

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia,
2 held in the Board Room of the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, October 23, 2002.

4

5 Members Present: Mr. Allen Taylor, P.E., C.P.C., Chairperson (Three Chopt)
6 Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
7 Mr. C. W. Archer, C.P.C. (Fairfield)
8 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
9 Mrs. Lisa D. Ware (Tuckahoe)
10 Mr. Frank J. Thornton (Fairfield) Board of Supervisors
11 Representative

12

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

25

26 **Mr. Frank J. Thornton, the Board of Supervisors Representative, abstains on all cases unless**
27 **otherwise noted**

28

29 Mr. Taylor - The Planning Commission will come to order. Good morning and welcome to
30 the October 23, 2002 Plan of Development meeting. We have a long agenda this morning, so I will turn
31 the meeting over to our Secretary, Mr. Marlles.

32

33 Mr. Marlles - Thank you, Mr. Chairman. Good morning. We do have a rather long agenda
34 today. We do have a full quorum here. All of our members are here, and, of course, we can conduct
35 business. The first item on the agenda is request for deferrals and withdrawals, and those will be
36 presented by Mr. Kennedy.

37

38 Mr. Vanarsdall - Good morning, Mr. Kennedy.

39

40 Mr. Kennedy - Good morning ladies and gentlemen.

41

41 **TRANSFER OF APPROVAL (Deferred from the September 25, 2002, Plan)**

42

POD-117-98
Courtland @ Wyndham
(POD-116-96 Revised)

Anthony P. Renaldi, Vice President and Chief Financial Officer for Prospect Homes of Richmond, Inc.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from C. Richard Dobson Builders, Inc. to Prospect Homes of Richmond, Inc. The 4.9-acre site is located on the west line of Wyndham Park Drive at its intersection with Dominion Club Drive on parcel 740-776-1890. The zoning is RTHC, Residential Townhouse District (Conditional). **(Three Chopt)**

43

44 Mr. Kennedy - The applicant requests a deferral to the November 20, 2002 meeting.

45

46 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of POD-117-98? Then I will move deferral of POD-117-98, Courtland @ Wyndham, to November 20, 2002, at 48 the applicant's request.

49

50 Mr. Jernigan - Second.

51

52 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Jernigan. All in favor say aye.
53 All opposed say no. The motion passes.

54

55 At the request of the applicant, the Planning Commission deferred POD-117-98, Courtland at
56 Wyndham (POD-116-96 Rev.) to its meeting on November 20, 2002.

57

58 **SUBDIVISION & EXCEPTION (Deferred from the September 25, 2002, Meeting)**

59

Telegraph Run and a
Resubdivision of Section C,
Block B, Lot 22 and a
Reserved for BMP Parcel
(September 2002 Plan)

Wingate & Kestner for Commerce Company, LLC: Request for approval of a conditional subdivision and an exception pursuant to Section 19-4(a) of the Henrico County Code requiring increased rear yard setbacks along Brook Road (U.S. Route 1) a major arterial roadway. The 6.15-acre site is located on the western terminus of Connecticut Avenue, between Brook Road (U.S. Route 1) and Telegraph Road on parcels 784-763-3921, 784-762-3895 and 784-763-4641. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 15 Lots**

60

61 Mr. Kennedy - The applicant requests deferral to November 20, 2002.

62

63 Mr. Taylor - Is there anybody in the audience opposed to deferral of Telegraph Run and a
64 Resubdivision of Section C, Block B, Lot 22 and a Reserved for BMP Parcel? No opposition.

65

66 Mr. Archer - Mr. Chairman, I move deferral of Telegraph Run to the November 20, 2002
67 meeting at the request of the applicant.

68

69 Mr. Vanarsdall - Second.

70

71 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say
72 aye. All opposed say no. The motion passes.

73

74 At the request of the applicant, the Planning Commission deferred Telegraph Run and a Resubdivision
75 of Section C, Block B, Lot 22 and a Reserved for BMP Parcel (September 2002 Plan) to its meeting
76 on November 20, 2002.

77

78 **SUBDIVISION (Deferred from the September 25, 2002, Meeting)**

79

Newstead Landing (A Resubdivision of Newstead Landing, Section A and a Portion of Newstead Farms) (September 2002 Plan)	Engineering Design Associates for Newstead Landing L.C.: The 52.7-acre site is located on the south line of Kingsland Road 140 feet east of Osborne Landing (private road) on parcels 808- 670-1962, 3363, 4865, 6169, 1028; 808-668-9806 and 809-668- 6715. The zoning is A-1, Agricultural District. Private central water and central sewer system. (Varina) 30 Lots
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80

81 Mr. Kennedy - The applicant requests deferral to the November 20, 2002 meeting.

82

83 Mr. Taylor - Is there anyone in the audience in opposition to the deferral of Newstead
84 Landing to November 20, 2002? No opposition.

85

86 Mr. Jernigan - Mr. Chairman, I make a motion to defer Subdivision Plan Newstead Landing
87 (September 2002 Plan) to the November 20, 2002 meeting, at the applicant's request.

88

89 Mr. Vanarsdall - Second.

90

91 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor
92 say aye. All opposed say no. The motion passes.

93

94 At the request of the applicant, the Planning Commission deferred Newstead Landing (September 2002
95 Plan) to its meeting on November 20, 2002.

96

96 **SUBDIVISION**

97

Laurel Woods, Section B
(October 2002 Plan)

Youngblood, Tyler & Associates, P.C. for Edith E. Flora and West End Developers, LLC: The 1.52-acre site is located on the south side of Sunrise Road, approximately 500 feet west of Pump Road at 11911 Sunrise Road on parcel 738-756-5709. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. 4 Lots (**Three Chopt**)

98

99 Mr. Kennedy - The applicant requests deferral to November 20, 2002 meeting.

100

101 Mr. Taylor - Is there anyone in the audience who is opposed to deferral of the Subdivision at
102 Laurel Woods, Section B, to November 20, 2002? No opposition. I will move that Subdivision Plan
103 for Laurel Woods, Section B, be deferred to November 20, 2002 at the applicant's request.

104

105 Mr. Vanarsdall - Second.

106

107 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall to defer
108 Subdivision Laurel Woods, Section B, to November 20, 2002. All in favor say aye. All opposed say
109 no. The motion passes.

110

111 At the request of the applicant, the Planning Commission deferred Subdivision Laurel Woods, Section
112 B, to its meeting on November 20, 2002.

113

114 **SUBDIVISION (Deferred from the September 25, 2002 Meeting)**

115

Thomas Mill
(July 2002 Plan)
11868 Old Washington
Highway

Foster & Miller, P.C. for WWJ, LC and B & B Development Corporation: The 78.60-acre site is located on the north line of Old Washington Highway between the Chickahominy River and the CSX Railroad across from Kellipe Road on parcels 772-779-6780, 773-777-3550 and part of 773-777-1078. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. (**Brookland**) **47 Lots**

116

117 Mr. Kennedy - The applicant requests deferral to the November 20, 2002 meeting.

118

119 Mr. Vanarsdall - Any opposition, Mr. Chairman?

120

121 Mr. Taylor - Is there any opposition to the deferral of Subdivision Thomas Mill to November
122 20, 2002.

123

124 Mr. Vanarsdall - I move Thomas Mill (July 2002 Plan) 11868 Old Washington Highway be
125 deferred to November 20, 2002, at the applicant's request.

126

127 Mr. Archer - Second.

128

129 Mr. Taylor - Motion by Mr. Vanarsdall and seconded by Mr. Archer to defer Thomas Mill

October 23, 2002

130 Subdivision to November 20, 2002 at the applicant's request. All in favor say aye. All opposed say no.
131 The motion passes.

132

133 Mr. Marles - The next items on the Agenda is the Expedited Agenda. Just for information of
134 the audience, items that are on the Expedited Agenda are items for which staff is recommending
135 approval. The Planning Commission member from the District has no issues and there is no known
136 citizen opposition. If there is citizen opposition, an item can be removed from the Expedited Agenda
137 list. Mr. Kennedy.

