mr. Bain - I'm Bob Bain, the developer. We have no problem on how we would word it but saying we give a 20-foot plant strip easement of which 10 feet would be capable of planted in trees that would be outside of the easement that's adjacent to Nuckols Road now. It may be 40 feet behind the curb, it may be 32. We will have a 20-foot plant strip easement and 10 feet of that would be in trees and shrubs.

Mrs. Wade - Is this in addition to the setback, then, for the buildings or this include the required setback?

Mr. Bain - This would be the area parallel to Nuckols Road, that would be outside of any easement.

Mrs. Wade - I understand that, but I'm talking now about this building setback for the homes.

Mr. Bain - This would be the rear yard.

Mrs. Wade - This is the rear yard all the way out to the road?

Mr. Bain - That's correct and they are acre lots.

Mrs. Wade - Except they are longer along Nuckols. They are not that deep as they are long along Nuckols.

Mr. Wilhite - The layout that has been submitted to staff shows that the side property lines abut Nuckols Road, which would mean that the narrow lot width is going to be taken up by these easements. I understand now from the developer, this is the first I've heard, that they may shorten this cul-de-sac street and actually have lots that are abutting Nuckols Road to the rear which would allow for these easements to be pushed back and possibly give us more room for landscaping.

Mrs. Wade - It may not look like this when he gets through.

Mr. Wilhite - It would be possible that they could shorten the street and make the lots abutting Nuckols on the rear providing more depth to the lots, possibly to be able to accomplish both the easements necessary and the landscaping.

Mrs. Wade - That sounds encouraging. Thank you. Are you going to do that or not, or you don't know?



**Mr. Bain -** Yes, we are.

**Mrs. Wade -** You are going to do that. So, there will be a revised plan.

**Mr. Bain -** It's the same number of lots. The road would just be 100 feet shorter.

**Mrs. Wade -** But, you intend to do that and then you can address the concerns about the landscaping and the easements and everything.

**Mr. Bain -** That's, correct.

**Mrs. Wade -** Okay. I don't know if we necessarily need to see that if you are committed to doing that and it can be approved administratively.

**Mr. Bain -** By making this condition where it almost making us forcing ourselves to do that with the easement, the width of it.

**Mrs. Wade -** So, in condition No. 14, then, so we don't know yet how wide the planting strip easement will be.

**Mr. Bain -** Well, I was hoping to match up with West Chase with a 20-foot easement because we have this consideration that we've already got 20 feet of land that may go into a grass easement anyhow. So, that would really give us a forty-foot easement. And we would just want to make sure that the easement would be allowed to be used in lot size calculations that wouldn't be excluded in determining.

**Mrs. Wade -** But, it will be an acre lot regardless.

**Mr. Bain -** That's correct and we can use the plant strip easement in arriving at that.

**Mrs. Wade -** Well, it sounds as if you have got room to do all of this. I'm just trying to figure out some way to word this so we could go ahead and approve this today. Mr. Wilhite, what do you think?

**Mr. Wilhite -** Typically, when we have a planting strip easement request, unless there is a proffered condition dealing with buffers, we assume that there is a possibility that easements may take up 10 to 15 feet of that planting strip easement. If he's willing to commit to at least 10 to 15 feet of area for landscaping I think we can deal with it from that standpoint.

**Mrs. Wade -** But, we need to change the 25-foot-wide?

**Mr. Wilhite-** I think if the 25-foot-wide planting strip easement, that wording can stay the same. You can add 10 to 15 feet must be devoted to landscaping outside any easements

running through this planting strip easement.

Mrs. Wade - So, you can commit to that today, outside the easements?

Mr. Bain - Yes.

Mrs. Wade - Okay. That seems fair enough. All right. I think that's everything. Have you discussed with the other developers along here, the median out there on Nuckols? That's really not a part of this subdivision but...

Mr. Bain - We are going to landscape the median. It's just that Cross Creek, it's just seven lots really at this cul-de-sac and there's no Homeowners Association. We are doing one across the street that the Homeowners Association will take care of the individual islands.

Mrs. Wade - Yes. I understood that you all were working on that. It's kind of lonesome out there with the animals all gone. Okay. Thank you. Anybody else have any questions?

Mr. Archer - Are there any other questions by the Commission? All right, Mrs. Wade.

Mrs. Wade - I move therefore that Cross Creek subdivision.... You've gotten all of the required signatures?

Mr. Wilhite - Yes, ma'am.

Mrs. Wade - I move that the Cross Creek (November 1998 Plan) be approved now for 11 lots on 15.2 acres, the annotations on the plan and conditions Nos. 12, 13. And condition No. 13 to provide the plant list and specification for the landscaping to be provided within the 25-foot-wide planting strip easement along Nuckols Road shall be submitted to the Planning Office for review and approval prior to recordation of the plat and with 10 to 15 devoted to landscaping outside the easement. I move it be approved.

Ms. Dwyer - Second.

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

The Planning Commission granted conditional approval to subdivision Cross Creek (November 1998 Plan), subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions:

12. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan showing a dwelling situated on Lot 11, Block A and Lot 17, Block B to determine if the lot

design is adequate to meet the requirements of Chapter 24, of the Henrico County Code.

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

Mr. Marles - Mr. Chairman. We have a couple of other items on the agenda. The first is the consideration of a Resolution for a new park site on New Market Road. Ms. Anderson will be giving the staff report.

**RESOLUTION: New Market Road Park Site Substantially In Accord with the Comprehensive Plan (Staff Presentation by Audrey Anderson)**

Ms. Anderson - Good afternoon. This substantially is in accord relates to the New Market Road Park Site. The park site is located on the south line of New Market Road, approximately 2,000 feet east of its intersection with I-295, as shown on Figure 1. It's right across New Market Road from the Four Mile Creek Park. The approximate 158-acre site consist of parcels 249-A-51 owned by the Essex Properties of Virginia. This park site is proposed to be used for a passive public park and historical interpretation as this property is a part of the New Market Heights Battlefield area. The site's characteristics are suitable for the proposed use. On the zoning map, Figure 2, as shown here, the majority of the site is zoned A-1, Agricultural District. A small area at the northwest corner of the site is zoned for B-3C, Business District (Conditional). The topography of the site is shown on Figure 3 is relatively flat. It is a triangular shape site with a mature tree stand and no improvements on the site. Approximately 78 acres are outside of the floodplain. On Figure 4, the Land Use Plan map, the site is recommended for rural residential development and environmental protection area. Although the plan does not designate this site for a public use, the proposed use supports a number of the plans historic and cultural goals and objectives and policies that recognize promote and preserve the County's natural, physical, historic, cultural and scenic resources. The park would become an important addition to the existing park system with it being in close proximity to the Four Mile Creek Park across from the site. It would provide a variety of cultural and recreational facilities for the public. Based upon these considerations, the staff recommends that the Planning Commission find the resolution as being in substantially in accord for the proposed New Market Road Park Site. If there are any questions I'd be happy to answer those and also I think there is someone here from the Division of Recreation & Parks.

Mr. Archer - Thank you, Ms. Anderson.

Mr. Vanarsdall - I have a question, Ms. Anderson. How do we find the land to do these type things? I've never asked anybody.

Ms. Anderson - How do we find the land?

Mr. Vanarsdall - In other words, who owns the land when we find it?

**Ms. Anderson -** That part of it is handled between the department that is looking for a site to develop and the Real Property Division. When they come up with a site and if it's not noted on our Land Use Plan for public use then that's when a substantially in accord report is required.

**Mrs. Wade -** Ms. Anderson, we have two copies of your report. Are they the same or were there some changes?

**Ms. Anderson -** The second one that you received at your last meeting replaces the first one that you received. There were some minor revisions to that second copy. So, you can just discard that first copy that you received in your packet. There were no significant changes. There was just some additional information that I received from Public Works about the lake on the site, how that originated from a mining operation that was on the site. And, there were some minor things I wanted to include in the site characteristics.

**Ms. Dwyer -** Is there any intention to connect the park to Buffin Road? Would it be in the County's and your view to make that connection or is it satisfactory to leave it without a connection (unintelligible)?

**Ms. Anderson -** Do you mean, have access off of Buffin Road?

**Ms. Dwyer -** I mean right now the property does not extend all the way to Buffin Road.

**Ms. Anderson -** No, it's not shown that way. I looked at that but then there's that Chris-Travis Drive between Buffin Road and the site. It is a private road, so that may pose a problem doing that. But, it would be good to have additional access if we could work that out.

**Ms. Dwyer -** Maybe purchase additional property.

**Ms. Anderson -** That would be something that Real Property and Recreation & Parks would deal with. I don't know if they have any additional comments or not. I was looking around to see if I saw Mr. Malcomb and I don't see him. He was supposed to be on his way over here.

**Ms. Dwyer -** He's right behind you.

**Ms. Anderson -** Oh, I'm sorry. I looked right past him. Mr. Malcomb, do you have any comments on that?

**Mr. Malcomb -** Only if the Commission have any questions for me.

**Ms. Dwyer -** Do you have a copy of the vicinity map with you? I was just wondering

**if you could just briefly show us the outline of Four Mile Creek Park and how it relates to this? I know it's across Route 5 but could you just take the cursor and show us generally where Four Mile Creek Park is.**

**Ms. Anderson - It's directly across the street. We don't have it noted on here.**

**Ms. Dwyer - How many acres is that? I know that's a large park.**

**Ms. Anderson - I'm not sure.**

**Mrs. Wade - It's kind of U-shape isn't it, over there?**

**Ms. Anderson - Yes.**

**Mr. Malcomb - Mr. Chairman, members of the Commission. I'm Wes Malcomb with the Division of Recreation & Parks. Four Mile Creek Park is 388 acres. And your earlier question about Buffin Road, of course, the first thing we would do, at the appropriate time, is master plan the property and with the property engineering we would certainly look at those kinds of option and pursue them. It would definitely be beneficial.**

**Mr. Archer - Mr. Malcomb, do you know approximately how far it is from the edge of that outline to Buffin Road?**

**Mr. Malcomb - According to Ms. Anderson, it's about 100 feet.**

**Mr. Archer - Thank you. All right are there any further questions from the Commission? Thank you, Ms. Anderson and Mr. Malcomb.**

**Mr. Vanarsdall - Do we need a motion?**

**Mr. Archer - I think we do, Mr. Vanarsdall.**

**Mr. Vanarsdall - I recommend that we approve, I guess we forward this to the Board, don't we?**

**Mr. Marles - Yes, we do.**

**Mr. Vanarsdall - All right. I recommend that we forward this to the Board for approval. New Market Road Park Site Substantially In Accord with the Comprehensive Plan, I recommend this to the Board of Supervisors for approval in accordance with what was explained to us by staff.**

**Mrs. Wade - Second.**

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

Mr. Marles - Mr. Chairman, just for the Commission's information. We are trying to expedite this particular resolution at the request of our Real Estate Office. It will be considered by the Board at their next meeting.

Mr. Archer - Thank you, Mr. Secretary.

The Planning Commission recommended that New Market Road Park Site Substantially In Accord with the Comprehensive Plan be forward to the Board of Supervisors.

**AMENDMENT TO CHAPTER 24 (ZONING) OF THE CODE OF THE COUNTY OF HENRICO: An Ordinance to Amend and Reordain Article II entitled "Definitions" to add "Outside Storage" in the definitions enumerated in Section 24-3. (Staff Presentation by Allen Webb)**

Mr. Archer - Mr. Webb, good afternoon, sir.

Mr. Webb - Good afternoon, Mr. Chairman and members of the Commission. This is the second of two public hearings on this subject. The original was on October 15, 1998, and the matter was deferred to this afternoon. It pertains to a matter that the staff has been working on for a number of months now. Let me briefly give you its history. On May 6, 1998, a business, Boise Cascade Office Products, wrote to the Planning Office and asked for what is called a Zoning Conformance Letter. This letter mentioned the piece of property that the company wish to lease and asked if their operation use was permitted on the property. We responded, yes. However, we also pointed out that the development standards in the district in which the property is located, Villa Park in an office/service district, state that no outside storage is permitted. We stated the delivery trucks used in their operation would need to be housed inside the building overnight or moved off site where such overnight storage was permitted. That was in early May. In July the property owner, Villa Park Associates, appealed that administrative decision to the Board of Zoning Appeals (BZA), which is the proper procedure to deal with such decisions that are not agreed to by the applicant or whomever requested the advice.

On July 23, 1998, the Board of Zoning Appeals heard the matter and basically said it did not equate outside storage to overnight parking of vehicles in light of the paragraph in the office/service district which prohibited outside storage. Therefore, the Board agreed with the applicant that outside overnight parking of vehicles is permitted. The Board of Zoning Appeals also said that the Code should be amended to insert a definition of outside storage so everyone knows exactly what's expected and this problem doesn't appear again.

Then on August 12, 1998, a couple of weeks later, the Board of Supervisors held a special hearing and discussed the recommendations of the Board of Zoning Appeals and the outcome

of that request. Subsequently, on September 9, 1998, the BOS initiated an amendment to the Code, which brings me here today. The Board asked by resolution that a Code amendment to define outside storage be undertaken. So, on October 15, 1998, the first draft of that proposal was heard by the Commission and a number of concerns were expressed about it. Since then, staff has gone through and done additional review. That review is reported on the sheets to which I'm referring and which have just been passed out. They report the references in the Code to outside and exterior storage. The Code talks about outside storage in some areas and exterior storage in other areas. Altogether, there are about a dozen and a half references to outside storage and there are close to 30 references to exterior storage. Those last 30 came about a couple of years ago when the Code was amended to allow recycling collection facilities in each and every district in the County. In fact, there are references in at least three districts that we don't have on the ground—we don't have land zoned to those classifications. One, for example, is the Institutional District. It's something that most of us have forgotten, but it's there.

Basically, the Code takes a very restrictive position in regard to outside storage or exterior storage. If outside storage is allowed, it is required to be screened, or to be buffered, and some cases an extremely deep setback is even required. For example, a junk yard in an M-3 has to have a very deep setback as well as screening and it's also a conditional use by special exception. So, a lot of care has been taken by the drafters of the Code to require outside activities and outside storage to be looked at and managed very carefully.

The primary focus of this effort is in response to the suggestion that in the office/service district parking of vehicles is not permitted overnight. In the business districts, we must be careful not to confuse outside storage with outside display because there are many times, as you know, plans have come before the Commission to permit outside display and sale of merchandise in business districts other than B-3. We need to be careful not confuse the two.

Mr. Vanarsdall - Mr. Webb, I don't understand what we are doing in office/service because that "(e)" outside storage is worded exactly the way it is in the Code book

Mr. Webb - That's correct.

Mr. Vanarsdall - And then go on to the business district and where it says "outside storage shall not be permitted" what are we doing in O/S?

Mr. Webb - In the business districts, and I'm not avoiding an answer Mr. Vanarsdall, but in the business districts the regulations very explicitly deal with outside storage and display. In the office/service district paragraph 24-50.22(e) basically says outside storage is not permitted of any equipment, vehicles, materials or supplies in the office/service district. The Board of Supervisors has asked staff to prepare a revision that defines outside storage so that vehicles not being used are being stored and consequently regulated by that paragraph. The Board of Supervisors did not agree with the finding of the Board of Zoning Appeals that overnight parking was appropriate in the O/S district. It asked that the Code be amended, as

recommended by the Board of Zoning Appeals, to define outside storage. The proposed amendment has caused a lot of concern. We have heard from a number of people I know wish to speak about that this morning. It has also created concern amongst the business community. I believe many persons thoughts to express to you this morning.

Ms. Dwyer - Mr. Webb, I just wanted to ask you a question because the handout you just gave us I think puts another wrinkle into the matter. I guess this is what I was trying to get at last time. It seems to me that maybe we were doing more damage than we were intending to do by amending the Code to include a definition. The question that's raised now by this handout is, is there a difference as far as the Code is concern in your view between exterior storage and outside storage or are they one in the same?

Mr. Webb - Well, I think exterior and outside storage are essentially one in the same. And, again, we need to be very careful. I made a note here that you said last time we need to do some fine tuning on the Code, and I think it is correct. And, we still don't, I believe, have quite enough information to fine tune it the way it ought to be tuned. I'm looking forward to the information that those who wish to speak will provide to help guide us along those lines, because it seems the deeper we get into this matter, the more confusing and the broader it gets. In fine tuning, we are going to have to come back very carefully and probably create some exclusions or something of that nature. But, exactly what I don't yet know. I can't suggest what to you at the moment simply because I don't know the concerns of all of the people although I have talked to several people the last few days.

Ms. Dwyer - Well, I guess one point on that, on that very small drafting point, is that if we have in the Code three terms, apparently open storage, exterior storage, outside storage and we also have outside display. I think we need to either modify the code so that we have one term to mean one thing. I think that's the preferable drafting technique because then there is no confusion. Or, we need to include, if and fact we mean exterior storage to be the same as outside, we need to include the word exterior in our definition of outside storage.

Mr. Webb - Yes. That's great.

Ms. Dwyer - I just raised that as something to consider.

Mr. Webb - I think this is part of the fine tuning that I believe we need to do based on what we have learned since last time. It may simply require that we readvertise the proposal to broaden it to the point where everyone is comfortable with it.

Mrs. Wade - I think we can deal with the O/S part, which is where this started. I gather, and then, as she said, we you get into the business districts.... And your definition on the back that I believe you distinguish between outside storage as it's used in that definition and I think merchandise for sale, you are not talking about merchandise for sale.

Mr. Webb - Right. Regarding merchandise or exterior sales areas and outside



storage, we need to be very careful that we distinguish between the two.

Mrs. Wade - Well, I'm not sure how serious we are about the outside storage of merchandise. I already have a company that's in B-3 that hasn't even built the building yet and they are already talking about their outside storage, that they intend to seasonally do. This is what happens all up and down the Broad Street corridor.

Mr. Webb - Yes. That's correct. Based on a review of all of the references to storage, outside storage, exterior storage in the Code there has always been concern about it. There has always been great concern about the way this subject is treated and for that reason we need to very carefully go about making this change.

Mrs. Wade - Well, it's practically impossible to enforce a particular part of this. Well, if they say they don't have room inside to store their mulch, and fertilizer and all of those things.

Mr. Archer - Mr. Webb, do you think the intent was for exterior and outside and whatever other definitions we have, was that intended to be used interchangeably? Was it intended to be meant to be construed to be the same, or do you think there was a reason why the different terminology was used?

Mr. Webb - I think they were meant to be the same, Mr. Chairman. I can say that because I was responsible for the exterior storage part of it and that occurred during a period of time when we were dealing with recycling activities and recycling trailers. I think, in retrospect after a couple of years, we should have been more careful with our terms and used the same term but we didn't. But, at that time, we were referring in that case to outside storage of recycling things at recycling facilities. In those Code sections, the prohibition of exterior storage was to make sure that materials and things to be recycled are not left outside.

Mrs. Wade - Well, it matters whether you are talking about big cranes or panel trucks. We don't distinguish, of course, between those.

Mr. Webb - That's true.

Mrs. Wade - Equipment, you know, could be anything.

Ms. Dwyer - If I read this correctly then, if exterior storage means the same thing as outside storage then we would be prohibiting the overnight parking of vehicles in B-1 and B-2?

Mr. Webb - If we are to define overnight parking as being storage, yes. That's the way the original draft was proposed. That's the draft that we talked about last time that needs new tuning and it still needs new tuning. This is essentially the same as the one you had a month ago, but with words simply moved around.

Ms. Dwyer - We probably don't want to be that broad.

Mrs. Wade - What are we trying to accomplish here, basically?

Ms. Dwyer - That's was my next question. Is the point to define outside storage or is the point to prohibit the overnight parking of vehicles in O/S? Do we have guidance from the Board of Supervisors on that point?

Mr. Webb - It's my belief that it the latter is true, the intent was to prohibit outside parking of vehicles in an O/S district.

Ms. Dwyer - I think if that's the purpose, then the way to accomplish that most cleanly would be to amend the O/S portion of the ordinance and not make a broad based definition that would affect every other zoning district.

Mr. Webb - I agree with you, but the charge wasn't to do that. The charge was to define outside storage. So, I think with that in mind perhaps we need to approach it in a little different way as we define it and perhaps include exclusions may be needed. Even though it's not good draftsmanship it may be the only way to resolve the issue.

Mrs. Wade - Send it back to the Board of Supervisors.

Ms. Dwyer - One approach might be to define outside storage differently and then rely on the different zoning classifications to be specific about what type of outside storage we think is permissible in that zoning classification. That might be another clean way to do it because we tend to do that, and that's the way the Code is set up now is that each zoning classification defines the kinds of activities and uses we want in that zoning district. I think this would fall under that same pattern, I guess this would be a good way to organize it. And, one way to do it, in looking at it, if I may be permitted to throw this out.

Mr. Webb - Oh, absolutely. As you can see, I need all the help I can get.

Ms. Dwyer - Well it appears we want to define outside storage as leaving something outside of a fully enclosed building overnight. I think if we omitted the words equipment, materials, supplies or vehicles, if we were not that specific, and use a general term like outside storage means leaving any items used in a business and then leave it up to the specific zoning classification to determine which items would be prohibited in that zoning classification. That might be one way to approach. We could satisfy the Board's request to define outside storage and then also address each issue in accordance with each zoning classification.

Mr. Webb - Yes. I think that is an excellent idea. Now, coming back to the hearing, I am anxious to hear what specific concerns the merchants have so that we will know and be able to deal with their concerns without inadvertently creating problems. I want to avoid the old law of unintended results.

**Mr. Archer -** Mr. Webb, do you think there was an intent as it pertains to vehicles to define the vehicle itself as the stored item or what may be inside a vehicle as a stored item?

**Mr. Webb -** Mr. Chairman, it was an attempt to define the vehicle itself as a stored item by stating that when the vehicle is not being used actively for its normal function, then it's essentially being stored.

**Mr. Archer -** Okay.

**Mr. Webb -** The Board of Zoning Appeals didn't buy that argument. It said that parking a vehicle in a spot overnight wasn't equivalent to storage. But, the Board didn't say how long would have to pass for a parked vehicle to be considered stored. We have other sections, as Ms. Dwyer, pointed out. We are very careful in some of the sections. We say storage of inoperative vehicles that have been pulled off of the road for safety purposes can be allowed for up to 30 days in certain districts. So, we are very careful in dealing with things like that elsewhere in the Code.

**Ms. Dwyer -** As an example. If outside storage had just a general definition and we relied on the different zoning classifications to determine which outside storage is prohibited we could fine tune each zoning classification. For example, in an O/S, tractor trailers could not be parked overnight but a delivery vehicle maybe defined by gross vehicle weight or automobiles or whatever. Those vehicles could be allowed to be parked overnight in an O/S District. So, we could fine tune the ordinance to meet the specific needs of zoning classifications. I think that's what you were getting at when we talked about it.

**Mr. Webb -** Yes, I believe we both were.

**Ms. Dwyer -** To look at the type of vehicle that would be permitted.

**Mr. Webb -** And in the O/S District there is a requirement for enclosure and screened areas. There's a possibility that vehicles could be stored in those areas. If there purpose is to screen and hide certain things from view, if you will, then that may be an appropriate place to store vehicles.

**Mr. Vanarsdall -** Mr. Webb, as far as you know, does this include everything a business would store outdoors, outside, exterior or whatever you want to call it?

**Mr. Webb -** Yes, sir, I believe so.

**Mr. Vanarsdall -** The reason why I asked the question is because you left out vending machines and I had always wondered about vending machines. I've inquired about that. I had a case that came up that involved that and it's been postponed until next year. Could this take in vending machines for food and beverages and all that that's under accessory uses under 24-

**56.1? I'm not trying to add to the problem but anything that's not going to go away.**

**Mr. Webb - We can look at that as a part of this to be sure that we treat that, for example, as an outside sales or put it in storage.**

**Mr. Vanarsdall - I had a case and Mark Bittner told me, in the Planning Office, that he believes we have found that we are in violation all over the County with vending machines. Of course, that ended right there and I haven't heard any more about it and that was three months ago. I was just wondering if that would be a part of it.**

**Mr. Webb - I'll have to look into it and make that a part of our review.**

**Mr. Vanarsdall - In some cases it makes no difference and in some cases it's very offensive.**

**Mr. Webb - Correct.**

**Mr. Archer - Are there any other questions or comments of Mr. Webb? Thank you, Mr. Webb. I understand there are several people here that would like to speak to this issue. At this time we welcome you to come forward and we will hear your comments.**

**Mr. Axselle - I'm Bill Axselle and I'm here on behalf of Trammell Crow, which has an O/S complex here in Henrico County in the North Run Business Center on Parham Road and so forth. I have a couple of preliminary comments, if I may. I think what you need to do first is to decide what we are really trying to accomplish. I believe the Board's action was to try to address outside overnight storage of vehicles in O/S. I think you ought to focus your language and focus your propose on amending the ordinance on that and that alone.**

**Mr. Vanarsdall - Was that any kind of vehicle, Bill?**

**Mr. Axselle - I do not believe there was a distinction made at that time. I would also tell you, based on what the people who were there told me, I also believe that the law of unintended consequences has really played out in this change tremendously. Also, I think when we finish you will see that really they should not want to be prohibiting overnight storage of vehicles. What really the solution ought to be, if there is a problem, and first we have to find out if there is a problem, it ought to be solved by the buffering, the screening and those types of things.**

**So, let me kind of walk you through. I took a trip this weekend and visited most of the O/S complexes in Henrico and looked through the ordinance. Let me tell you the aspect of what this covers. It covers passenger cars, it covers vans, it covers service vans, delivery vehicles, two axles, four axles, anything that's a vehicle is covered. So the way this ordinance is drawn and presented to you, if a passenger car is left overnight, outside in an O/S District, it's in violation. Just a regular old passenger car. When I go on a business trip and somebody takes**

me to the airport and I leave my car outside for two nights, that's a violation. Honestly, I don't think anybody intended that, but that is in fact what would happen. We also found that there are a number of fleet vehicles that are in O/S Districts. For example, a private business, but also the federal government, U.S. Geological Service, state government like DEQ, local County of Henrico government, all have fleet vehicles in an O/S district—North Run Business Park.

Mr. Vanarsdall - But, they are cars, aren't they?

Mr. Axselle - They are cars or vans but most of these are cars, the Department of General Services and the U.S. have more vans.

Mr. Vanarsdall - I didn't know that was a violation to have business vehicles.

Mr. Axselle - It's not. It would only be a violation if this ordinance was adopted as presented to you. What I'm trying to point out to you is that this is so broad it would cover the private passenger car, it would cover the passenger cars in fleets, it would cover vans that are in fleets. Besides the government entities, obviously there are a lot of business entities, you could have a service van. I saw some of these sitting around and they were vans that people use for their business to go and service health care equipment or telephone equipment or communication equipment, and copying equipment. You've seen them. They have their little logos on the side and the service people go during the day and come back at night and they just leave the van there and go home in their personal cars. All of those would not be allowed. Then you have certain other vans that are used for delivery purposes, smaller vans for cleaners, florists, hardware stores—almost any type of retail. Keep in mind that in O/S retail uses are permitted, so any type of retail uses that have a delivery van would not be permitted. Then I notice what I call specialty type things such as charitable and religious organizations that have a van they use to transport people, a YMCA, a day care center, all of these can be in an O/S district. Their vans would not be able to stay there. So, all of these businesses would be able to, theoretically, be in the O/S district as a permitted use, but then every night they would have to take their vehicles and put them somewhere else. Well, the practical matter is that they are not going to be able to do that and I think you will hear in a minute that they may end up in Hanover County with the entire business.