138

139 **TRANSFER OF APPROVAL**

140

POD-119-98

Great To Go @ Innsbrook

Jack Woodfin for Doswell Properties, Inc.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from GTG III Associates, LLC to Doswell Properties, Inc. The 2.372-acre site is located at the northeast corner of W. Broad Street (U.S. Route 250) and Dominion Boulevard on parcel 747-760-6472. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

141

142 Mr. Taylor - Is there anyone in the audience who is opposed to the Transfer of Approval for
143 POD-119-98, Great To Go @ Innsbrook, on the Expedited Agenda? No opposition. I will move
144 approval of Transfer of Approval for POD-119-98, Great To Go @ Innsbrook.

145

146 Mr. Jernigan - Second.

147

148 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Jernigan. All in favor say aye.
149 All opposed say no. The motion passes.

150

151 The Planning Commission approved Transfer of Approval, POD-119-98, Great To Go @ Innsbrook,
152 on the Expedited Agenda.

153

154

154 **LANDSCAPE & LIGHTING PLAN**

155

LP/POD-30-99 **Messer Landscape for North Gayton Road Venture, LLLP:**
The Reflections @ Westcreek 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. The 17.597-acre site is located on the east line of North
Gayton Road and I64 on part of parcels 735-765-1837, 9528
and 734-765-6020. The zoning is R-5C, General Residence
District (Conditional) and R-6C, General Residence District
(Conditional). **(Three Chopt)**

156

157 Mr. Taylor - Is anyone in the audience opposed to the approval of Landscape and Lighting
158 Plan, LP/POD-30-99, The Reflections @ Westbrook? No opposition. Therefore, I move approval of
159 the Landscape and Lighting Plan for LP/POD-30-99, The Reflections @ Westcreek.

160

161 Mr. Jernigan - Second.

162

163 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in favor say
164 aye. All opposed say no. The motion passes.

165

166 The Planning Commission approved Landscape and Lighting Plan LP/POD-30-99, The Reflections @
167 Westbrook, subject to the annotations on the plan and the standard conditions for landscape and
168 lighting plans.

169

170 **LANDSCAPE & LIGHTING PLAN**

171

LP/POD-6-01 **Roy Ashley Associates for Short Pump Town Center, LLC:**
Short Pump Town Center 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. The 147.19 acre site is located on W. Broad Street (U.S.
Route 250), approximately 1,000 feet west of the intersection with
Pouncy Tract Road on parcels 736-764-6924, 737-763-9298,
738-763-5030, 737-763-0320, 737-762-6362, 739-763-3696,
2440, 2316, 739-762-1587, 738-763-9447, 737-764-3006,
736-763-6960 and 737-763-1830. The zoning is B-3C, Business
District (Conditional). **(Three Chopt)**

172

173 Mr. Kennedy - There is a revised caption and recommendation in the Agenda Addendum. The revised
174 caption deletes lighting plan and the revised recommendation is for approval.

175

176 Mr. Taylor - Is there anyone in the audience in opposition to the approval of the Landscape
177 Plan for LP/POD-6-01, Short Pump Town Center, including the comments in the Addendum? No
178 opposition. Therefore, I move approval of Landscape Plan only for LP/POD-6-01, Short Pump Town
179 Center, with the comments in the Addendum.

180

181 Mr. Vanarsdall - Second.

182

211 **LANDSCAPE & LIGHTING PLAN**

212

LP/POD-69-01

The Villas of Autumn Run

Balzer & Associates, Inc. for Tascon Group, 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. The 19.7-acre site is located along the east line of Lauderdale Drive, approximately 850 feet south of Ridgefield Parkway on parcel 731-750-2572. The zoning is R5, General Residence District. **(Tuckahoe)**

213

214 Mr. Kennedy - On the Addendum is the revised recommendation, which is for approval.

215

216 Mr. Taylor - Is there anyone in the audience who is opposed to the approval of Landscape
217 Plan, LP/POD-69-01, The Villas of Autumn Run, on the Expedited Agenda? No opposition. Ms.
218 Ware.

219

220 Ms. Ware - I will recommend that LP/POD-69-01 be approved subject to the annotations
221 on the plan and the standard conditions for landscape and lighting plans as shown on the addendum.

222

223 Mr. Vanarsdall - Second.

224

225 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Vanarsdall. All in favor say
226 aye. All opposed say no. The motion passes.

227

228 The Planning Commission approved Landscape and Lighting Plan LP/POD-69-01, The Villas of
229 Autumn Run, subject to the annotations on the plan and the standard conditions for landscape and
230 lighting plans.

231

232 **LANDSCAPE & LIGHTING PLAN**

233

LP/POD-80-01

Parson's Walk, Section A

James River for HHHunt Corporation: 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. The 28.66 acre site is located on the south line of Twin Hickory Lake Drive across from proposed Hickory Woods on part of parcel 741-765-2527, 741-764-6262 and part of 740-765-3690. The zoning is R-5AC, General Residence District (Conditional). **(Three Chopt)**

234

235 Mr. Taylor - Is there anyone in the audience who is opposed to LP/POD-80-01, Parson's
236 Walk, Section A. No opposition. Therefore I move approval of the Landscape and Lighting Plan for
237 LP/POD-80-01, Parson's Walk, Section A, subject to the annotations on the plan and the standard
238 conditions for landscape and lighting plans.

239

240 Mr. Vanarsdall - Second.

241

242 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor say
243 aye. All opposed say no. The motion passes.

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- 283 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
284 acceptable to the County Attorney prior to final approval of the construction plans.
- 285 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
286 approved by the County Engineer prior to final approval of the construction plans by the
287 Department of Public Works.
- 288 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
289 plans.
- 290 33. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
291 must be approved by the Department of Public Utilities prior to the issuance of a building
292 permit.
- 293 34. Approval of the construction plans by the Department of Public Works does not establish the
294 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
295 will be set by Henrico County.
- 296 35. The location of all existing and proposed utility and mechanical equipment (including HVAC
297 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
298 identified on the landscape plans. All equipment shall be screened by such measures as
299 determined appropriate by the Director of Planning or the Planning Commission at the time of
300 plan approval.

301
302 Mr. Vanarsdall - Mr. Chairman, whenever we have something I always like to put in a plug for
303 the people, and the man who is going to own this is sitting in the audience on the left, Bill, sitting with the
304 architect and Bill cuts a number of people's hair, including mine. It doesn't look like it today, but he
305 does, and he also, and when I found out the County Manager got his hair cut there. I said the County
306 Manager certainly has good taste to go where I get mine cut, and numerous other people. There is
307 Christina Goggin, who is handling the case, who said, "My God, how many people in the County does
308 he cut hair for?" So, keep it up, Bill.

309
310 Mr. Taylor - Commissioner, that was a good advertisement.

311
312 Mr. Kennedy - The next item on the Expedited Agenda is on Page 24.

313
314

314 **PLAN OF DEVELOPMENT**

315

POD-75-02
Crosspoint – Parview
Zero Lot Line Dwellings

Michael E. Doczi & Associates, PLLC for Virginia Center, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 28 zero lot line single-family homes. The 8.416-acre site is located on the northern line of Virginia Center Parkway, approximately 400 feet from its eastern public road terminus on parcel 790-764-6385. The zoning is R-5AC, General Residence District. County water and sewer. **(Fairfield)**

316

317 Mr. Taylor - Is there anyone in the audience who is opposed to the approval of POD-75-02,
318 Crosspoint – Parview Zero Lot Line Dwellings in the Fairfield District? No opposition.

319

320 Mr. Archer - Mr. Chairman, I move approval of POD-75-02, Crosspoint – Parview Zero
321 Lot Line Dwellings on the Expedited Agenda, subject to standard conditions for developments of this
322 type, and the additional conditions Nos. 23 through 31.

323

324 Mr. Vanarsdall - Second.

325

326 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say
327 aye. All opposed say no. The motion passes.

328

329 The Planning Commission approved POD-75-02, Crosspoint - Parview Zero Lot Line Dwellings,
330 subject to the standard conditions for developments of this type and the following additional conditions:

331

332 23. Roof edge ornamental features that extend over the zero lot line, and which are permitted by
333 Section 24-95(i)(1), must be authorized in the covenants.

334 24. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall
335 be provided and shown on the POD plans.

336 25. Building permit request for individual dwellings shall each include two (2) copies of a layout plan
337 sheet as approved with the plan of development. The developer may utilize alternate building
338 types providing that each may be located within the building footprint shown on the approved
339 plan. Any deviation in building footprint or infrastructure shall require submission and approval
340 of an administrative site plan.