There are some other bigger vehicles. Let me tell you how they fit in. I visited all of these complexes and I found two or three things. Most of them face on a primary road or a primary, what I call spine road, and they look, from the road, very much like an office park. They were well screened, well buffered, passenger cars. I did not see any cars of a fleet nature or anything stored on what I would call the Parham Road side or the Villa Park side. You just didn't see that. If you go to the back of the complex, that's where you would see the vehicles of this nature that I've described to you stored. They were very nicely, neatly, parked. But, in the back the Planning Commission and the Planning staff has, of course, required that there be certain buffering, the berms, the masonry walls, there are real tall trees and they are fairly well screened. So, I just didn't see what the problem is. Then you go into,

if you will remember office/service is designed to have sort of a courtyard affect. You've got the office type use and the warehouse and then you pull into the courtyard where the vehicles are and there the vehicles do become larger. You will see in some places where you have 10 to 15 vehicles that are delivery type trucks. I don't know what they are called but it's like when you are married you move into an apartment you get a Ryder truck, you rent one of those two axle trucks, I don't what they are called, but you see a lot of those. Then you saw some tractor trailers but not too many. I was surprised that I saw almost no type of pickup trucks.

Mr. Vanarsdall - But, Bill, that was, and that's the reason the ordinance required a wall behind there or some sort of, like you said, a buffer in the opening. If I was living over behind it I couldn't look into it. So, I don't see how they could be in violation either.

Mr. Axselle - I don't think that right now, they would be in violation, but if you say there can't be any overnight, a vehicle can't stay overnight, then they would be. Right now they are not in violation. Some of these companies are represented here today—Circuit City, Heilig Meyers, Airborne Express, Nabisco, Boise Cascade and so forth. There were some tractor trailers but very few. I know there is a gentleman here from Heilig Meyers. They will have somebody come in and bring a tractor trailer and then they will take that and load it and move it around and take it back out in a day or so.

Mrs. Wade - Did you see any that didn't have any tractor but just the trailer left?

Mr. Axselle - I think I did, but not many, but you did see some. But, you just saw the tractor sitting over by the side. I don't think anybody would have any problem with a prohibition against somebody taking a trailer and sticking it out there and that becoming really a storage bin, if you will, a big storage bin. I don't think anybody would have any problem with that. But, I would encourage you to one Sunday, when people aren't working, ride around to these complexes and I think you will be impressed with the way they are maintained. I did not see a lot of equipment lying around. I didn't see anything that was really a problem. So, I reckon that is the question.

The practical fact is that we've set up an effective office/service district. You can have office use. You can have retail use. You can have warehouse use. You can have industrial, light industrial use. And we said you can do those things and most all of those, especially the latter two, are dependent upon the use of a trucks. So, I think the answer is not prohibiting a truck being there overnight because that has the practical effect of just saying you can't be there.

I think the practical solution would be to make sure the screening and the buffering and everything are proper. So, I think that, I don't know where this came from in particular, but I think the Board has asked the Commission to give them the Commission's thoughts and judgment. I think maybe they are not aware of the consequences of how far this could extend. So, I hope you will take a look at it and perhaps some of the other folks who are more on the ground, if you will, could tell you how it work from a practical standpoint.

**Mr. Vanarsdall - I believe you are suggesting that we might be aiming at the wrong target.**

**Mr. Axselle - I would say two things. One; I think we are aiming at the wrong target; but, two, I really don't see what the target is. No one has told me yet what the problem is.**

**Mr. Vanarsdall - I always ask that up front, I didn't today.**

**Mr. Axselle - I think we need to find out what is the problem that this solution attempts to correct. I haven't seen it so far, maybe somebody else has. Thank you very much.**

**Mr. Archer - Thank you, Mr. Axselle.**

**Mr. Redd - I'm Bill Redd, partner, with Childress Klein Properties. We are the owners of three buildings in Villa Park which is under the Office/Service zoning. Good afternoon, Mr. Chairman and the rest of the Planning Commission, I appreciate this opportunity to speak. I'll try to make this as succinct as I can, given Mr. Axselle's comments.**

**First the purpose, and I have a handout here that I would like to give you quickly to summarize this. This is a summary of some of the key provisions and has a definition which I think is looked to by the County in deciding this. I will refer to these quickly as I go through.**

**Basically, the purpose behind the Office/Service zoning, which was created about 1985, was to encourage office uses combined with industrial and retail and service uses, and it has worked. It has created an enormous boom for this County. It has attracted Time Life, Lab Corp., Roache Biomedical, Nations Bank Operations Center, just to name a few of them. If you look on the second page of what I handed out to you, it lists all of the expressly envisioned uses for this Office/Service zoning. It includes, among other things, child care, auto rental offices, distribution, labs, light assembly, manufacturing, radio and TV studios. Now, it's impossible to envision those uses, in my opinion, without vehicles that would be there overnight, in some capacity that are used in the business. The zoning classification needs to be viewed globally and not in isolation. We can't just pull out outside storage and equate it with parking. If you look at the definition of storage, or storing, storing means in the Webster's Dictionary a laying away and accumulating or placing in a location for preservation or later use or disposal. The original intent of the drafters of the Office/Service zoning, and one of those is here today and will speak to that, was that the outside storage as it applies to vehicles was in the case of a trailer that's used to supplement the inside storage.... In the instance where the storage available inside a building was not sufficient you stored in a trailer that sits there stagnant in a tractor trailer setting and that's additional storage that's used. Or, in the instance where an assembly or manufacturing of a particular product that may have been, for example, a golf cart or a vehicle of some type was finished inside and then while it was waiting to be shipped or sold it was stored outside. That's the vehicle to which the ordinance was originally designed to address in terms of outside storage.**

The bottom line here is that it was never intended to prohibit this type of use. In fact, the zoning classification expressively encourages and allows such uses. The current definition that's been proposed to you also raises other related issues. First of all, the BZA, the Board of Zoning Appeals, requested clarification on this issue, not asking that outside parking of vehicles be equated with outside storage but rather the contrary. It had just ruled in a case involving Boise Cascade that overnight parking of vehicles used in a business is not outside storage. It asked for clarification so that there would be a definition and this issue would not come up again. So, what we have in front of you is the absolute opposite definition of what it asked for.

Mr. Webb mentioned that in Office/Service zoning there is a requirement for screening, buffers and setbacks. That's all true. In our case, we spent hundreds and thousands of dollars on each of those items and we've been back and forth before this Commission on numerous times on those issues, as you know. In given that, all of our parking and service areas are absolutely screened with fencing, trees and buffers. The other thing that this definition does is it equates outside storage to exterior storage. So, if it applies only to office/service that's entirely inequitable and unfair. If it applies across the board, as we've learned this morning to all zoning classifications, then all of those interested parties ought to be here today, in fact they are not, because they weren't aware that their interest were at stake. Who is the protective party that we are trying to protect here? Is it the neighbors? We have never in our experience in 15 years of being here and working in the office/service area had a complaint from a neighbor on this issue. To my knowledge, there are no neighbors here today.

What would happen if we accepted the definition? What will the businesses do with their vehicles? You can't store them in the building because then you would need twice as much space and you would have to reengineer all of the buildings in order to have the sprinkler requirements that the Fire Department of this County would require then because you are storing vehicles with petroleum in them in the building themselves. So, what do you do? You park them off site. Where? Do we create a new zoning classification that centralizes parking for all office/service business vehicles that can't be parked at their site? What's the solution there? The proposed definition, Office/Service was intended to allow office and service uses together. It was not intended to be a heavy industrial use. But, what you are allowing by this definition, or rewarding, is 24-hour operation of businesses or excluded from this definition. In other words, if you are a factory and you run 24-hours a day you will have a much, much, heavier use and intensive use of the property you are okay under this definition. My contract if you park a van that services your clients during the day, you are in violation of it. So, you are rewarding a much more intense use and coming down very, very hard on a lesser use, which I do not think was the original goal of the Office/Service zoning. You have a set of circumstances in Innsbrook and other office parks, which is perfectly acceptable, adjacent to high end residential neighborhoods. But, all of a sudden, under this definition as proposed, it is unacceptable by definition to do the same thing in a heavier service industrial Office/Service district.



**The bottom line is, parking a vehicle overnight at your business is not storing your vehicle. No one says I stored my car overnight in my driveway. You store items in an attic or a garage anticipating that you won't need them for a while and you go to them when you do need them. When you park your car at the airport for a multi-day trip do you consider it parked or stored? I would submit that you consider it parked and then, in fact you've parked in long-term parking. If your car is parked out here in Henrico County complex and you go on a business trip this evening with someone else, as Mr. Axselle said, and you come back you are technically in violation of an Office/Service zoning requirement with this proposed definition.**

**Finally, I would like to say it was not the original intent. It's not held the zoning as been applied for the last 14 years. It would create an enormous hardship on numerous businesses and individuals and I submit to you that as currently drafted it's impossible for those who are impacted most. I appreciate your time very much.**

**Mrs. Wade - I know a little bit about the original intent and much about what you said is true about trying to allow some light industry in with the office. It also prescribe a number of conditions in which they would be adaptable and compatible with probably more locations in order to do this, including the neighborhoods. Then the requirements were put in there for the wall the screening and other landscaping. I think the problem is, at least one of them has been, when the developer has come along that he hasn't always wanted to do the screening and the landscaping and whatnot that was expected to go along with this whole proposition. You may not hear from neighbors now, but we certainly have from time to time at the beginning, especially at Villa Park. The neighbors on the residential side there we heard from quite a bit.**

**Mr. Redd - I don't think you have heard from those neighbors on this issue though, as I recall.**

**Mrs. Wade - I wasn't arguing that as a point. I'm just saying that originally they were concerned about the screening and the buffering.**

**Mr. Redd - The point I would like to make is that literally hundreds and thousands of dollars have been spent, I know, on our projects to screen a courtyard in each instance. Given this proposed definition, what were you screening?**

**Mrs. Wade - I would agree that if it's properly screened that that takes care much of the problem.**

**Mr. Redd - Yes, ma'am. Thank you.**

**Ms. Dwyer - Also, your point is that right now you are permitted to park a vehicle in an office zoned property and Office/Service should not be more restrictive than certainly than an office.**

**Mr. Redd - It should be less restrictive you would think.**

**Mrs. Wade - I have an idea that it's not people's cars that are precipitating this whole discussion here.**

**Mr. Redd - Well, actually, if you ride through the office complexes in this County, office and office/service, what you would find is that the greatest percentage is cars.**

**Mrs. Wade - Well, I don't think this is back to us because somebody has parked a few cars behind the building in the evening.**

**Mr. Redd - Yes, ma'am, again, as Mr. Axselle said, I'm not sure why it's here. It quite frankly makes no sense.**

**Mr. Vanarsdall - Well, you know, Office/Service, the way I understand it the reason for it being what it is was because it backs up to neighborhoods and you can dress it up and so forth. The intent is really good. I'm surprised where we had any problem with it, with storage, because I thought it was understood they couldn't store any kind of vehicles or tractor trailers, or big trucks or unsightly things.**

**Mr. Redd - I think that's absolutely right, if you are storing something.**

**Mrs. Wade - Is there anybody here from Park Central?**

**Mr. Redd - I'll give way here because I know there are other people here who would like to speak.**

**Mr. Archer - Thank you, Mr. Redd.**

**Mr. Redd - Thank you.**

**Mr. Peyton - Mr. Chairman and members of the Commission. My name is George Peyton and I'm representing the Retail Merchant's Association of Greater Richmond. We have concerns regarding the proposed definition of outside storage as it relates to prohibiting vehicles from being parked overnight in the Office/Service zones. We represent many businesses that operate from the O/S zone, businesses that use service and delivery vehicles in their day to day operations. This proposed definition would negatively impact these businesses and these merchants who need the ability to operate their vehicles on a day to day basis from their business locations. We would like to see you amend the proposed definition in a way that would permit parking of these types of vehicles as now permitted in other nonresidential zones. And, again, I reiterate if there is a purpose that has been closely defined here as to what we are trying to get at today, we would be willing to work with the Planning Commission or the Planning Department to help isolate that concern and redefine it. Thank you.**

**Mr. Archer - Thank you, Mr. Peyton. Does anybody on the Commission have a feeling for where we are with this?**

**Mrs. Wade - That it's too broad, this proposal, seems to be where we are with this.**

**Mr. Archer - I don't want to prevent anybody from speaking but I'm just wondering if we are actually on a path that we can reach any kind of conclusion today.**

**Mr. Vanarsdall - I don't think we can reach any kind of constructive conclusion today, no.**

**Mr. Archer - I'm not trying to cut off any of your comments, sir.**

**Mr. Thomas - That's fine. I just had a general comment on the O/S zoning in general. I'm Linsey Thomas. I've been with Worth Higgins & Associates for a little over ten years. We have been in the County for 28 years and in Park Central for a little over four years. When we moved in it was just this straight O/S zoning. We had all of the covenants and regulations regarding O/S. Everything looked good to us before we made our move. And my question, and we have heard the word "intent" a lot, brought up, and my question is what is the County's intent with the O/S zoning? Just in the past two years, we have had our expanding capabilities limited fairly dramatically in the percentage changes that were brought on into O/S. Before, as you may remember, it was applicable only to the whole development, now it's on a building by building basis. That was a change. This is another change that could limit us. And my question, and obviously I don't expect an answer, what's the County's intent with this zoning and where is it going to be five years from now? What other changes can we expect? Also, just to throw out, don't forget the covenants that bind each development. Those are probably more restrictive than anything that the Commission has already spoken with and that we already abide by those and we haven't heard any problems there. I would like to thank you for your time and keep those considerations in mind.**

**Mr. Archer - We appreciate your comments, sir. Thank you. Anyone else has a view?**

**Mr. Christian - Good afternoon. My name is Robert Christian and I represent Heilig Meyers furniture. I'm the manager of the facility at 8820 Park Central Drive. What we do is provide a delivery service for seven stores in the Richmond area to our customers. Currently, what we do right now is when our vehicles return from delivery there is merchandise on those vehicles that we have, from exchanges or cancellations or what have you, that we have to unload and we do store our vehicles there at the facility nightly to load up the very next morning. This proposed change would cause us to have to unload our vehicles.... We have a total of 20 vehicles on site right now that we would have to move to some other location, wherever that may be and then pick them up the very next morning. That concerns me because it would cause a burden to the facility. Not only does that concern me, but we also have trailers that are dropped off in the early morning hours before we open up at 6:30 a.m. in**

the morning. Anywhere from 3:00 a.m. to 6:00 a.m. in the morning, those trailers are dropped off for us to unload sometime during the day. This proposed change would eliminate us having those trailers dropped at our facility, they would have to be dropped someplace else and we would have to transport those trailers from this other location back to our building. I think that the burden of having to do that on a daily basis would be more of a burden than a convenience for us to be located at Park Central right now. I just think that, from what I've heard so far since I've been here today, we really haven't defined what we are talking about. I think first we need to get a better definition of what outside storage is. I am against storing merchandise in trailers outside of a facility. I don't think that is a very good idea, but if the trailers are constantly moving in and out of the facility I don't think that would be a problem as well as leaving the vehicle there one day to load up the very next day for our daily operation. That's pretty much all I have to say and I thank you for listening to my comments and I just hope that you would consider first trying to define what outside storage is and the impact it would have on the commercial businesses in Henrico County. Thank you very much.