341 26. The developer shall provide fire hydrants as required by the Department of Public Utilities and
342 Division of Fire.

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

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

348 29. The proffers approved as a part of zoning case C-18C-02 shall be incorporated in this
349 approval.

350 30. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
351 standard and specifications. The developer shall post a defect bond for all pavement with the
352 Planning Office - the exact type, amount and implementation shall be determined by the Director

353 of Planning, to protect the interest of the members of the Homeowners Association. The bond
354 shall become effective as of the date that the Homeowners Association assumes responsibility
355 for the common areas.

356 31. A concrete sidewalk/golf cart path, a minimum of four feet in width, shall be constructed along
357 the north side of Virginia Center Parkway from Fairway Homes Way to the entrance to the
358 Carriage Homes.

359

360 Mr. Kennedy - The next item on the Expedited Agenda is on Page 26.

361

362 **PLAN OF DEVELOPMENT & MASTER PLAN**

363

POD-76-02

The Carriages @ CrossRidge,
Section 2 and Master Plan,
Section 3

Wingate & Kestner for Courtney Development: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct Section 2 consisting of 26, two-story condominium units on a 6.5 acre site and to authorize a master plan for Section 3 consisting of an additional 140, two-story condominium units on an adjoining 36.89 acre site located at CrossRidge Glen Way on parcel 782-764-6451. The zoning is R-6, General Residence District. County water and sewer. **(Brookland)**

364

365 Mr. Taylor - Is there anyone in the audience opposed to the hearing of POD-76-02 and
366 Master Plan, The Carriages @ CrossRidge, Section 2 and Master Plan, Section 3?

367

368 Mr. Vanarsdall - I move that POD-76-02, The Carriages @ CrossRidge, Section 2, and Master
369 Plan, Section 3, be approved on the Expedited Agenda, with annotations on the plans, the standard
370 conditions for developments of this type and additional conditions Nos. 23 through 37.

371

372 Mr. Jernigan - Second.

373

374 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor
375 say aye. All opposed say no. The motion passes.

376

377 The Planning Commission approved POD-76-02, The Carriages @ CrossRidge, Section 2, and
378 Master Plan, Section 3, subject to the annotations on the plans, the standard conditions for
379 developments of this type, and the following additional conditions:

380

381 23. The unit house numbers shall be visible from the parking areas and drives.

382 24. The names of streets, drives, courts and parking areas shall be approved by the Richmond
383 Regional Planning District Commission and such names shall be included on the construction
384 plans prior to their approval. The standard street name signs shall be ordered from the County
385 and installed prior to any occupancy permit approval.

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

390 26. The developer shall provide fire hydrants as required by the Department of Public Utilities and

- 391 Division of Fire.
- 392 27. The proffers approved as a part of zoning case C-17C-00 shall be incorporated in this
393 approval.
- 394 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
395 acceptable to the County Attorney prior to final approval of the construction plans.
- 396 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
397 approved by the County Engineer prior to final approval of the construction plans by the
398 Department of Public Works.
- 399 30. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
400 standard and specifications. The developer shall post a defect bond for all pavement with the
401 Planning Office – the exact type, amount and implementation shall be determined by the
402 Director of Planning, to protect the interest of the members of the Homeowners Association.
403 The bond shall become effective as of the date that the Homeowners Association assumes
404 responsibility for the common areas.
- 405 31. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
406 must be approved by the Department of Public Utilities prior to the issuance of a building
407 permit.
- 408 32. Approval of the construction plans by the Department of Public Works does not establish the
409 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
410 will be set by Henrico County.
- 411 33. The owners shall not begin clearing of the site until the following conditions have been met:
412
- 413 (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision
414 construction plan and the Erosion and Sediment Control Plan, the limits of the areas to
415 be cleared and the methods of protecting the required buffer areas. The location of
416 utility lines, drainage structures and easements shall be shown.
- 417 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
418 clearing or grading operations of the site, the owner shall have the limits of clearing
419 delineated with approved methods such as flagging, silt fencing or temporary fencing.
- 420 (c) The site engineer shall certify in writing to the owner that the limits of clearing have been
421 staked in accordance with the approved plans. A copy of this letter shall be sent to the
422 Planning Office and the Department of Public Works.
- 423 (d) The owner shall be responsible for the protection of the buffer areas and for replanting
424 and/or supplemental planting and other necessary improvements to the buffer as may be
425 appropriate or required to correct problems. The details shall be included on the
426 landscape plans for approval.
- 427 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning
428 Office and approved prior to issuance of a certificate of occupancy for this development.
- 429 35. The conceptual master plan, as submitted with this application, is for planning and information
430 purposes only. All subsequent detailed plans of development and construction plans needed to
431 implement this conceptual plan may be administratively reviewed and approved and shall be
432 subject to all regulations in effect at the time such subsequent plans are submitted for
433 review/approval.
- 434 36. The developer shall provide signage, the wording and location as deemed appropriate by the
435 Director of Public works, which addresses the possible future extension of any stub street.
- 436 37. The location of all existing and proposed utility and mechanical equipment (including HVAC
437 units, electric meters, junction and accessory boxes, transformers, and generators) shall be

- 478 County in a form acceptable to the County Attorney prior to any occupancy permits being
 479 issued. The easement plats and any other required information shall be submitted to the County
 480 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
 481 24. The developer shall provide fire hydrants as required by the Department of Public Utilities and
 482 Division of Fire.
 483 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
 484 acceptable to the County Attorney prior to final approval of the construction plans.
 485 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
 486 approved by the County Engineer prior to final approval of the construction plans by the
 487 Department of Public Works.
 488 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
 489 plans.
 490 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
 491 must be approved by the Department of Public Utilities prior to the issuance of a building
 492 permit.
 493 29. Approval of the construction plans by the Department of Public Works does not establish the
 494 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
 495 will be set by Henrico County.
 496 30. The location of all existing and proposed utility and mechanical equipment (including HVAC
 497 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
 498 identified on the landscape plans. All equipment shall be screened by such measures as
 499 determined appropriate by the Director of Planning or the Planning Commission at the time of
 500 plan approval.
 501 31. Trash pickup from the site will be limited to the hours of 7:00 a.m. to 7:00 p.m.

502
 503 Mr. Kennedy - I am happy to say that completes the Expedited Agenda.

504
 505 Mr. Taylor - Thank you, Mr. Kennedy.

506
 507 Mr. Marles - Mr. Chairman, the next item on the agenda is Subdivision Extensions of
 508 Conditional Approval. These will be presented by Mr. Wilhite. The first item there is for approval by
 509 the Planning Commission.

510
 511 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 512 **(Presented by Kevin Wilhite)**

513
 514 (FOR PLANNING COMMISSION APPROVAL)

515

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Magnolia Ridge Cluster Lot (October 1994 Plan)	Fairfield	387	21	6	1 Year 10/22/03

516
 517 (FOR INFORMATIONAL PURPOSE ONLY)

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Old Williamsburg Road (A Ded. of a Portion of Old Williamsburg Road) (October 1999 Plan)	Varina	0	0	2	1 Year 10/22/03

519

520 Mr. Taylor - Good morning, Mr. Wilhite.

521

522 Mr. Wilhite - Good morning. We have one subdivision that requires conditional approval
523 extension by the Planning Commission and that is located in the Fairfield District. It is Magnolia Ridge
524 Cluster Lot (October 1994 Plan) not 1999, as listed on your agenda. Originally 387 lots were
525 approved. There are 21 lots yet to receive final approval. Staff is recommending an extension for one
526 year to October 22, 2003.

527

528 Mr. Taylor - Is there anyone in the audience that is opposed to the Extension – One Year
529 Extension for Magnolia Ridge in the Fairfield District? No opposition, Mr. Archer.

530

531 Mr. Archer - Do we need to make a motion on this?

532

533 Mr. Wilhite - Yes. This requires action.

534

535 Mr. Archer - Then I move approval of the Extension.

536

537 Mr. Taylor - And I will second the motion. Motion made by Mr. Archer and seconded by
538 Mr. Taylor. All in favor say aye. All opposed say no. The motion passes.

539

540 The Planning Commission approved a one-year extension for Magnolia Ridge Cluster Lot (October
541 1994 Plan) until October 22, 2003.

542

543 Mr. Wilhite - The other item that appears on the agenda is Old Williamsburg Road (A
544 Dedication of a portion of Old Williamsburg Road) (October 1999 Plan). The Director of Planning is
545 granting an extension of conditional approval for one year. This is located in the Varina District. This is
546 also being extended to October 22, 2003. No action is required.

547

548 Mr. Taylor - Are there any other questions for Mr. Wilhite? Thank you, Mr. Wilhite.

549

550 Mr. Marlles - The next case on your agenda is on Page 3.

551

552 **TRANSFER OF APPROVAL (Deferred from the September 25, 2002, Meeting)**

553

POD-129-85
Shannon Station
Shopping
Center
October 23, 2002

Crenshaw Realty Company for Shannon, LC: Request for approval of a
transfer of approval, as required by Chapter 24, Section 24-106 of the
Henrico County Code from Crenshaw-Singleton Properties to Shannon, LC.
The 2.62-acre site is located at the intersection of Shradler Road and Longford

Drive on parcel 763-756-8388. The zoning is B-1C, Business District (Conditional). County water and sewer. **(Brookland)**

554

555 Mr. Marlles - The staff report will be given by Mr. Cooper.

556

557 Mr. Cooper - Good morning, Mr. Chairman, and members of the Commission. As you are
558 aware, this transfer of approval was deferred from last month. There were extensive site deficiencies
559 found at the Shannon Station Shopping Center, particularly there is a lot of missing and dead
560 landscaping. The applicant has expressed the desire to not replace the current landscaping because
561 they intend to submit a revised landscape plan for the entire site. Staff has concerns with this because
562 there is no guarantee that any revised landscape plan would ever be submitted. Therefore, staff has
563 added a condition stating that all of the dead and missing landscaping indicated in the zoning inspector's
564 reports shall be replaced by December 1 of this year, unless a revised landscape plan is submitted prior
565 to that time. Additionally, all of the deficiencies in the inspector's report shall be corrected by October
566 31, 2002. With these conditions, staff can recommend approval of this transfer of approval.

567

568 Mr. Taylor - Thank you, Mr. Cooper. Is there anybody in the audience who is opposed to
569 the approval of POD-129-85, Shannon Station Shopping Center? No opposition. Mr. Vanarsdall.

570

571 Mr. Marlles - There is a gentleman.

572

573 Mr. Taylor - Oh, it is. I didn't see him. I am sorry, sir. If you would, please come up to the
574 microphone and state your name and address for the record and state your observations.

575

576 Mr. Hatcher Crenshaw - Members of the Commission, my name is Hatcher Crenshaw and I
577 represent the applicant for this POD Transfer. It has been a long process, and first of all, I want to find
578 out, is this the entire transfer of the existing building and the new building?

579

580 Mr. Vanarsdall - Mr. Cooper can answer that, Mr. Crenshaw.

581

582 Mr. Cooper - This will be a transfer of the previous plan of development approval. The new
583 plan of development that Mr. Wilhite had worked on was under a new owner's name, so that adheres
584 to them as well. So, the answer to the question is yes. This transfer of approval is transferring the
585 approval of the plan of development, the original plan of development, which was POD-129-85, and
586 the conditions of that approval to the new owner.

587

588 Mr. Vanarsdall - Mr. Hatcher Crenshaw, I apologize for us not getting back together. I called
589 you and we kept missing each other. What I wanted to ask you is how long have you owned this
590 shopping center?

591

592 Mr. Crenshaw - Approximately seven years.

593

594 Mr. Vanarsdall - Was it in bad shape when you took it over?

595

596 Mr. Crenshaw - There were things that we have been constantly working on with the County.

597

598 Mr. Vanarsdall - Are you having any trouble getting all of this done by the date of the deadline

599 that they gave you on here?

600

601 Mr. Crenshaw - This is new to me. I had talked to Mr. Cooper previously and one issue is the
602 drought and we didn't want to plant anything, plus we were planning the new building and construction,
603 but I do have three issues on this plan. I wanted my community officer, Mr. Barker here, because
604 apparently I am approximately 100 plants deficient, and if you go to the center, there is a lot of
605 vegetation. They are big trees up front, and over the years we have tried to do as best we can. We
606 have gotten rid of tenants. We have gotten rid of phones. We have done fencing. We have worked
607 with the community associations in the area. One reason I want to complete the other building - it is
608 5,000 ft. building - a little bigger than this room. We had a good request from a dance - a ballet school
609 - and we felt we could build a building, and we couldn't, and it was a good tenant, and I think since
610 we've lost them, so it has taken quite a while to get this, but the building is continuous to the housing,
611 and we've had. It is a good way for people to come through. We have had people sneaking in on the
612 sideline in the back and instead of putting a fence we wanted to put a building, and it will complement
613 and finish off the center. It is a Class B center, strictly that neighborhood. And it is a medium grade
614 center, but with the changes in the time. It is getting darker, and I have been working with the tenants.
615 They want more openness and one of the things is, the plan of development it doesn't go to, it goes to
616 everybody, utilities, fire. It doesn't go to the police, and the police, there's an organization, Crime
617 Prevention, and the police are directly conflicting with the landscape plan. We have got too much
618 vegetation up front. It looks pretty and I am all for nice landscaping, but with what happened on
619 Monday three blocks away, you can't, it is like a little forest right there, and so we want to, plus there is
620 a berm that raises it. So the police on Schrader and Longford, they would prefer it to be more open,
621 and it would help.

622

623 Mr. Vanarsdall - Maybe what they planted has grown up.

624

625 Mr. Crenshaw - Well, I would like to work with them and work with the County and come up
626 with a new plan that is more open and dresses the center up better, and we have been working on that,
627 and this December date is new to me. We had talked about the Spring.

628

629 Mr. Vanarsdall - I think we are talking about two different things, Hatcher, now. First of all, I
630 will tell you that what happened to the shopping center and I don't know how many years ago it was,
631 but Lucky Stores occupied that grocery store on the corner, and it was an upscale shopping center as
632 long as Lucky was there, because he saw to it, and he applied to put gas pumps out there, and the
633 people in the community did not want that, so he never did get his request. So, then he moved to
634 another location where he could have gas pumps. So the shopping center went down when he left, and
635 it does need watching and it does need - I rode over there when you applied for this, and usually what
636 we find is a door off the dumpster, and then for some reason or another, when a door falls off a
637 dumpster, that is an indication to whoever owns the dumpster to just put the door inside and forget
638 about it, like they didn't know why it was ever there to begin with. This one, I think, was either off one
639 time or was open, and then I believe Mr. Cooper told me last week that we got another complaint
640 about trash over there. So, what I am saying to you is you do need to watch it, or have somebody
641 watch it.

642

643 Mr. Crenshaw - We watch it. We are there all the time. In fact, we have replaced the doors.
644 We have people that pick up trash, but it is a retail center. People use it and...

645

646 Mr. Vanarsdall - And on the addition, that is not coming before us at this moment. It may end
647 up, but they are doing that administratively, and I think that we asked for 50% brick and the plans came
648 in with siding, and I think we got over that, didn't we?

649

650 Mr. Crenshaw - Yes. I was trying to do this. It is not a high-end retail location. It is very hidden
651 and never has, and
652

653 Mr. Vanarsdall - You came in to serve the community back there off the street.
654

655 Mr. Crenshaw - Our intended use is probably more office use.
656

657 Mr. Vanarsdall - And this building that you are building, you don't need a BMP, do you?
658

659 Mr. Crenshaw - No, sir.
660

661 Mr. Vanarsdall - If you find out you do, we are going to request that you put it underground,
662 because of the West Nile thing. So I hope you don't need it.
663

664 Mr. Crenshaw - If I have a BMP, it probably won't be built. I was trying to do something that
665 was a minimal structure. The brick, I'd prefer not to do it.
666

667 Mr. Vanarsdall - The only other thing is I think the questions you were asking, I believe, of Mike,
668 or you can correct me on this, but I believe that would be more of what Kevin is working on for the
669 addition, wouldn't it? So I think you need to get to Mr. Wilhite. You know him.
670

671 Mr. Crenshaw - Yes.
672

673 Mr. Vanarsdall - And talk to him about that.
674

675 Mr. Crenshaw - I think we are almost done with that, but I thought this was encompassing that,
676 so is that another meeting we have to get that approved?
677

678 Mr. Vanarsdall - It may not be. He may work it out administratively.
679

680 Mr. Crenshaw - OK. But the landscape plan, I don't think, I can't have the plants in by
681 December, plus that is not a good time to be planting them.
682

683 Mr. Vanarsdall - You are going to have to talk to him about that landscaping, because you can't
684 just arbitrarily cut down those trees. That is the County...
685

686 Mr. Crenshaw - I realize and we are working on a revised one, and I want to work with the
687 Police Department, so they can see. The Police Department has requested that I chop the trees down.
688

689 Mr. Vanarsdall - OK.
690

691 Mr. Crenshaw - We have done several things in there to clean it up.
692

693 Mr. Vanarsdall - We sometimes have conflicting things, so you work it out with Mr. Wilhite, and
694 also, there has always been a problem with the water lines in t here, and I understand from Public
695 Works you need what you call a “trash rack” in these pipes, and I have already talked to Mr. Cooper
696 about that, and that will come under doing the building. You will have to have a trash rack in there and
697 you have to keep the trash from blocking it.