Mrs. Wade - Do you conform currently to the O/S requirements, screening and everything?

Mr. Christian - Yes, we do.

Ms. Dwyer - What kinds of vehicles do you operate?

Mr. Christian - We've got what we refer to as box trucks. We've got 12 of those, we've got an 18-foot delivery truck, we've got a 12-foot delivery truck, we've got four vans and two pick-up trucks. There could be as many as seven trailers that are dropped off at our location as early as two or three o'clock in the morning to be unloaded sometime during that day.

Mr. Archer - Thank you, Mr. Christian, we appreciate your comments.

Mr. Christian - Thank you.

Mr. Woody - Good afternoon. I'm James Woody and I represent Nabisco. We are in Park Central also, 8750 Park Central. Like the gentleman from Heilig Meyers, we have the same basic operation. We have only eight trucks that are box trucks that vary in size from 900 to 1600 square feet. Basically, with this proposed definition of outside storage it would kind of shut down our operation. We have trailers that come in daily that we unload. Generally, we might have one or two that may drop their trailer overnight for us to unload and their trailer will be picked up the next day. But, basically, our operation is run the same way. We unload them at night and deliver them during the day.

Mrs. Wade - How is your screening?

Mr. Woody - We have that extra wall to the size to block the trucks from view of the road and then we have all the buffer zones with all of the plant vegetation etc. We are screened and up to par with the O/S requirements.

Mrs. Wade - Actually, Park Central is a little different from some of our other O/S parks.

Mr. Archer - Thank you, Mr. Woody.

Mr. Mcfarlane - My name is Charles Mcfarlane and I'm a partner with Childress Klein Properties. Originally, I moved to Richmond and open the office for Trammel Crow Company back in 1984, and I can maybe take the blame or responsibility in large part for office/service zoning districts. At the time we were looking to build business park space similar to what had been done in Charlotte and Atlanta and Austin, Dallas, Texas and actually in northern Virginia. Henrico did not have a business park zoning ordinance and at that time I wrote letters and got copies of ordinances from Mecklenburg County North Carolina, Dekalb County Georgia outside of Atlanta, Fairfax County and Austin, Texas. I sat down at that time with Mr. Dahlstedt, Mike Berry and Leonard Cake. Actually, Leonard and Mike and I wrote the ordinance. Dick Glover attended a few of the meetings. He was on the Planning Commission at that time. And, Jay Weinberg assisted from a legal standpoint. A lot of the actual nitty gritty was done by Leonard Cake and me, and then reviewed by others at the County staff and ultimately by Jay and Dick Glover and it was subsequently passed. I can stand up here and tell you with absolute certainty that it was never intended to restrict the prohibition of outside storage, it was never intended to restrict the overnight parking of vehicles. I'm absolutely certain of that. It doesn't in any of the zoning ordinances that we copied and we modeled our ordinance after. And, it has not been put into practice that way. I didn't mean to leave that picture up there that long (referring to picture on the screen) but there is an example where the County of Henrico leases space at North Run and parks their vehicles at North Run. We have other pictures, which I would like to show you, where similar vehicles are parked out at Innsbrook. And, it is my understanding, with little or no complaint. We are not aware of any complaints that we have had and we've developed, when I was with Trammel Crow, 220,000 square feet of buildings and since with Childress Klein about another 220,000 square feet. It's almost a half million square feet of buildings and many good quality tenants. A number of them are in Villa Park and North Run. I'm not aware of any complaints associated with the overnight parking of vehicles.

Mr. Vanarsdall - Charles, in the early days when you were in on it, did they ever say anything about the size of the vehicle?

Mr. Mcfarlane - The idea behind office/service was that, and to be realize with you about why we needed it at that time is that North Run property, which is about 30 acres had a lot frontage on Parham Road and a lot of common property line with residential neighbors behind it. We could not develop office on that, did not want to develop office on that and you can imagine that the neighbors did not want industrial zoning. So, this was basically an office

park environment with a lot of the same covenants and restrictions that you find in office zoning. But, it was intended to allow industrial uses. The theme was as long as the building did not emit smoke, noise, smell or sound it really didn't matter what went on in that building, and, to the extent that there are deliveries and pickups there's overnight parking of vehicles, similar to what you find at Proctor Silex out at Innsbrook that that was not deemed to be inappropriate. I would imagine that a lot of tractor trailer trucks coming in and out was not anticipated and that's why there are the other restrictions in the ordinance. But, certainly, delivery vehicles, vans, trucks, fleet vehicles were anticipated in part of the understanding of the ordinance in the code, when it was originally drafted.

Mr. Vanarsdall - Thank you. On the picture it shows a van on one end and something else on the other end. Actually, as we speak that's not illegal is it?

Mr. Mcfarlane - It's not. These are not parked in ... and the distinction has not been made in this instance, these are not parked in the courtyard area. I guess they could be parked in the courtyard area but in this instance they are not. And the definition does make a distinction between parked in the front parking lot versus parking in the parking area. I've got a few more photographs I can share with you. Here are some vehicles out at Innsbrook at Virginia Power and then in front of the Virginia Mutual Insurance Company building.

Mrs. Wade - But, that's not O-1 where Virginia Power is.

Mr. Mcfarlane - What is that, O-3?

Mrs. Wade - I would guess O-3, yes. I don't think they have any O-1 to speak of.

Mr. Mcfarlane - Okay. That is a mislabeling on our part. But, you can go almost anywhere in the County and find overnight of parking of service vehicles. Just in summary, the result that would come about if this ordinance or if this change was adopted, it was not intended when the ordinance was originally drafted and I can say that emphatically and with certainty. It is not consistent with the original theme and the purpose of the ordinance. It is not reasonable or rational considering the design and the uses of the buildings and the tenants who occupy it. Interestingly enough, it would create a consequence that I think would be more detrimental than the use being restricted.

If you think about it, it would either suggest to the company as Bill Redd pointed out, that they should operate 24-hours a day and therefore create noise, light, exhaust after working hours and the adjoining neighborhoods would be more impacted or it would suggest that the vehicles be taken off of the property and stored somewhere else thereby creating more congestion and traffic at the beginning of the day and at the end of the work day. Clearly, not good results.

Mrs. Wade - Well, you've got some coming out at 3:00 a.m.

Mr. Mcfarlane - Right. But, again, the suggested change would say it's okay if it's a 24-

hour day operation. We are talking about the parking of cars, through, and there are a lot of operations which do operate, even in office districts, that operates 24 hours a day, radio stations, TV stations. It would also reward or intensify more intense uses and it would certainly, I can tell you, empathetically, it would decrease the value of the land and the buildings that are currently zoned O/S. Thank you very much.

Mr. Archer - Thank you, Mr. Mcfarlane. Is there anyone else who would care to make a comment? I don't know exactly where to go with this. This is America, this is where we drive on the parkway and park in the driveway, which sometimes have our own language and trip us up. Mr. Webb, I leave it to you to bring us to some reasonable conclusion of today. I'm sure we won't conclude this matter today but....

Mr. Webb - I don't see us being able to conclude this today and I have to admit I don't have the silver bullet for you to aim at that target that was identified.

Mrs. Wade - Now, this definition comes from the Board or is this just a proposal?

Mr. Webb - This is a proposal that came from staff working with the attorneys. We have a lot of new information that we've received, Mr. Chairman.

Ms. Dwyer - I don't know how the rest of the Commissioners feel, but my guess is that the sentiment of the Commission is that this definition, as proposed, is too broad. That it prohibits activities that we don't want to prohibit in the variety of zoning districts, not just the O/S. So, I think, at the very least, we need to go back to the drawing board. We do have this mandate from the Board to come up with a definition for outside storage, so we need to comply with that, I presume, unless we can ignore what the Board has asked us to do now. So, I think we just need to go back to the drawing board and come up with a definition of outside storage. And, I believe Mr. Redd's comments are persuasive that this originated with the BZA and in that case they said, in affect, overnight parking is not outside storage.

Mr. Webb - It said overnight parking was not outside storage.

Ms. Dwyer - Exactly. They did not equate the two.

Mr. Webb - In the context of that paragraph.

Ms. Dwyer - In the context of that paragraph?

Mr. Webb - Yes, the paragraph in the O/S district regulations that prohibits outside storage.

Ms. Dwyer - So, I think that starting with that point, understanding how this whole thing originated, maybe we should look at a definition that perhaps distinguishes outside storage from overnight parking. And just come up with a definition that does not have the

**unintended consequence of prohibiting the reasonable use of property.**

**Mr. Vanarsdall - Mr. Webb, was the intent to explore O/S only and then it was expanded into everything?**

**Mr. Webb - The intent was to focus it on the definition but at the time the district under discussion was O/S.**

**Mr. Vanarsdall - Okay. I understand. Thank you.**

**Mr. Webb - But, the basic issue arose from a disagreement in the O/S district, but as you can see it spills over into other districts.**

**Ms. Dwyer - But, even that case before the BZA did not arise from a problem, it arose from an unsolicited letter from a potential tenant in an O/S district asking for an opinion.**

**Mr. Webb - Yes. And he disagreed with that opinion.**

**Ms. Dwyer - And then the BZA made their interpretation of that ordinance. So, again, we are not addressing a specific problem because it didn't began with a problem, it began with a letter asking for an interpretation.**

**Mr. Webb - That's correct.**

**Ms. Dwyer - I think that's a part of the problem of focusing our response. We don't seem to be addressing a problem but we have to address the mandate that the Board has given us.**

**Mr. Webb - Yes. And the BZA did ask for, or did suggest that there be a definition placed in the Code to resolve that issue. But, it disagreed with staff's interpretation as to the application of that statement to the subject business.**

**Mr. Archer - So, is our next step then.... Well, I know we have to come up with a definition of outside storage. So, at the next meeting everybody bring in a definition of outside storage.**

**Mr. Webb - That's the homework for the next meeting.**

**Mr. Archer - Does the Commission needs to set another hearing for this or work session?**

**Mr. Webb - Mr. Chairman, the Commission's next meeting falls on December 10 followed by the December 15 meeting, which is your next POD meeting, then it jumps to January.**



**Ms. Dwyer - I guess, in looking at the response to this brought out from the business community, certainly we would welcome any suggestions they have in terms of how to formulate language.**

**Mr. Webb - Most definitely. I can use all of the help that's offered.**

**Ms. Dwyer - We would welcome suggestions from those who are in the real world trying to apply the ordinance.**

**Mr. Archer - Is that suitable to you, Mr. Webb?**

**Mr. Webb - The only thing I'm unsure about is to when I should schedule things to bring back to you, Mr. Chairman.**

**Mr. Archer - We've got the holidays coming up and we've got the December meetings which are in a week of each other.**

**Mrs. Wade - And long agendas.**

**Ms. Dwyer - What about the January meeting? Is that too far away?**

**Mrs. Wade - No one has changed their activities since this issue came up, they are still doing the same thing they were doing.**

**Mr. Webb - That's correct. This doesn't involve any enforcement issues or anything like that.**

**Mr. Archer - Up until to day at least.**

**Mr. Webb - No, I don't think we will have any today—and if we do, we will suspend any actions until this matter is resolved.**

**Ms. Dwyer - I'm just thinking January because this doesn't seem to be a burning issue, resulting from a problem in the community and we it looks like we are starting from scratch.**

**Mr. Webb - I would agree. I didn't sense it being a burning issue, but the Board wanted to begin without a lot of delay.**

**Mrs. Wade - I think January would be fine because we have many other things to do in December.**

**Ms. Dwyer - Okay. I move that the Commission set a work session to reconsider the**

**outside storage definition amendment to the County ordinance for January 26, 1999, at 1:00 p.m. or thereafter as the Planning Commission may schedule.**

**Mr. Archer - Do we have a second.**

**Mrs. Wade - Second.**

**Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mrs. Wade. All in favor say aye...all oppose say nay. The motion passes. We will have it on January 26, 1999, as close to 1:00 p.m. as we can. We thank you all for coming and thank you, Mr. Webb.**

**The Planning Commission voted to reconsider the definition for outside storage at its January 26, 1999, meeting at 1:00 p.m.**

**Mr. Archer - I believe we have the approval of minutes.**

**Mr. Marlles - Yes, sir. We have the approval of minutes for the September 22, 1998, meeting.**

**Mrs. Wade - I phoned in mine. I couldn't find anything significant.**

**Mr. Vanarsdall - I notice we got a piece of paper here that says Mr. Zehler called in line 14 on page 4. And then on page 18 it says that he left the room. So we need to put "Mr. Zehler disqualified himself and did not vote. He left the room." I don't have any more.**

**Ms. Dwyer - I move we approve the minutes of September 22, 1998.**

**Mrs. Wade - Second.**

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

**The Planning Commission approved the September 22, 1998, minutes with the noted changes.**

**Mr. Marlles - Mr. Chairman, we are now scheduled to go upstairs to the County Manager's Conference Room to have lunch and go into our work session.**

**Mr. Archer - That's fine. The meeting is recessed.**

**At this time the Commission recessed and continued the remainder of the meeting in the County Manager's conference room.**

## **Development Timetables Project Work Session November 17, 1998**

Mr. Virgil Hazelett - Good afternoon, Mr. Chairman, and members of the Planning Commission. My voice is louder than Ms. Harper's, so I hope you can hear me alright. She will have to adjust for herself. We started this presentation around 12:30 p.m. and we got through several sheets, had no questions, so we took on two other topics. You were very gracious in approving those and we will bring them back to you later. We appreciate you coming up for this particular work session. I know that your time is quite involved and that you have been downstairs in a hopefully happy debate and discussion of a particular item, but you are up here in order to talk about something that has been going on really here, for a number of months, and it involves, of course, the Development Timetables Project which, as you know, Ms. Harper has undertaken for me, and hopefully before it is over she won't be as bald as I am. But, I am here to introduce it to you and simply say that what you are about to see is a wealth of information. We need to cover it with you, I think, in one aspect in a general nature so that you can see it all together. We don't anticipate that you will take it all in. We are, we are not requiring tests in order for you to leave today, but we felt we would present it all to you so that you could see it all together. At the same time, I'd also tell you that we will be bringing it back to you in different portions, smaller portions, portions which you can grasp or put your hands around and squeeze it, ask questions, mold it, shape it, and we also are going to do the very same with the development community. In order to start that process, we have to start with you, the Planning Commission. And, so that is what we are about today, that is, to really show you where we have been, what we are doing, what some of the recommendations are, and ask you to work with us in order to massage those to get reactions where we can get reactions today, and, of course, to bring it back to you in a shorter version, a smaller version, in additional work sessions so that we can really get into it. There are members of the audience here who have worked on this who are very interested in it. They, perhaps, have never seen it either as far as one complete presentation, putting it all together. They worked on various aspects of it, so for that reason, please don't think you have to soak all of this in at this point, that you have to absorb every little bit. You do not, but we would like to give you the overall viewpoint so that we can bring it back to you. Angela, I think, has done a tremendous job with this. It is frustrating at times because of the many, many meetings and the people that it involves. Schedules are not always met. She was very upset when we didn't start at 12:30, or 1:00 or 1:30, but as you know, I think, Dave O'Kelly said it best, "The Closure Lady." She likes to have closure and couldn't even get an opening yet, so she has a difficult time today, but she is here to make the presentation and I am going to have to leave, quite frankly. And all joking aside, I had a 2:00 in my office, but I did commit to be here with you to introduce this for Angela, and to tell you I am very, very proud of the work that she has done, and I think that it is something that when it is all said and done, when we finally come to the end of this process, when is that going to be, Angela?

When we finally come to the end of this process, which I can see light at the end of the tunnel, I think that you, myself, and the Board of Supervisors, the staff, the entire development community can be very, very proud of the effort and very proud of the

results and that is what I am looking forward to. That is my vision to expedite this process and to create something that in reality, as far as I am concerned, will once again make Henrico second to none in reference to development process. You are an integral part of that, a very important and integral part, and we need you. We need you in the beginning. We need you in the middle and ultimately, we need you in the end, and so we take the time to make this presentation. Hopefully, your seats are soft and you can set a while longer while we make this presentation, but it is important that we start with you before we go anywhere else. The Board of Supervisors has not seen this. Quite frankly, I cannot accommodate this in their schedule at this point, and so as their agent, we simply start with you and we will be going to the development community and to the Board in the very short future in order to update them. So, this is hopefully, the beginning of the culmination process, if you will, for the Development Timetables effort. Angela.

Mr. Archer - Mr. Manager, we are glad you are feeling better, by the way.

Mr. Hazelett - Thank you, sir.

Mr. Archer - We appreciate you coming by and we are sorry we are late, but we had a rather lengthy discussion on the outside storage.

Mr. Hazelett - I hope you resolved it.

Mr. Archer - I wouldn't go so far as to say that.

Mr. Hazelett - I would tell you that I do like to harass people. I would tell you that I could stand here and just stack these things in my hands and say, "I hope you all have a nice afternoon and see you later".

Ms. Harper - I can try to wing it. He has got my script in his hand. Let's just say it would probably wind up being longer if I don't have my script. The only reason I did a script was in order to be sure that it is shorter.

Virgil mentioned that we have some invited members of our working groups. There were four working groups that Virgil established to help during the summer to look at the issues that had been identified in the Development Timetables Project, and those were mostly staff members, but we have seven outsiders, users of our project, and I'd like to recognize the ones that are here today, Junie West, Gibson Wright, Lyn Lemon, and Greg Koontz are here today. They participated in two of the working groups and we really appreciate their help and we know they are real interested in seeing how this turned out, because, hopefully, this is a decision that is the Manager's recommendations that are to be presented today, and I think the staff members who are here also participated in the process, and we are fortunate to have Bob Riley come today, who is the Resident Engineer. I don't know if everybody knows you, but wave at everybody. Bob is with VDOT, in Sandston, and, of course, he sees your plans, the same plans you see, and is very interested in what changes

might come about in this process. We now have something that didn't happen before. We waited too long. I can't believe it, after all of this. I can't believe it. It was working perfectly. We're OK.

I remind you that at the work session we had in July we talked about the three reasons the Manager decided we needed the Development Timetables Project, and the first one really focused on the need for substantial improvement in our development plan review process. The second one was to respond to suggestions by the development community who have been actively involved in talking to Commissioners, Board members and staff. We also wanted to continue to be able to use our plan review process as a selling point for economic development in our community. In July I shared with you the major issues, and I am not planning on going through the major issues that I identified in my January report in January of 1998. They were the basis for this project. What I would like to do is highlight our progress in some of these areas. In the technology area, we identified that there was a lack of a County-wide automated plan tracking system, and there is an automation project underway that has involved both the Building Inspections office, Planning, and all the development review agencies, in order to prepare specifications for the tracking system that would be done in conjunction with the building permit and inspections process to attain a seamless information source for the development process, so that if you come in with a subdivision, you would be able to find out, from the time the subdivision was filed all the way through to the occupancy on a lot, the status of that project. That has been underway. In the interim, we have established what is called TOPS, Tracking of Plans Status Project, of which Jerry is here from the Planning Office, there are three departments. We did a mailing to the development community with a telephone number and the name of a person on weekdays from 8:00 to 12:00 it is easiest to catch one of them, to find out the status of any project that we have, whether it be a subdivision or a site plan, and they will follow up to be sure to tell you where it is and the status of that project, and that is being used in the interim until we are able to get the automated system going.

We've always mentioned the need for training. We need it for staff and our applicants and we are still committed to providing a training program with reference information, whether it be guidelines, ordinances, codes, checklist procedures, that will be available and easily available, hopefully to the development community. We will be developing a work training program schedule after we have decided how we are going to reassign the process, so we still have that commitment.

This talks about the process, which is one of the internal changes I am going to be talking to you about. We talked to you about management, the issues related to management. I will be sharing with you more details on those changes in just a moment, and the applicant. Under the external issues, we will be talking to you about a meeting we have had with the engineers and suggestions we have made to the engineering community about improvements in their work when they submit it, and, of course, the Planning Commission. You probably remember this area the best from the last presentation, and I have noticed that you have recently changed the format of your meeting, and I have been hearing

some good feedback on that Consent Agenda you have and how that is helping to speed up the work for the Commission and we will be again talking about more aspects of the issues involved with the Planning Commission in a moment.

The Board of Supervisors, I remind you, has had a work session on this project, and it was back in February. Their direction to the County Manager was to evaluate our plan review process internally and make improvements and then to work with the Planning Commission on their role and responsibility. Of course, that is why we are here to talk with you. There are actually going to be four sections to my presentation today. I will be talking to you about progress on internal issues, progress on external issues, and then the Manager's recommendations on Code amendments for the subdivision and zoning ordinance, and then the next steps in the process that I'm doing my project.

The internal issues that are being addressed are going to be both process and management, as I mentioned before, and two of the overall changes that really are the ones that have already been mentioned, I believe, to you are the first ones, which would mean that all water and sewer plans will be submitted with all POD and subdivision plans in the future. This, hopefully, will save time, especially on the environmental reviews because the process has occurred separately and most of the time for the development community when the POD was approved and signed and later the water and sewer plans would come in and then it would take another review by the Environmental Division, and that sometimes would take an extra two weeks or more to get that review, so for a variety of reasons, to be sure that landscaping easements and that a variety of the improvements on the site are consistently looked at the same time, the Manager has decided that they have to be filed together. The complete plans must be filed. Now this particular change has already occurred. The Manager has directed staff to place on the Planning Commission agenda only complete plans filed by the deadlines. This eliminates a soft deadline that has shortened the County's fast review time by one week on most plans submitted. In other words, the County was accepting an application and partial plans and then sending a fax to developers and saying, "Now these are the things that are missing and if you have it in by X date, we will still have it on the Planning Commission agenda." This has become quite a hardship for the staff, so the Manager decided that couldn't be done any longer, and a letter went to the development community approximately three months ago, two and a half to three months ago, telling them that it would no longer be that latitude allowed to the staff, and I believe that we have had two deadlines since then, and some items did not get on the agenda because they were not complete. Hopefully, the word is getting out now.

Now, another change which I consider an overall change deals with the Plan Review Process, and we call it the Plan Submittal Process, and this group that is called a Plan Submittal Alternatives Working Group developed this with a few minor differences, in that we call it something different. The first would be the way a plan would be provided. A feasibility layout plan, which would be a checklist of items that would be submitted, would be submitted to the Planning Office on any working day. Now, what does it mean? There's no deadline. It is a rolling deadline. That means that at anytime a developer

wants to come in and file it, that would begin the Plan Coordinator who would determine if the plan submittal is complete. Now the Plan Coordinator would be a staff person, a planner in the Planning office. That position will be authorized to be the person that decides if a plan is complete and decides if it does enter the process. If a plan is complete, then it is distributed to all of the departments and comments are provided to the applicant within two weeks.

Now, we continue this process by saying that a Staff Developer Conference is then held one week later. This is all prior to when you see it. The Plan Coordinator decides if the plan will be on the next Planning Commission agenda. Now, what that means is we are anticipating that as the Staff Developer Conference, because the engineer will have had one week to have seen the comments and to address the issues, they will come to the Staff Developer Conference prepared either with an alternative plan or an alternative revision to the plan so that they can respond to the questions, and they will, therefore, be ready to put it on the agenda for hearing. If they do decide, the Plan Coordinator decides that it is ready, then notice letters are sent and it appears on the Planning Commission agenda. Now, the question may be, "Will this save time?" It depends on how ready the plan will be. It will definitely save time for the staff and the Planning Commission, because they will no longer have to defer as many plans because they are not ready. In other words, as it is now, a plan appears on the agenda even if it did not, if it is not ready. At this point the decision would be made that the plan is ready for the Planning Commission. It has all of the architectural plans, it has all of the proffers met, and all of this type of information. At the end of that, the Plan Coordinator would decide that it appears on the Planning Commission agenda. Perhaps the Staff Developer Agenda meeting is on a Thursday. If it is ready, it could easily make a Planning Commission meeting two weeks later because notice letters will have 10 days to be sent out, etc., so it could save time if the applicant does respond and uses this week to respond to the comments and does satisfy the Plan Coordinator that the plan is ready.

If not ready, the plan would be revised and resubmitted until the Plan Coordinator authorizes it to be on the agenda. What makes this different? What makes it different is that currently there is one deadline for the agenda. Therefore, everything comes in, all of the work load comes in at one time. We have a peak coming in. Everything is distributed at one time. And, therefore, staff is always working towards the meeting instead of working as the plans are ready to get them on a meeting agenda when they will be ready. So, the goal is, #1, the plan that would be submitted is one that, you may remember the issue that other localities, in fact I will mention this later, other localities have quick turnaround on the feasibility whether or not a site can be developed for use affordably. So the plan that would be submitted and the checklist will vary slightly from the current checklist of a POD plan that is submitted to you. It will be a feasibility determination and minimum information will need to be submitted at that time, but the development community is saying that they need to be able to determine feasibility earlier in the process and not have to expend as much funds on engineering so early in the process before they decide if it is a "go project." If they decide that it is not a "go project" there may not even be a Staff Developer Conference on it. They may have submitted a plan. There may not be a Staff Developer Conference; therefore, they never wind up on the agenda. As it is now, it has to go on the agenda if it is filed by the deadline with an application, so that is a major difference.

I mentioned to you that internally there are other process-related changes, and the first would be, Harvey has been busily chairing a committee called the Development Assistance Center, to be called One Stop Shopping, which will be the coordination of public customer service dealing with a variety of permits and plans that come into the County. This Development Assistance Center you'll be hearing more about, but it will physically be located on the second floor of the Administration Building, and we are planning for the purposes of the subdivision and POD process to allow plan drop-off, and again a central plan drop-off and pick-up location there for the west end. You will still have the ability to drop-off plans in the east end at the Eastern Government Center with Fred Overmann and his staff.

The County Manager will continue to identify plans to be on the "fast track" review process. It appears that there were a lot of requests for the County to have a separate fast-track process.

The Manager feels that there are - he wants the entire process to be improved -he wants the fast-track process to continue to be for what I guess you would call the very large development projects that usually start many, many months before they are actually filed. They are, I guess you could say, "the economic development plums," but it does not necessarily have to be that, but the process will continue to be that the Manager or his designee, who at this time is Harvey Hinson, will be the person that designates to the Development Community, the Director of Planning, the Director of Public Works, the Director of Public Utilities, those cases that will truly be fast track, and fast track may mean a special Planning Commission meeting or it may not, as in the past we usually try to always put those on the regular Planning Commission meetings, but this process is not recommended for any specific changes other than to say that in response to the development community, a new process is not being developed. It will be what we are currently using and will be clarified as part of the training program.