698

699 Mr. Crenshaw - In the curb for the storm sewer?

700

701 Mr. Vanarsdall - It is somewhere in the water lines, so anyway that will come along with the
702 addition of the building. You will know about that. So I just wanted to cover that with you. So, thank
703 you, unless someone else has a question.

704

705 Mr. Crenshaw - I can't have the landscaping in in December. There is no possible way.

706

707 Mr. Cooper - Just for clarification, it is just that a landscaping plan is submitted to the Planning
708 Office prior to December 1, as we had discussed before. Landscaping does not need to be in by
709 December 1 unless you have not submitted a revised landscape plan for the entire site. Then site
710 deficiencies listed in the inspection report would have to be in by December 1, but if you are submitting
711 a revised landscape plan, it just needs to be submitted. It does not need to be approved by December
712 1, just submitted to the Planning Office for review, and at that time it will be reviewed by the Police
713 Department as well.

714

715 Mr. Vanarsdall - OK. Thank you, Mike. Well, I guess we are OK. Call me; you have my
716 number, if you need me.

717

718 Mr. Taylor - And I think that the last condition is covered in condition 2 whereas it says, “All
719 other site deficiencies, as identified in the inspection report, dated March 7, 2002, shall be corrected by
720 December 1, 2002, unless a revised landscape plan is submitted to the Planning Office prior to that
721 date.” I think there is coverage there.

722

723 Mr. Vanarsdall - I am ready for a motion.

724

725 Mr. Taylor - Go ahead.

726

727 Mr. Vanarsdall - I recommend approval of POD-129-85, Shannon Station Shopping Center,
728 and with Conditions Nos. 1 and 2.

729

730 Mr. Taylor - Second. Motion made by Mr. Vanarsdall and seconded by Mr. Taylor to
731 approve Transfer of Approval of POD-129-85. All in favor say aye. All opposed say no. The motion
732 passes.

733

734 The Planning Commission approved Transfer of Approval, POD-129-85, Shannon Station Shopping
735 Center, subject to the owner accepting and agreeing to be responsible for continued compliance with
736 the conditions of the original approval and the following additional conditions:

737

738 1. All missing stop signs, stop bars, handicap parking signs and dumpster screens and gates, as
739 identified in the inspection report dated March 7, 2002, shall be repaired or replaced by

740 October 31, 2002.
741 2. All other site deficiencies, as identified in the inspection report, dated March 7, 2002, shall be
742 corrected by December 1, 2002, unless a revised landscape plan is submitted to the Planning
743 Office prior to that date.

744
745 Mr. Marles - Mr. Chairman, the next item on your agenda is on Page 4.

746
747 **TRANSFER OF APPROVAL**

748
749 **POD-91-98 CMI, Inc. for Virginia Center Investment Properties, LLC:**
750 Just for Feet Request for approval of a partial transfer of approval, as required by
751 (Heaven on Earth Bookstore) Chapter 24, Section 24-106 of the Henrico County Code from
752 Wilton Partners Virginia Commons, LLC to Virginia Center
753 Investment Properties, LLC. The 2.093-acre site is located at the
754 northeast corner of Brook Road (U.S. Route 1) and J.E.B. Stuart
755 Parkway on parcel 783-769-9285. The zoning is B-3C, Business
756 District (Conditional). County water and sewer. **(Fairfield)**

757
758
759
760 Mr. Marles - Staff report will also be given by Mr. Cooper.

761
762
763 Mr. Taylor - Is there anyone in the audience who is opposed to POD-91-98? No
764 opposition. Mr. Cooper. Please proceed.

765
766
767
768 Mr. Cooper - There were several last-minute issues pertaining to this site, as the new owner
769 has been busy renovating the building, which was vacant for approximately one year prior to this date.
770 At this time, however, all those issues have been resolved and the applicant has worked diligently to
771 replace all missing and dead landscaping on the site. So, at this time, staff can recommend approval.

772
773
774
775 Mr. Taylor - Are there any questions or comments from the Commissioners? I guess we are
776 ready for a motion.

777
778
779
780 Mr. Archer - All right, Mr. Chairman. I recommend approval of the Transfer of Approval,
781 POD-91-98, Just for Feet.

782
783
784
785 Mr. Jernigan - Second.

786
787
788
789 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor say
790 aye. All opposed say no. The motion passes.

791
792
793
794
795 The Planning Commission approved Transfer of Approval, POD-91-98, Just for Feet (Heaven and
796 Earth Bookstore), subject to the continued compliance with the conditions of the original approval and
797 the following condition:

798
799
800
801 1. The site deficiencies as identified in the inspection report, dated July 22, 2002, shall be
802 corrected by November 15, 2002.

803
804
805
806 **SUBDIVISION**

807 **October 23, 2002**

779

Three Chopt Village,
(October 2002 Plan)

Foster & Miller, P.C. for A. R. Tedesco Trust and Wilton Real Estate & Development Corporation: The 32.6 acre site is located on the north line of Three Chopt Road, at 10700 Three Chopt Road, approximately 1,400 feet west of Gaskins Road on parcels 748-756-8078, 749-756-6440, 6859 and part of parcels 749-755, 4576 and 6396. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **75 Lots (Three Chopt)**

780

781 Mr. Marles -

Staff report will be given by Mr. Strauss.

782

783 Mr. Taylor -

Is there anyone in the audience opposed to the Subdivision Three Chopt Village, (October 2002 Plan)? There is opposition and we will ask the opposition to speak in due time.

784 Mr. Strauss.

785

786 Mr. Strauss -

The applicant seeks approval of a conditional subdivision for 75 townhouse units for sale. There is a companion case for approval of a plan of development, which is also on the agenda this morning, and that is the next case that we will be hearing. This project was the subject of an extensive review during rezoning, most recently in June of this year, to amend proffers associated with the rezoning Case C-49C-00 in the R-6C District. Development of this site is subject to numerous proffers controlling density, unit count, architecture, buffers and landscaping, and the layout, which was approved with the rezoning case. The staff and various agencies have reviewed the application and can recommend approval of this conditional subdivision plan at this time. I would add that the applicant met with the neighborhood last week. There were a number of detailed questions that the neighbors had, which we can discuss now, or we can discuss it with the plan of development case, which is normally when we discuss these more detailed questions. The neighbors had questions with respect to the future road improvements, the grading impact of the development and save tree areas, and they may be more relevant with the POD case. As this subdivision plan is in substantial compliance with the layout as approved with the rezoning and all agencies are recommending approval, staff recommends approval at this time. I will be happy to answer any questions you may have.

802

803 Mr. Taylor -

Are there any questions of the Commission to Mr. Strauss? No questions. I guess we will hear from, do you want to hear from the applicant first?

805

806 Mr. Marles -

Mr. Chairman, would you like me to use the rules for procedure when there is opposition to a case?

807 Mr. Taylor -

Yes, if you would read those at this time.

809

810 Mr. Marles -

Ladies and gentlemen, when there is opposition to the case, it is the policy of the Planning Commission to grant 10 minutes to the applicant to present the case. Usually the applicant is wise to reserve some time for rebuttal. The opposition is also granted 10 minutes to present their concerns. The 10 minutes that is granted does not include answering questions from the Commission. Would you like to reserve some time for rebuttal, Mr. Mistr?