The Public Utilities information sheets for agreements that we receive so much criticism for acquiring are no longer required at the time of submittal. That means that before if you did not have information about the location, the owners, a variety of information that is required on those information sheets, it did not get into the cue line for review, plan review and utilities. That has changed. The Director of Public Utilities has changed that policy in response to the development community's request, and now you can submit plans without those, but you still have to have your agreement. You still have to have the information sheet filed, the agreement ready and signed, prior to being able to get signed utility plans. So it hasn't changed the fact that you still have to have signatures before you get signed utilities plans, but this was an aspect of the development process that the County was criticized for. We, approximately a year ago, established a 10 day review and signature process, and we will continue to use that. We have reevaluated that process three times, and we keep tweaking it, and the latest tweak, the major latest tweak is that we are going to allow it to be done for administrative site plans. I realize that you all don't see administrative site plans, but this will allow faster service on plans. Administrative site plans can only be filed anyway on a plan that has previously been approved by the Planning Commission, but this is a tweaking of that plan and it would allow the 10-day review and signature process to continue on that. Then, all new plan review procedures, applications and checklists will be on the



**County's Web Site.** This is something that has been requested as far as process. They say it is difficult to have the most up-to-date forms, and they would like to have access to them, so this is an aspect of the process that we have changed.

Now, we are going to look at the plans internally that are the management area changes. We have looked first at the Plan Reviewer's responsibility. The Plan Reviewer in each department has been assigned the responsibility for following up in a timely manner on all questions, exceptions or waivers, necessary to move the plan along. This specifically has become true in Public Works. This is a definite change in their policy and I know we are going to keep encouraging them and all of our review agencies, so if a particular engineering question comes up, that a plan reviewer in that department is responsible for being sure that question is answered in a timely manner, and to be empowered at the time of the Staff Developer Conference to have an answer to the question. Obviously, they have to know the question part of the Staff Developer Conference, but after knowing the question, they are supposed to have the answers ready at that time. Also, there is criticism of our staff about not having complete staff comments on the first review. The question is that these staff comments are occurring on the review after the Planning Commission, and so the County will strive and the Manager wants us to strive to have complete comments on the first review, which would be the feasibility layout plan, and, of course, the degree of information and detail we have on that plan will be a judge of how much response we get. That is especially true in the utility area. If there is fairly schematic information provided, it is difficult to give a lot of detailed responses. We will, hopefully, be able to give complete responses.

**Reference Materials.** Many communities have development manuals. We are going to try our best to have all of the reference materials gathered together, and it is in the process of being developed and revised by the different agencies, with checklists, guidelines, standards and Code information is being gathered. Our goal is that for the training program we will have all of that together and will make it available to the development community and to staff. Staff needs it just as much as the development community.

Looking at the Public Utilities Department, we find that they have, in response to criticism they have received about the plan review and field inspections, they are beginning to work on that. They have had a couple of retreats. They are working on the communications problems that were cited. They are updating standards and trying to improve their plan review process, too.

Public Works, not long ago, reorganized their design division as it affected the review of the Environmental aspects of both subdivisions and site plans. They have started having weekly plan meetings on the plans that have issues, and this seems to have been a real benefit to the coordination and communication among their staff and we hope it is making improvements for our customers. We also had a question asked why we couldn't do fees through credit cards or debit cards, and the Director of Finance feels this is possible, and he is currently exploring that. You can use Discover cards to pay other County bills and we

are now exploring the potential for using that for all fees associated with the site plan and subdivision plan review process. Many of the times the developer comes to the Front Counter and the check isn't exactly for the right amount, and it winds up getting kicked out for that reason, so we are trying to figure out a way to resolve that issue.

Now I have talked about the internal issues. I would like to focus a little on the external issues, and they fall into two categories: competition from the other localities and the applicants. We are going to look first at the other localities and what are the general areas - I am not going to cite who does what, because many of you know that and we talked about it before, and it really doesn't matter so much as we want to be the best at what we do, and we want to also have quality plans and quality development in the County.

So, what are some of the things that other communities have done? These two slides will hopefully emphasize those items. We have found that in all my work I have not been able to find another local government that has the Planning Commission reviewing all new development plans. Most jurisdictions have their subdivision and site plans reviewed administratively. This administrative review process always come with an appeal of the Director's decision to the Planning Commission. As I mentioned, our competition has quick turnaround plan review to determine the feasibility for development to the developer and the engineers before a lot of funds have to be expended to do detailed plans, and that is what we were addressing with our change in the feasibility plan layout process.

We also have looked at the need for an automated plan tracking system. While all localities do not have that, communities our size are definitely doing a lot better job right now than we are. We try very hard manually, but we definitely need the automation of the system and we are in the process of doing that. In fact, some provide comments over the Internet. We are gathering e-mail addresses and plan to start doing a lot of our comment sharing over e-mail. Several of our competing localities have an employee authorized to provide the overall administration of the plan review process as their primary responsibility. This is what I mentioned earlier in the plan submittal process would be the Plan Coordinator role and we would be trying to respond to that competitive item. Most are enforcing the requirement of complete plans at the beginning of the review process. In fact, the key employee is usually the person who calls the engineer/developer and tells them what is wrong with it, in order to say why we rejected your plan. So, complete plans are what other jurisdictions are beginning to require, and we feel we should expect those. Reference materials are up-to-date and available for the development community many times over the Web, so we are going to definitely know that our competition is out there doing it. So, you can see from some of the things I have already talked to you about and our changes, we are being reactionary, I guess you can say, to what is going on in other localities.

Briefly, who are the applicants for the plan review process? You may not really realize it because you just see the engineer, but it is really the owner of the property, and the engineer is really the representative, and what he has to do is coordinate the efforts of the architect, the landscape architect, the surveyor, and lawyer in some cases,

**because sometimes you see the lawyer all the way through the proces, and these are essential professionals that are involved in our process, and we know that the engineer is sealed and his quality assurance is important to making the system work in order to meet all County and State requirements. Interviews with staff and the applicants have resulted in this list of what the County needs to do to help the applicant.**

- We need to provide plan review status information and be able to tell them how much longer it is going to take.
- We also need to provide a schedule which are hopeful we are going to be able to do, a consistent schedule.
- We need to provide reference information so that changes in our Code or policies are well known.
- We need to provide complete comments so that one week prior to the meeting, I know we hoped that we had tried to do three days, two days, but the development community wants one week, so the Manager would like for us to do the process he proposes with one week prior.
- We need to empower review staff to make more decisions.
- We need to provide training to our staff and to the development community on the process and the requirements.

**What have we asked the applicants to do? And we did have a luncheon with them and we did ask them to do several things, and this is just a brief highlight list of what we have asked them to do.**

- We have asked them obviously to submit the complete applications by the deadline. Now that is currently, of course, in the future if we have a rolling deadline there really won't be a deadline, but currently that is what we have asked them to do, so that is a suggestion made prior to the proposal of our process.
- We have asked them, wherever possible, to go ahead and please tell us what are the exceptions and waivers that they are asking for, so we don't have to search for them. If you already know that you are going to have to ask for an exception or waiver, please tell us. They tell us that lots of times they don't know they need one, so they have to find out through the review process that they need one. We do ask that when they know to please alert our staff so we start getting an answer for them on whether or not they will be granted or not.
- Also, we ask them to submit plans that match field conditions. Our field inspectors sometimes wonder if an engineer has ever been to the site when they get ready to implement the plans in the field, and that's a sad thing, but I have heard some real interesting stories in that light which I will tell you some other time.
- We have also asked them to submit plans that comply with all proffered conditions. Proffered conditions are for architectural and setbacks and plantings and things like that. We find numerous cases. I remember when I was in the Planning office, numerous cases with proffered conditions and it looked like they didn't have a copy of it, because we don't want to have a rezoning amendment process start in the middle of a plan review

process and slow it all down.

- We have asked the engineers to please discuss unresolved conflicts that they have with the staff in that department with the department head first before they go to the Planning Commission, the Manager's Office, or the Board of Supervisors. Please start with the person that is most likely to understand the question and be able to make a decision.
- We asked them to coordinate the plan submitted with the architect. We have, time and time again, have found problems that the plan does not meet the proffered conditions or is not complete. It shows the front of the building, but not the back or the sides of the building, so this has continually been a process. Of course, the County's objective in requesting this is that we want all of the plan submitted and we want to save time in reviewing the plan and save time for the engineer in getting the plan reviewed.

**Now, the third section of my presentation is going to focus on the County Manager's recommendations to amend both the subdivision ordinance and the zoning ordinance. These amendments are suggested to substantially improve the plan review process.**

**We are going to suggest that the Board of Supervisors do additional POD reviews and these reviews would be done for the Airport and for the Fairgrounds. For those of you in the audience who are familiar with what the Board does, you probably say, "Well, they already do that." Well, they do that by interpretation of the Director of Planning. It is not clarified in the Code, so a different director of planning, John may decide he wants to send it to the Planning Commission, but we consider all public use PODs go to the Board. Well, these are not public, meaning city, state or county, they are authorities or commission owned, so they are not the same, so this would clarify the language in this area. We are suggesting that the Provisional Use Permit approval for a controlled density subdivision result in the Planning Commission's making a recommendation on the conditional subdivision plan at the time of the PUP review, and then forwarding their recommendation to the Board, so when the Board acts on the Provisional Use Permit for the controlled density subdivision, they will actually be approving the conditional subdivision plan. That means that the neighbors will have been notified, that they will have seen all of the conditions, the layout at the Planning Commission and the Board level, and the applicant will not have to come back and file a conditional subdivision and spend that extra six weeks in the process to go through the Planning Commission. And, then, of course, it will proceed to what staff does not, the final plan approval. No changes there.**

**The next focus is on a whole new Preliminary Plan Option. We briefly mentioned this to your earlier. We have changed the name of it. The Manager recommends that the Board create a new type of conditional rezoning that is an option for the property owner and the development community, and this option is to be called the Preliminary Plan Option. This option would include a proffered master plan, not a detailed plan, not the same plan you would see in a POD, and this would be available for single-use development, but also mixed-use development. After the Board approved a master plan with the conditional rezoning case, there would be, of course, a checklist of things, minimum requirements that would need to be submitted for this master plan, that the Director of Planning would be authorized to approve conditional subdivision plans and the POD necessary**

**to allow implementation. This would encourage overall site master planning, especially for mixed-use development. It would also assist developers who are seeking an expedited rezoning and plan review processing. The County Manager recommends the need for submittals to coordinate with the Geodetic Control Network so that the GIS system can be kept up to date. I understand that you all have gotten to be the guinea pigs of the Board Room by using the GIS mapping to see where the sites are, to see where buffers are. We are going to, hopefully, be able to amend both the subdivision ordinance and the zoning ordinance to allow, to be sure that every plan can be located in this network by requiring that no less than four corners of the property will be submitted that comply with the GCN with every plan, that these points must be derived from the network, and all measurements on the plan must be tied to the point, and the plan must show the location of any network monument on the property.**

**The next change the Manager recommends is that the Director of Planning be authorized to coordinate the review and approval of “minor subdivisions.” Never heard of minor subdivisions, have you? Well, this is the definition that staff recommends for minor subdivisions and this is not exactly what came out of a committee. Minor subdivisions would be defined as:**

- 10 lots or less located on an existing dedicated right of way.
- It would be the resubdivision of lots in an existing subdivision. You probably occasionally see that, large lots in Tuckahoe especially, a 3 lot, or one lot, and there are quite a few kinds.
- A plat for road dedication with no lots created. I think you all had seven or eight of those on your agenda in the past seven months where you had a lot, a road. It has already been approved in a subdivision layout sometimes, but it needs to have a road dedication plat.
- The Planning Commission would hear appeals of the Director’s decision on these subdivisions. In a particular subdivision, the applicant is unhappy with the decision by the staff, and I say the Director of Planning, I want you to know it is not just John Mariles who is going to be doing all of this. John is over here with his eyes wide open and he is shaking his head and going, “God, this is going to be a busy work program. It’s not all in my job description.” Right, John. Well, the Director of Planning is used as you now know as the Coordinator of the entire subdivision and plan of development process, so that means basically staff approved. He would be the Coordinator and accountable for the process to go, but each department and their staff would be responsible for submitting their comments and everything. It is not just going to be John doing all the work. We don’t need anybody but John to do anything in the future!

**So, this is a minor subdivision. We believe, there’s not a lot of these. I saw, we originally started off with a recommendation for five and it went to 10, when I saw like eight lots. You don’t have a lot of road, existing dedicated right of way. Now that doesn’t mean it is built necessarily, but it is dedicated, that would be available for this, but where it is we feel that would be the appropriate process.**

**Now, the next portion of the subdivision recommendations:**

Authorize the Planning Commission to be the agent of the Board on selected conditional subdivision applications. Now, this slide will indicate the criteria for when they will come to the Planning Commission. They would be reviewed by the Planning Commission and reviewed by the Planning Commission when proffers require that review and approval. When the applicant requests the Planning Commission's review and approval, and when there is an appeal of the Director's decision. You are probably thinking about now, "Well we are not going to be seeing many subdivisions." That is true. The proposal is for the Planning Commission not to see very many of the subdivision requests because of their non-controversial nature in most cases.

Now we are going to move to the conditional subdivision application approval. I am not sure if these are on your consent agendas or not, but at the beginning of every agenda when I was there, the Planning Commission always had the extensions of conditional approval on subdivisions. We are recommending, the Manger is recommending that the Director of Planning be authorized to coordinate the review and approval of all other conditional subdivision applications, which will be the others, and they would also be responsible for the extensions of conditional subdivision approval. I am going to be summarizing all of these things at the end, so you don't have to, plus I have a copy of this presentation for you, so you don't have to take notes.

Now we move from subdivisions to plans of development. For years and years there has been one criteria that has been listed in the zoning ordinance that is the location of a site on a four-lane street would require a plan of development. This particular recommendation is going to be suggested for elimination, and you will notice in parenthesis that (other criteria may require a POD), and as you know in the Code, there is a whole list of uses that require PODs and a variety of things and those will continue. It is just that in the situation there are many sites on a four-lane street which are just not appropriate to be included, and so the staff and the Manger have recommended that this be eliminated.

Now, this is the part that is going to be - I am going to try to go slowly - because it is going to be the most difficult, perhaps, to understand. The Manager recommends that the Planning Commission be the authorized agent of the Board on selected POD applications. The criteria would be for all plans of development adjoining all R-zoning districts, there would be R-5, R-6, RTH, RO, every R zoning district. If any portion of the proposed site touches an R-district or is across from an R district or adjacent to, these plans would go on the Planning Commission agenda.

Sites that adjoin all A-1 zoned property when and I underline the word when, there is a livable residence within 400 feet of the property line of the POD site. In going through your agendas for the past seven months, there were a significant number of A-zoned properties that did not have a livable residence on them, period. And the idea is to be sure that the Planning Commission, due to the controversial nature and the sensitivity of the development adjoining residential, that we are sure that you get to see all site plans that adjoin residential areas. Now, if you don't even have one house on a piece of property, obviously it

is not residential, even though it is zoned Agricultural. It may be a tree farm, it may be just unused land in many ways. All cases that would be referred by the Director of Planning, and this is going to be where the Director of Planning's discretion would come in and carefully written and they would be controversial cases. It is hard to write that word "controversial" in the Code, but a language which would give him the authority for sensitive cases to be sure they are on the Planning Commission's agenda. He will keep his eyes and his ears peeled for those cases. And the next would be the appeals of the Director of Planning on other POD applications that would not have been heard by the Planning Commission, and, of course, that is the next slide which would mean that the Manager is recommending that the Director of Planning coordinate the review and approval of all other plan of development applications. Currently in the Code there is a - since the passage of the Chesapeake Preservation Act - there has been controversy whether there needs to be a POD for site if just land disturbance is causing the POD to be required. The Code currently requires a POD with 2,500 square feet of land disturbance. The Manager is recommending that staff review these Erosion and Sedimentation Plans if the use requires a POD and the site adjoins an R or an A-1 District, and that little asterisk by the A District means that it has a liveable home within 400 feet. That is what the asterisk means, I couldn't write that out every time. That would still require a POD to go to the Planning Commission, but other than that, it would be reviewed by staff as an Erosion and Sedimentation Plan. To change the square footage of land disturbance and this is going to require us having a plan to go back to the Chesapeake Bay Local Assistance Board, so any changes, when it comes to this 2,500 square feet of land disturbance, we will have to, any Code changes, we recognize that we will have to not only get approval of the County but also the Chesapeake Bay Local Assistance Board because it was part of our Comprehensive Plan that was approved and certified.

The next change regards those frequently appearing items on your agenda called the Transfer of Approval of PODs. We recommend that the Planning Director be authorized to approve those transfers of approval, allowing in the Code for the Director to require conditions to be added to correct site conditions. You may remember that occasionally when you get a transfer of approval, the fence will have fallen down, the planting will not be done, and we want to provide a way so the Director can get a bond for that to be repaired and fixed, and, of course, if there is any problem with this, he will then be able to place it on the Planning Commission agenda. Usually what happens, as you know, a building is purchased by someone and we want to actually expedite this process and make it easy for them to be sure that we have in our records the current owner of the property. They pay a small fee for it. It takes up time on your agenda, but it really is pretty much a housekeeping type of an item.

The next item deals with the topic of Special Exceptions. I understand you had one that took about 30 minutes today on the agenda dealing with height. Special Exceptions is a pretty complicated subject, and, actually, the Code of Virginia, it is questionable whether or not the Planning Commission actually can approve Special Exceptions, according to the Code of Virginia. We have been encouraged by the County Attorney to revise our Code and to look at alternatives to the current way that we are doing that. In order to do that, we will probably have again to continue to go back to the Special

Exceptions being by the Board of Zoning Appeals except as the Code might indicate. One area that we would suggest is to change, for instance, a nursing home or convalescence home or home for the aged to a permitted use in R-5, as opposed to making this a Special Exception Use. It doesn't appear to be any reason in common everyday use that that use would be offensive or a nuisance anymore than, say, an apartment complex which is a permitted use in R-5, so we recommend that. The other area in which you typically get more requests for Special Exceptions is height. We recommend that in O-2, OS and OS-2, B-1 and B-2, that development standards be referenced so that there is a matrix in the Code which had certain criteria by which the Planning Commission can approve additional height, so that instead of calling it a Special Exception it will be allowed by a performance review, and, of course, that language would have to be written if the County Attorney would help us do that to try to overcome that. This actually came about because of a case that the appeal of a POD for a landfill site and the subsequent court case related to that has led to that recommendation. We have a great deal of sensitivity about the Special Exception area.

I realize that I presented a lot of changes, so I am going to summarize them briefly so you will get a sense of who does what under the recommended proposal. The Board of Supervisors, in addition, of course, to having to change several Codes to do all of these things, they would be responsible for additional POD review for the Airport and the Fairgrounds in the Code. They would, also, in the future, actually approve conditional subdivision plans. It would be the only conditional subdivision plan type that they would approve, and this would be for controlled density Special Use Permit. The Board would also have the option to approve a Preliminary Plan Option type of conditional rezoning that would include a Master Plan.

What about the Planning Commission? What would your changes and responsibilities be in the following way if all of the County Manager's recommendations are approved? No. 1, we would just be deleting the Transfers of Approval from your agenda. We would be deleting the Conditional Subdivision Extensions from your agenda. You would review some conditional subdivisions according to those three criteria, you would review selected POD applications adjoining R and A Districts. To give you an idea, you reviewed approximately 84 PODs in the past month, of which approximately 22 of them would be reviewed by staff and you would be reviewing the others. So, it is still more than the majority of the plans of development would be coming to the Planning Commission if you use the last seven months as an indicator. You would also be using development standards to determine height instead of Special Exception requests. You would continue to review and recommend no changes are being recommended to the other responsibilities which you have dealing with everything from recommendations on the Comprehensive Plan, Zoning Ordinance amendments, Rezoning applications, "Substantial in Accord" determinations, Provisional Use Permits, and, of course, the Capital Improvements Program. Absolutely no proposals that we have would change in any way your responsibilities in that area.

Now we move to the Director of Planning. Throughout this presentation, I have used, as I have mentioned, the Director of Planning to indicate the staff



for the administrative approval process. As I mentioned to you, other communities have substantially used this for 10 to 20 years, and we are recommending that in order to improve our process substantially, we need to save the development community time, staff time, and actually your time and have you focus on the most controversial plans that are before us, those that the residential neighborhoods, the site plans, and the residential neighborhoods are involved with. The only one that has not been previously mentioned that is shown on that list is the Landscape and Lighting Plans associated with staff reviewed subdivisions and POD applications. We assume that will go along with any, for instance, any subdivision that has a landscape strip that was proffered as a part of the proffered case, the plan of development applications, you would still have the ability if you chose to do so, any POD that you review, those adjoining R or A Districts, you have the opportunity to refer it to the staff for total review or you could continue as you have done so many times and having all of the landscape and lighting plans come back to you. So, those are those recommendations in that aspect.

So, what are the next steps? I am almost to the end. Beginning today, we are distributing the Manager's recommendation. You are really the first to know. People in this room are the first to know what the Manager is suggesting and I will be making presentations, hopefully, to the Board, and I am planning to do a mailing to all of the development engineers and people that have been involved with me in this process, and have several presentations similar to this, in this room, up to the next two to three weeks as soon as I can get them scheduled and invite people to come and hear them, because we want to receive and we want to compile the comments for changes from the external, from staff, a variety of people. We want to try to be sure that we get feedback on all of these changes. There are a lot of changes and I recognize that. We want to have Work Sessions with the Planning Commission and the Board. Of course, as you know, from that slide you saw several times at the beginning, I need to know when I can meet with you all again. And, the Manager wanted to be sure that this was underlined, that he realizes that there will have to be additions to the recommendations, and there will be a stage in this process for that, and then we will begin to prepare whatever resolutions, ordinances and applications and procedures to implement what needs to be done to make the changes that have been agreed upon and pretty much what the Board and the Commission directs us to do. We will hold the required Public Hearing. We will approve the changes and hopefully we will kick off a new process. With a very important step, hopefully always being there, which is evaluations of the effectiveness of the process. One of the good parts of the tracking system that is going to be established is that we will be able to collect data on time, how long it takes to do things, when things come in and go out, we will have a lot better record keeping and that will help us do a lot better evaluation of our process, both the timeliness of it and the quality. We plan on asking questions about how many resubmittals, how many new comments, so we get a good idea of what kind of quality we're putting out as a County staff and also as coming in. So, this is the last you'll have to suffer and there is supposed to be drum roll but they couldn't make it work. That is the end of my presentation, and I know we have hit you with a lot and it is also very late and it is has been a very long meeting day, but I will be more than happy to answer any questions.

**Mr. Archer -** Thank you so very much, Ms. Harper. Are there any questions for Ms. Harper from anyone?

**Ms. Dwyer -** It is not going to be a lengthy one. I just want to know when you expect to begin preparing the actual Ordinance amendments and what is your timetable for that?

**Ms. Harper -** Well, we don't want to do any work unless we know the Commission and Board are somewhat in agreement with this, and so we are not going to spend, there are some items that will perhaps be relatively easy to do. At this point, I don't have a calendar for that. My next two months will be getting out the word and compiling comments, so hopefully by the first of the year I will have comments. I would love to have a Work Session with you all in December if it would be possible to at least have the first one. I understand that we are going to probably have to have several. I can see drafting Ordinance language, hopefully, in January, February. That is my goal. Every time I set a time though it kind of gets bumped because of a variety of availability of people really. Oh, two hands are up. Mary.

**Mrs. Wade -** Evidently you have done a lot of background work here. Do you anticipate much controversy?

**Ms. Harper -** That is a very good question. My sense tells me that the development community will be really pleased with a lot of these changes. I do not know how the Commission and Board will feel about these changes, because I am really hitting you with a lot of new information, so I would say we will just have to see. I will be interested in your thoughts. I realize it is a lot of change, but I don't, I guess the answer is I don't know. The Manager chose and based on my recommendations and the recommendations from the working groups, to take a bold approach. He didn't quite go to the boldest approach. I put that out for him, too, but he went with a bold approach because competition in some respects is eating us alive on time right now, right now on processing, and we are trying to find ways to not give up quality, quality review, but yet try to be responsive as we can.

**Mr. Vanarsdall -** Ms. Harper, you said the Planning Coordinator would determine if the plan is approved, and that is going to come through the front desk and so forth. About how long would it take somebody, like the woman setting over there now, how would long would it take Kevin to determine if this was completed? Does it just take a glance in there to determine if everything exists?

**Ms. Harper -** Pretty much. I mean, I probably should have them answer that. I mean, if there is no peak deadline where you have like 40 plans come at one time and you have to review them, it takes them about two days, I believe, two days, because they sit down as a group and go through the whole group of all of the ones filed. But the anticipation is that the plan, it would be a rolling deadline, as they would come in, the appropriate people would look at it, be sure it was complete before it is distributed because the clock doesn't start on the two-week review until it is determined that it is complete, and we hope that it is one day, two days. This time schedule, you know, it has to be set up so everybody will know consistently what it is. That is what we want to do. Of course, it is also working days. If they bring it in on a

**Friday, you wouldn't, it would not be Saturday or Sunday, so it would have to be Monday or Tuesday. I know Greg is back there saying, "Oh, shucks!"**

**Mr. Vanarsdall - The other question was on the outside, the localities that you reviewed, was that just in the Metropolitan Richmond area?**

**Ms. Harper - No. It was Statewide.**

**Mr. Vanarsdall - And one thing I'd like to know and you may not know this today, but how involved is other Commissions, how much involved do they get with the Planning staff?**

**Ms. Harper - John may respond with his perspective in Roanoke.**

**Mr. Vanarsdall - Does the Planning Commission call the Planning Office and make changes and what all of them say is involved in the process?**

**Mr. Marles - In Roanoke, the POD and Subdivision Process was a pure administration process, so the Planning Commission was not involved at all really in the plans. The other thing that seems to make a difference is whether you have an at-large system or magisterial districts. We had representatives from magisterial districts and, in the County, it seems like Planning Commissioners are a little bit more involved with the plans than in the City.**

**Ms. Harper - What I am aware of, Mr. Vanarsdall, is that when there are several localities that when referrals of these controversial plans come to them whether by the Director's discretion or by an appeal or a proffer, for instance a case comes through and a proffer perhaps says when you see a case, you proffer that and the Planning Commission will see that subdivision or site plan even though it does not adjoin a use, then those are the ones that the Planning Commission really needs to see. Those are the ones they really need to focus on, and so, therefore, your time is spent on the ones that are the most controversial as opposed to the more mundane ones. Yet, the involvement with the Planning Commission staff in most other communities is more on the Comprehensive Plan items, the rezoning items, and much stronger emphasis there and much more time in that area than in site plans and in subdivisions. Yes, John.**

**Mr. Marles - Angela, I would just like to say, that is my experience as well. When the Planning Commission is involved, it is usually where a proposed development in a sensitive area, such as adjacent to a residential district or it is referred by staff to the Planning Commission because of some issue or controversy, but I think that is pretty true around the state.**

**Mr. Vanarsdall - You may have misinterpreted my question.**

**Ms. Harper - I may have.**

**Mr. Vanarsdall -** You have always been to all of the conferences. And the question continues to come up, continues to, do you meet with the developer before the plan was filed? Do you meet with developer? Do you eat lunch with the developer? If he pays for lunch for you, do you, some counties and some states and some cities they wouldn't dare talk to somebody before a public hearing.

**Ms. Harper -** Right. That is a conflict of interest.

**Mr. Vanarsdall -** Our other Commissions, let say Chesterfield or Hanover, do they get involved with the developer, the attorney and the engineer as much as we do?