815

816 Mr. Mistr -

Three minutes. Ladies and gentlemen of the Commission, I am Spud Mistr, representing the applicant and Hank Wilton, the applicant and developer, is here with us. We have several meetings with the neighbors and several meetings with the staff to try to resolve all of the issues

819 that have arisen on this plan. I believe we have done that. We are in agreement with the staff's
820 comments and would request approval. I think we should understand that these are not final engineering
821 plans at this time. They have been engineered. A lot of the devices we intend to put on the plan are on
822 there. They are not necessarily in their final locations and all of that will be determined with the
823 construction plans that will be submitted for approval after POD approval by the Commission. We will
824 reserve the rest of our time for rebuttal unless you have questions now.

825

826 Mr. Taylor - Are there any questions for Mr. Mistr relative to Three Chopt Village at this
827 time from the Commission?

828

829 Mr. Jernigan - Mr. Mistr, how many meetings have you all had, neighborhood meetings?

830

831 Mr. Mistr- I have been to two. I believe there have been four total held.

832

833 Mr. Wilton - We have scheduled one more for the landscape plan prior to the hearing,
834 coming back before this body for the landscape plan, also.

835

836 Mr. Vanarsdall - You have had four meetings with the same people?

837

838 Mr. Mistr - In general the same people were there.

839

840 Mr. Vanarsdall - You were not able to work it out in four meetings?

841

842 Mr. Mistr - I think you will understand that after you hear the opposition.

843

844 Mr. Vanarsdall - OK. Thank you.

845

846 Mr. Taylor - All right. We will enjoy hearing from the opposition. Sir, if you would, come
847 down, identify yourself, but Mr. Kovacs, you didn't put up your hand. I think it is the gentleman to your
848 right that asked to speak. Sir, if you would, come down and identify yourself, but we will hear you next,
849 if you would like to speak.

850 Mr. Todd Lewis - I appreciate that. My name is Todd Lewis and I am with the Cross Keys
851 Association, and I just want to make a comment regarding the meetings. The last community meeting
852 that was held, the plans were in a state of rapid change, and at the occurrence of the meeting I actually
853 provided more plans and brought more plans than the applicant did. And this really didn't give the
854 community much to look at. The plans were provided to a select group of people, of whom I was one,
855 but not the entire group of people that were attending the meeting. At Friday at about 3:00 in advance
856 of this meeting, we got together and took a look at it. The plans that we have seen don't address all of
857 our issues. They don't address even some of the basic concerns that we think are included in the
858 proffers. To that extent, I would like to move for deferral of this because the community has not gotten
859 a chance to see the plans that are before – the community at large has not gotten a chance to see the
860 plans that are before this body today.

861

862 Mr. Marlles- Mr. Lewis, there are two hearings here. This particular hearing is on the
863 subdivision of the property. We do have a separate hearing that will be held on the plan of
864 development, so I just wanted to clarify that, what we are discussing right now is any concerns related
865 to the approval of the subdivision portion of the development.

866

867 Mr. Lewis - I hear you on that. The mention of the community meetings was made at this
868 time, and that is why I rise in opposition to just clarify that point. That is all I have.

869

870 Mr. Jernigan - Mr. Lewis, let me ask you. You said you brought plans of your own.

871

872 Mr. Lewis - We came down here to the office and got copies of the plans as originally
873 submitted, and we had marked those up, and brought them for comparison we thought with the plan
874 that would be brought with the developer, so we could compare the changes. Unfortunately at the
875 meeting, there were no plans to compare with.

876

877 Ms. Ware - And that was this past Friday?

878

879 Mr. Lewis - The meeting was held on Thursday. The plans were provided as sort of an
880 emergency measure by the developer on Friday after the meeting.

881

882 Ms. Ware- And just sent to a few people?

883

884 Mr. Lewis- A few people. There was some...

885

886 Mr. Taylor - But the latest group of plans that you have basically seen, have you not, in terms
887 of the minor changes on the last?

888

889 Mr. Lewis - A smaller group have hear them. Yes, sir.

890

891 Mr. Taylor - But you've seen plans all the way along?

892

893 Mr. Lewis - Of varying degrees of detail.

894 Mr. Taylor - OK. So your thought is you haven't seen the latest plans in any detail, although
895 we have four community meetings? Do you have any indication that there are major changes from the
896 previous version to the current version?

897

898 Mr. Lewis - I couldn't say. I have not seen, I got a chance to glance at the plans that are
899 actually on the record this morning. I haven't got a change to look at them in detail, and in fact, they are
900 reduced sized plans, so it hard to pick out details, such as contour lines and things like that. It is very
901 difficult, but...

902

903 Mr. Vanarsdall - Staff has the large one that this came from and that is dated this morning. My
904 question was going to be have you seen it, the final print that they brought in.

905

906 Mr. Lewis - This is a reduced copy of that. I would need more than a few minutes to go
907 down and count contour lines, because some of the contour lines on the original diagram, the original
908 designs were labeled, and these are not. So, it would take some time to work through that.

909

910 Mr. Vanarsdall - Mr. Strauss, do you have the large plans?

911

912 Mr. Strauss - I have the large side grading plans, which are part of the POD, if you would like

913 to look at them. We are discussing the conditional subdivision.

914

915 Mr. Vanarsdall - Do you have the large on the subdivision? The only reason I am asking the
916 question is that you could get together with them and, Mr. Wilton, do you want to?

917

918 Mr. Wilton - Yes. If I could just clarify again. This is part of the conditional approval. All of
919 the comments..

920

921 Mr. Taylor- If you could just identify yourself for the record.

922

923 Mr. Wilton - I am Henry Wilton, the developer. This is a conditional approval obviously, of
924 the overall concept of the community in general. The specific comments that they were referring to, and
925 certainly I can speak to this issue, are reference to the POD plan, which is pretty much, a continuing,
926 and that would be in the next hearing, where those comments have really come up. And the issue there
927 is obviously between our engineer and your staff. That plan is never in final form when it comes to this
928 Board (sic). You all approve it and it goes back for another 35 to 45 days for the department heads to
929 redo it, whatever they need to do to make it exactly right. And I think those are the issues they are
930 talking about that they didn't see the detail that they wanted on that plan. The conditional plan,
931 obviously, I think in scope is OK and there shouldn't be a lot of discussion about it.

932

933 Mr. Vanarsdall - That is my point. This is not the plan that he is talking about.

934

935 Mr. Wilton - No. He is talking about the POD set of plans with the grading plan, and that is
936 the set that, again, is more of a work in progress, as you know.

937 Mr. Vanarsdall - OK. Thank you. I don't have any more questions.

938

939 Mr. Taylor - Mr. Lewis, with that in mind, would you consider that you do not have any
940 issues with the development and will wait until we get to the POD stage?

941

942 Mr. Lewis - If that works best for the process, but again, my attempt was...

943

944 Mr. Taylor - This is just looking at the subdivision as a subdivision.

945

946 Mr. Lewis - Right. My intent was to bring a little light to the community process that was
947 spoken about, so I think I have done that. That is all that I wanted to do.

948

949 Mr. Taylor - Thank you very much.

950

951 Mr. Lewis - Thank you.

952

953 Mr. Taylor - With all of that, and the fact that the staff recommends approval of the
954 subdivision plan for Three Chopt Village, and most of the concerns of Mr. Lewis relate to not this
955 particular case, but the POD for this, I will move approval of Three Chopt Village.

956

957 Mr. Jernigan - You still have opposition.

958

959 Mr. Taylor - I am not sure Mr. Kovacs is in opposition of this. Mr. Kovacs, are you in

960 opposition of the subdivision? Are do you want to wait until we get to the POD plan?