**Ms. Harper -** Yes. I don't know if as much, but in Virginia it is - there is no law against being involved with the development community and meeting with them outside, but my understanding is, yes, there are neighborhood meetings held with Commissioners there. There are lunches. There are meetings on sites with Commissioners in Virginia, but when you travel to Nebraska and Florida and other states, it is a law against that. It is called ex parte communications, and there is a law against that.

**Mr. Vanarsdall -** Well, how involved do they get then? Do you know?

**Ms. Harper -** I don't know the answer to that. Other than I can inquire. We have in our audience some wonderful experts of having filed plans in other communities.

**Mr. Vanarsdall -** Do you know why I bring this up is because at one of our other meetings you said that, you said something to the effect that in reviewing all these people, well they say, I would call, let's say they said me. I would call Mr. Vanarsdall and want to sit down with him and he says, "I don't have my information from the County yet, so wait until I get my packet and I will talk to you." And they say, "I don't get my packet until Thursday and I don't read it until Friday morning," and the meeting is Tuesday, they are out in the cold. That is only reason I am asking. How do you think the other Commissions get around that? I think that I would say at that time it would be up to you all to get us the information sooner.

**Ms. Harper -** Right. I think that is a part of the looking at the POD process. In order to be responsive, in cases where you are asked to review, you want to have your information earlier because that way you can be more responsive to the engineers on what concerns you have, right? In other words, instead of getting it on Thursday or Friday, you'd get it a week beforehand, or something like that. Otherwise, you can't be as involved with the engineers and

**Mr. Vanarsdall -** The total purpose is to touch all bases. In other words, I see Gibson Wright and if Gibson wants me to meet with me and I tell him about an issue that I know about, and he says, "Oh, that is fine." Then I get my packet and there are seven more issues that I didn't know about, didn't think about and I have to get back with him. That is why it is so good for us to have the professional information the staff gives us.

**Ms. Harper - Right. Packets earlier would be helpful I think to you.**

**Ms. Dwyer - I was going to say, Ernie, if other localities don't review all subdivisions and PODs like we do, then they don't have that problem.**

**Mr. Vanarsdall - That is true.**

**Ms. Harper - Well, for instance, the difference between the proposal that the Manager is making to you specifically focusing on PODs, we are not aware of another locality that has this criteria. Most of the time the criteria that I showed you for the subdivisions which is the appeals, proffers, would be the same as applied to site plans, but in Henrico County, we feel, and the Committee that was chaired by Harvey called the POD/Subdivision Criteria Committee, that had people from every agency represented and Directors and things from other agencies, we feel the sensitivity in our community to site plans adjoining residential areas is so high that we desperately feel that the Planning Commission is a great mediator in that particular case. You are a facilitator and a mediator in that case and we think better, we think good results are coming out of those hearings and we see that the benefit to the residents is very high, so we are recommending that we keep that, even though Chesterfield and Albermarle and Hampton and Roanoke, no one else is doing it that way. That is going to be a major difference. It is still going to set apart Henrico County because we feel that our neighborhoods are - that is the type of attention that we want to give them. Chris, you haven't gotten a chance to ask your question yet.**

**Mr. Archer - I just want to say I know we generally take our time in assessing and changing the way we do things, and I think personally that, and I think the Commission would agree with me, that our Expedited Agenda is indeed working quite well, and, in fact, had we not had that today we probably would be meeting right about now, but you know, we often refer to other localities as competition, and I understand why we do call that competition, and in trying to do some of the things that surrounding localities, not just surrounding localities, but you indicated you did this on a Statewide basis, we have to be very careful, and you mentioned that, of not sacrificing quality for the sake of speed, and I think we are all firmly entrenched in that belief, but I just wonder how difficult it is to accomplish that and how competitive we are actually in terms of - are we losing any prime development that would have occurred because we are too slow? I know that is hard to answer.**

**Ms. Harper - It is a very hard question. I don't think we have lost a Hewlett-Packard or a White Oak, and because we do have the fast-track process that Harvey heads up on that, but what we are talking about is the frustration level of the feedback and I promised anonymity to everyone I spoke with in the development community, and that is for obvious reasons, and so I will not say who said what. I will talk about Chesterfield does that, and somebody does that, but I am not going to tell you who says - I can't talk about that, but I will tell you that clearly there are developers that are very frustrated with dealing with the process in Henrico and are choosing to not work here for the reason of their frustration of dealing with various**

aspects of the subdivision and site plan review process, and they are the one who have made many of these suggestions that are before you, because they have been made not by one person but by multiple people, and agreed, I think we have gotten a lot of development and we have gotten quality development, but we have - why did the Manager devote a year of my life to this? I think he did because he knew the frustration level was at a high feverish pitch and having been out there and bombarded with these suggestions, I know that they are very hopeful that this is going to be a turn in the road, but I mean this goes through a process. This is not a slam-dunk. What has been presented to you by the Manager, that is why revised recommendations, he does not want you to feel as if it is that, but he is having to present to you what he feels is needed.

Mr. Archer - Well, I guess it is good I asked that question. I could sense that there was. This is the first time I ever heard anybody actually say it. But it sounds like it is to me.

Ms. Harper - As you say, it is based on numerous, numerous examples presented to me and that is by the developers, by either the developer and engineer. They are not anonymous. I know who they are, but I can't tell you. I mean I haven't even told the Manager, that is how anonymous they are.

Mr. Vanarsdall - Could you give us a hint?

Ms. Harper - If they want to tell you who they are, if they want to self identify at some point in the process, hopefully they will, but I will not be the person that rats on them. Harvey wants to say something.

Mr. Hinson - First of all, I think what we have given you today in Angela's report is a summary of the work that is going on and it doesn't include everything that was recommended. It is the recommendations at this point. One thing I would ask you to keep in mind is that Henrico might be doing it the right way and everybody else could be wrong. And I don't mean that as boastful as it may sound, but I can tell you that I don't know of any economic development that Henrico has failed to attract here because of our process. We do it better than anybody else does and that is why we are having the success that we have had. The other thing I would say, Ernie, in response to your concerns about your packets and everything, is that when you or any Planning Commission member is meeting with someone, have the staff member there. I think it is important to the process, because the staff member is most familiar with that plan and also can provide you with some comfort level in the process of that meeting with the staff involved. Meeting with the staff member provides the continuity that is necessary in the process to take that information forward, and not only have your concerns addressed but also those of the development community.

Mr. Vanarsdall - That is a good idea. If you can get a staff member and...

Ms. Harper - The Board members do that a lot. We get a lot of calls. Board members have a staff member there and we recommend it.

**Ms. Hinson** - And one thing, and Angela has mentioned this, and one thing we have been very mindful of in the process is participation of adjacent owners, and one of the things that marks the process we have is our notification of adjacent owners and having participation all through the process. In every Committee meeting that I've been involved in, that has come up. We are very concerned that we view this in these recommendations and not send the message that we are somehow trying to reduce the amount of participation, and so that is why you see so many of the recommendations involving a full public hearing process when residential areas are adjacent to the site. The whole basis of zoning, of course, is protection of single-family neighborhoods and the residential quality of life, and all of the things in the POD process have guaranteed this, and that is one of the important things that adds to the approach to be sensitive to the site and to the citizens.

**Mr. Archer** - Thank you, Mr. Hinson.

**Mrs. Wade** - What did you say about the timetables? Shouldn't this be made before next November?

**Ms. Harper** - Yes, I certainly hope so. My goal is to get it all done before April I will say that. We would definitely, because of a variety of agenda items that the Board has that I know you all are going to be involved in, and John is involved in, we desperately need to keep this moving quickly. In fact, the Manager will also, because the development community is anxiously awaiting the changes, but because of the variety of things you are involved in, the Manager wants us to stay right on track on this, so that is why I am sort of saying to you, the Work Session, I can't tell you an end date. I'd hope we could kick off this project March 1, because of the training component of this, we want to make sure we have the applications and brochures done. I am going to have to keep you updated at every work session and how well they are going. I would like to try - I know it is a terrible month in early December - but I would like to try to get the word out and get comments back from the development community, hopefully, in December, so I can share those with you, and then hopefully meet with you in both December and January to be sure that you all understand the proposal in detail and you are able to provide comments that we can provide to the Manager and the Board on those. I may be doing a Work Session with the Board next Tuesday, maybe. At this point, the Manager hasn't decided if that is possible yet, based on the items they have on their agenda. If not, they will be receiving copies of what you have seen today, but unfortunately it will just have a cover letter from the Manager. It won't have the explanation that goes along with that. So a timetable is just not available at this point. Every time I have taken a shot at it, it has just gotten crazy, so as soon as possible I think is our timetable, and I am hoping that Tom is just going to be able to write these ordinances in his sleep. He is just going to be able to whip them right out. He has got one of those computers that just writes for him when he thinks. I think he just about died and fell out of his chair when we started talking about the ordinance. Can I answer any other questions, because I have a feeling you all want to go home. Yes, John.

**Mr. Marlles -** Angela, you mentioned the importance of evaluating the measures once you put them into place. What are your thoughts about how we are going to monitor how we are doing?

**Ms. Harper -** Hopefully, the Plan Coordinator's role will be one of not only being the administrative head of this process, but also the record keeper to some degree of what goes on and how it is doing. The tracking system, called Project 10, that I mentioned to you, was a technology piece that is being developed, has a major data gathering component and that will be automatically done with every report that comes out, we will know how many plans, how long, when did they come in, when did they go out. How was the average time period for review? How many resubmittals do we have? A variety of data will come out of this system eventually and in between time we will have to develop some manual way to do that, and I am hoping that the Plan Coordinator can head that up with the help of the various working groups which we haven't worn out yet. We can reactivate some of those groups to hopefully put together some reminders. But, it is a very important part, to evaluate how effectively we are doing on this. If we can't do it in two weeks, we need 2-1/2 weeks or we do it in 1-1/2 weeks vs 2 weeks, we want to try to get a hand on how long it takes to do it. Staffing to do this process - I haven't mentioned staffing at all. I know staff is probably setting here wondering, "How many people is it going to take to do this?" Well, that is what the departments are going to have to decide. They are going to have to look at the process that is decided upon by the Board and decide how best to staff it, and the Manager will have to, hopefully, figure out a way to staff it. We are hoping we can do it with existing plus one or two at this point. But we don't know that yet. When you decide what combinations of things we are doing, it is hard to know what we need to do it. Yes, ma'am.

**Mrs. Wade -** Do you feel it is the consensus of the development community about these things?

**Ms. Harper -** They have not seen this presentation, Mary. I will be better able to give you an idea - I will be able to give you a better idea in about a month on that. I don't know. Greg and Lynn and Junie and Gibson, if you all want to provide any sort of reaction, Mary has asked whether or not this will meet support or opposition in the development community.

**Mr. Junie West -** I think there are questions surely that I have noted, as well, that we have got to answer and I am very certain you all have as well. And, I think it can be, I was doing an outline. It can speed up a project 30 to 45 days which is a lot of money when the interest rate is rolling. It is the best case scenario, I think, versus the system we are under, but the question has to be answered. Basically it is a compilation and it looks like everyone's comments and no particular individual or no particular group and I think it good to have a document out there that we can use as well. I think it does have that it will take up 30 to 45 days in the process, and still have the quality there.

**Ms. Harper -** And this is a process that he is talking about. It is not the process that you see. You see it from the beginning to the approval. They are viewing it from beginning



when they file it all the way until they are able to get signed plans, and so there is more to the process than the Planning Commission has hands on in. I am sure that is what you are referring to, 30 to 45 days out of that whole time line, so, our goal, the Manager, you noticed I never started this presentation or ended it or ever before have I mentioned a goal of a number of days we are trying to cut out of this process. That has not been the Manager's goal to say we are going to make this the fastest process in the west, and this is going to be it, and we are going to do it better, and faster than anybody. He has always said that we are not going to give up quality. We are not going to give up participation by our community. We are not going to give up quality development and we are not going to give up quality output from our staff, and we want to demand quality plans come in. So, I am not here to say that we are going to shorten the process. I want the process to work better, and it can work better, and this is the Manager's idea of how it can work better because this will focus your efforts on the most controversial plans.

Mrs. Wade - There is always room for improvement, but I still hear people say that they'd rather deal with Henrico than other places.

Ms. Harper - I've heard that, also. I don't want you to think that it is all bad I've heard. I have heard some good, too, but it is usually, "That is good, but.." So, we want to get that but, we want to lose that but. Anything else. I want to be sure you don't leave without a copy. There are copies back here of the presentation, because I know it is a lot to remember, and if Kevin or somebody could help me, maybe we can hand out some of these, and thank you. Can you give me when a Work Session might be possible?

Mr. Archer - We are working on it now. I do want to thank you for your very informative session. We expected no less, of course, and since the meeting is still in session, we need a motion to adjourn.

1 Mr. Vanarsdall - I make the motion.

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3 Mr. Archer - If we could tack it on to our December meeting, it would be on the 15th.  
4 We will be meeting the 10th and the 15th. December 15. The POD is the 15.

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6 Ms. Harper - The 15th? OK. After the POD meeting. OK. Am I serving lunch  
7 again? OK. We may not need this room, I will, I don't know exactly where it will be yet.  
8 After your POD meeting, I guess. If any of you all you would like to call and chat with me  
9 about anything, or talk to me, I would be more than happy to meet with you or talk with you  
10 on the phone, staff, also, developers, also. I gave you a lot to think about.

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12 Mr. Archer - Ms. Harper, thank you again for your excellent presentation. All of the  
13 people who participated here appreciated it.

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15 Ms. Harper - My pleasure.

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17 Mr. Archer - And the development community that came anonymously, we appreciate  
18 that.

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20 Ms. Harper - You're welcome, but you will have to thank Virgil. It came out of his  
21 pockets!

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23 Mr. Archer - We have a motion to adjourn. Is there a second?

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25 Mrs. Wade - Second.

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27 Mr. Archer - The meeting is adjourned.

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29 On a motion by Mr. Vanarsdall and seconded by Mrs. Wade, the Planning Committee  
30 adjourned its meeting at 3:50 p.m.

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

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John R. Marlles, AICP, Secretary

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