961

962 Mr. Kovacs - I would like to make comments. We don't have to discuss it, but I will raise...

963

964 Mr. Taylor - All right, if you would please approach the microphone and give us your name.

965

966 Mr. Kovacs - My name is David Kovacs and I am one of the land use guys over at Cross
967 Keys, and sure there were four meetings, but when you go to meetings and you don't have anything
968 there except a colored up piece of paper, and people say, how can that really work, and we go down
969 the next day, buy plans from the County to see that what they showed us doesn't work. That is hardly
970 a community meeting. I think we can dispense with that sort of stuff when we get into the POD itself, so
971 we can focus on the facts of the POD. The other thing is, when all of these plans were brought in, the
972 subdivision plat, it doesn't reflect the buffer that is required along the care facility. I see the exhibit here.
973 There is an A and there is a B on it. That must mean something that wasn't reflected in the first one.
974 So, my understanding is, this is a procedural item that you act on this preliminary, so that other people
975 can approve something else later, which may or may not really resemble necessarily what you've got,
976 except in general form, because the development plans have to be done. So that is all that is happening
977 and if this is rather a perfunctory action, then fine. Otherwise, the way this thing has been handled is we
978 haven't gotten to look at the subdivision plat. You know, the centerline alignment, I think, is on the
979 overall POD plan. I don't know that it is on the plat. You can't really tell where the dedications are
980 from the plat. If all of that stuff will be taken care of later and it depends upon more additional work.
981 So, if this is really a perfunctory action just to get to the next step, so be it.

982

983 Mr. Marles - Mr. Kovacs, I just want to make it clear for the record that staff is
984 recommending approval of this based on our Subdivision Ordinance. It meets all of the requirements of
985 our Subdivision Ordinance, but I think your comments are noted.

986

987 Mr. Kovacs - I might follow up with that then, as to whether it meets all the submission
988 requirements.

989

990 Mr. Vanarsdall- All right. Ready for a motion?

991

992 Mr. Taylor- With that statement, I move approval of Subdivision Three Chopt Village
993 (October 2002 Plan), subject to the annotations on the plans, the standard conditions for subdivisions
994 served by public utilities and additional conditions Nos. 13, 14, and 15.

995

996 Mr. Vanarsdall- Second.

997

998 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall to approve the
999 subdivision plan for Three Chopt Village. All in favor say aye. All opposed say no. The motion passes.

1000

1001 Mr. Taylor - This includes the Addendum item.

1002

1003 The Planning Commission approved Subdivision Three Chopt Village (October 2002 Plan), subject to
1004 the annotations on the plans, the standard conditions for subdivisions served by public utilities and the
1005 following additional conditions:

1006

1007 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on the
1008 plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate floodplain as a
1009 "Variable Width Drainage & Utilities Easement."

1010 14. The proffers approved as part of zoning case C-49C-00 shall be incorporated in this approval.

1011 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
1012 maintenance of the common area by a homeowners association shall be submitted to the
1013 Planning Office for review. Such covenants and restrictions shall be in form and substance
1014 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision
1015 plat.

1016

1017 Mr. Marles - Mr. Chairman, the next item on your agenda is the companion case, on Page

1018 11.

1019

1019 **PLAN OF DEVELOPMENT**

1020

POD-78-02
Three Chopt Village,
Sections A and B

Foster & Miller, P.C. for A. R. Tedesco Trust and Wilton Real Estate & Development Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 75, two-story townhouses. The 32.6-acre site is located on the north line of Three Chopt Road approximately 1,400 feet west of Gaskins Road at 10700 Three Chopt Road on parcels 748-756-8078, 749-756-6440, 6859 and part of parcels 749-755, 4576 and 6396. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Three Chopt)**

1021

1022 Mr. Marles- The staff report will be given by Mr. Strauss. The Commission's policy when
1023 there is opposition on cases is also still in effect.

1024

1025 Mr. Taylor - Is there anyone in opposition other than the people who have already discussed
1026 this. All right, Mr. Kovacs, we will get to you. I promise. Mr. Strauss, go ahead.

1027

1028 Mr. Strauss - Thank you, Mr. Chairman. Staff had a number of concerns during the review of
1029 this project and requested a revised plan for this plan of development, which would address the impacts
1030 of grading, the impacts on proffered buffers, and the road improvements required by the Department of
1031 Public Works for Three Chopt Road. As you know, this is a development composed of 75 town
1032 homes. The applicant proposes to build them in two sections, A and B. There was a reserved area
1033 located here (referring to rendering) for future assisted living, which is not in the design at this time. The
1034 applicant provided an initial revised plan. Staff was still concerned about the impact of grading and cut
1035 and fill slopes. Then the applicant has produced a second revised plan, which had an additional
1036 retaining wall in several locations. At this point staff believes that the applicant has responded to the
1037 staff concerns, notably adjusting the limits of clearing and grading, and the disturbance of the grading out
1038 of the proffered buffers and to save additional trees. The plan of development is in substantial
1039 compliance with the proffered layout from rezoning. The plan of development meets the requirements of
1040 the zoning ordinance and the revised plan represents an improvement as far as grading impact goes.
1041 This may not be the best plan ultimately. Staff would have liked to have seen a different unit type, a
1042 walk-out unit, but we have been informed that Ryan does not build a walk-out type unit, which would
1043 have a little bit less grading impact in two locations. However, the plan meets the requirements of the
1044 Department of Public Works with respect to traffic, road improvements for Three Chopt, road
1045 dedication, and the future striping, which I will leave detailed discussion of that to our traffic engineer.
1046 All of the reviewing agencies are now recommending approval and staff concurs. We are
1047 recommending this morning two additional conditions, which appear in this morning's Addendum
1048 Handout, and they have to do with the provision of privacy fences on Block P and Q of Section A, and
1049 that is for an added measure of safety behind those town houses. They have a three to one slope, one of
1050 which goes down to a storm water detention pond. We thought that was a good idea to have some
1051 privacy fences at least required in those locations. So, with that, staff can recommend approval. I will
1052 be happy to answer any questions you may have, and, of course, we have opposition to the case this
1053 morning and they would like to speak as well.

1054

1055 Mr. Taylor - Are there any questions for Mr. Strauss?

1056

1057 Mr. Jernigan- Mr. Strauss, as it stands right now, all of the buffers are correct?
1058

1059 Mr. Strauss- Yes. They were proffered buffers along the western edge here, along the
1060 entrance where Three Chopt Road is, and along I-64. The first plan had grading impacts with these
1061 buffers, and they are required to either have these landscaped or saved. There was also a separate
1062 proffer from the original rezoning case that says 4-inch trees or greater have to be saved. Now,
1063 obviously, if there is an impact, you may not be able to save those trees. So, they put in retaining walls,
1064 and after the second revision, we were satisfied that the retaining walls will save those buffer areas.
1065 Now you may hear of some discussion about the heights of those walls. I am not in total agreement that
1066 a 10-foot wall is a good thing for this subdivision. We can, of course, at final construction plan, break
1067 those into two, maybe, five-foot walls and we've heard some discussion about the damage of the
1068 footing for a retaining wall. That is troublesome as well, but perhaps they could be timber walls. With a
1069 timber wall, it wouldn't have to require a disturbance by building a foundation. But these are things that
1070 we think we can work out with a construction plan. As long as they stay out of the buffers that
1071 are proffered, we are satisfied.

1072

1073 Mr. Vanarsdall - Also, I mention No. 9 Amended is in the conditions which means the
1074 landscaping will come back again and we will have another chance to work on the landscape.

1075

1076 Ms. Ware - I have also noticed on the plans that there are some areas marked tree save
1077 areas, and then the notes next to them say, "This is not a tree save area." What is that?

1078

1079 Mr. Strauss - There were trees portrayed in that assisted living parcel that is held in reserve.
1080 Obviously, that is not a tree save area. The intent is to develop that in the future. Therefore, those trees
1081 will not be saved and should not be represented as a tree save area.

1082

1083 Mr. Taylor- Mr. Strauss, when we looked at the grades the many times that we have looked
1084 at the grades, our concerns were with the steepness. But your feeling now is that with the plan we have
1085 ameliorated the effect of that steepness by the bulk heading.

1086

1087 Mr. Strauss - Those contours are one-foot contours, and they look a bit daunting when you
1088 first look at them, and a three to one slope can be mowed with a mower, so it may look worse than it is.
1089 In fact, it is a one-foot contour. Not two-foot contours. There is obviously a slope there. There are
1090 cut and fill slopes there, but three to one is not. It is troublesome.

1091

1092 Mr. Taylor- Any other questions from Mr. Strauss?

1093

1094 Mr. Thornton - Mr. Strauss, I would like to follow up on the tree save area. Now what is the rationale
1095 about this area that it is not? What is our policy on that?

1096 Mr. Strauss - Is that the same area that Ms. Ware was talking about?

1097

1098 Mr. Thornton - Yes. Yes.

1099

1100 Mr. Strauss - Well, I will have to ask the applicant why, but I think they mistakenly showed it
1101 as a tree save area. It is obviously going to be developed in the future. It is called out for assisted
1102 living. I just think it is an error. That is not a proffered tree area, tree save area.

1103

1104 Mr. Thornton - Well, the reason I bring this up is because I think at a meeting we had not too long ago,
1105 we mentioned, and I was hoping that this whole Commission is going to encourage developers like Mr.
1106 Wilton and others to do what they can to keep as many trees as we can. And so, just because, you
1107 know, it may have been put down erroneously, I would hope that some creativity can come up
1108 somewhere where we can keep as many trees as we can. And I am sure that this is the spirit of this, but
1109 I am hoping also that the staff is going to be a little bit more assertive in this area, but particularly the
1110 developers. I think that they want to show a little bit more creativity in order to keep the trees, and this
1111 type of thing.

1112

1113 Mr. Strauss- And that area will be subject of a future plan of development and we will
1114 certainly take your advice to heart. We will be looking for tree save areas between the town house
1115 portion of the project and the assisted living, although it is not a proffer for him.

1116

1117 Mr. Thornton - Thank you.

1118

1119 Ms. Ware - Mr. Strauss, I just wanted to ask, were you in attendance at any of the
1120 neighborhood meetings?

1121

1122 Mr. Strauss - I was at the meeting last Thursday night.

1123

1124 Ms. Ware- OK.

1125

1126 Mr. Taylor - Mr. Mistr.

1127

1128 Mr. Mistr - Once again, I am Spud Mistr, representing the applicant. The question about
1129 the tree save area, we had shown the assisted living facility to have trees saved now because it is for a
1130 later development. It was not the intent to mean that was a permanent tree save area, and since we
1131 don't have a tenant or a user for that site, we don't know the extent of what they are going to do on it.
1132 So, we could certainly save that to show it is for future development, and even though the trees will be
1133 saved during most of the townhouse construction, except for the road that will go through it with Phase
1134 B. The other thing about the grading, this site falls 45 to 50 feet from the west end down to the center
1135 of the project. It is very steep, so it is almost impossible to develop a site like this and still save trees
1136 within the middle of it. Now we can certainly save them around the perimeter. We can save them all
1137 within the wetland areas that run down on this stream in the middle. One of the things that we had done
1138 initially, we had graded into the buffers because the buffers are called either landscaped or save the
1139 natural tree, so I think the proffer allows grading in the buffer, but at the end of the proffer it says, the
1140 last sentence says you have to save trees 4-inches in diameter, and greater. So, granted we are in the
1141 process of doing a tree survey now. That has not been completed, so to alleviate the concerns, we said
1142 if in the event there are 4-inch trees on the inside edge of that buffer, we can save them by putting up
1143 these retaining walls. So we redid the plan to show several retaining walls on various areas of the
1144 project along Greenair Woods, along Three Chopt Road, along Interstate 64, and then some down
1145 along the wetland areas behind these buildings. In doing this, these are not final grades; the retaining
1146 walls are not written in stone. We can still, as Mr. Strauss said, maybe change some of these walls. We
1147 certainly do not want to have an 11-foot retaining wall if we don't have to. Two smaller ones would
1148 probably be much better suited, you know, for this site, but the proffer does require that we, if we do
1149 disturb in these buffers that we replant them, and on the Greenair Woods with a transitional 25-buffer,
1150 which I think was the intent of the zoning case. One of the things about the grading, the building

1151 inspectors have requirements about fall outside of the buildings, and you try to keep the finished floor
1152 above the curb elevation, in front of it, so when the site slopes the way that it does, it does require much
1153 more grading. We would prefer not to have nearly the amount of grading that we do, but we do have
1154 substantial grading. And we are still working on that, trying to minimize it and trying to minimize these
1155 retaining walls, and still save the buffer areas. One of the things that was brought up about these
1156 meetings, one of the things that they asked us to do was show the traffic patterns, which we had two
1157 different layouts at the last meeting, that showed how the traffic was going to work. We have met with
1158 Tim Foster and Todd Eure and Bob Thompson and Lee and determined the ultimate center line or the
1159 best that they think it is now of Three Chopt Road and done the road widening and the turn-lanes to the
1160 satisfaction of the traffic engineer. Now, the layout we brought – we had done this on a colored aerial
1161 photograph that we got from the County’s GIS system and we take and showed all the existing homes,
1162 existing roads, existing driveways, where the ultimate road would be, where the existing road would be,
1163 and the turn lanes and where the right-of-way widening would be. Now, it didn’t have dimensions on
1164 everything because we don’t know the ultimate dimensions of that yet, but in our opinion, the plan about
1165 the traffic patterns along Three Chopt Road and the frontage of this project were fairly clear.

1166

1167 Now at that point in time, also, we were working on the grading plan with these walls. This was
1168 Thursday evening of last week. I had met with the staff Tuesday. They agreed with the concept. We
1169 were still working on the plans. We finished them Thursday night. We delivered them to Mr. Wilton’s
1170 office Friday morning. I delivered two copies to the staff and a copy to Mr. Taylor, so everybody
1171 could look at it, and Mr. Wilton’s office delivered them to one of the neighbors, who said they would
1172 distribute them to all interested parties within the neighborhood. That is typical when we revise these
1173 plans. We certainly like to get them to the Commission and the staff before we distribute them to the
1174 neighborhood, because with questions we would like for the staff and the Commission to be looking at
1175 the same plan that everybody is. So, that is why they were all delivered last Friday, but the plans that
1176 were delivered Friday were reviewed this past weekend are all the same plans that the staff has made
1177 comments on, and that you are looking at this morning. And, if you have any questions, I will be glad to
1178 answer them

1179 Mr. Taylor - Are there any questions from the Commission?

1180

1181 Ms. Ware - Show me exactly where the walls are. Are the walls out behind these units on
1182 the plan toward the common area?

1183

1184 Mr. Mistr - There is a wall along the Greenair Woods side. And it turns down and runs
1185 along Three Chopt Road. On the other side of the entrance, there is a wall on either side of the buffer.

1186

1187 Mr. Vanarsdall - What is the material of the wall? You keep saying wall. What is it made of?

1188

1189 Mr. Marlles- Mr. Strauss, can you show that on the projector?

1190

1191 Mr. Vanarsdall- Spud, what is the material of the wall?

1192

1193 Mr. Mistr- We haven’t determined that yet. It could be anything from landscaped timbers,
1194 railroad ties, to concrete or stone. I would expect it is going to be some type of landscape timbering.

1195

1196 Mr. Taylor - Following up that question with regard to landscape timbering, the overall total
1197 height of that wall I understand is going to be eight to 11 feet.

1198

1199 Mr. Mistr - At the maximum, the way we have it now, but we are certainly going to try to
1200 reduce that some.

1201

1202 Mr. Taylor - Is there an opportunity to hold with your three to one slope and terrace that as it
1203 goes down, so that it is not one vertical element?

1204

1205 Mr. Mistr - We can terrace it down in two or maybe three steps and it just depends on how
1206 close to the back of these, there are one or two lot lines and we'd be right at their back yard, but yes,
1207 we there is an opportunity to do that.

1208

1209 Mr. Taylor- Would that save additional trees or would those trees within that slope have to
1210 be removed, my thought being if we go 11 feet vertical and we cut that wedge out, all of those trees are
1211 going to be eliminated.

1212

1213 Mr. Mistr - It might help save the trees in the buffer area, because we are going to come
1214 close to the edge of the buffer, and obviously if there is a four-inch tree right on the buffer line, it could
1215 suffer some damage, which would have to be replaced, or any tree if it is close to the wall. But the area
1216 from that buffer down to the grade is all going to have to be disturbed. The existing grade just doesn't
1217 allow, if we could save the existing trees we wouldn't have to put retaining walls in.

1218

1219 Mr. Taylor - In other words, every area, within the area of that contour, those major
1220 contours, that entire area will have to be clean?

1221

1222 Mr. Mistr - That is correct. Yes.

1223

1224 Mr. Taylor - And trees removed in there and along the road, is it a 50-foot buffer?

1225

1226 Mr. Mistr- It is a 50-foot buffer along Three Chopt. We've got a little bit more there saved
1227 on the western side of that entrance.

1228

1229 Mr. Taylor - At the - I guess it would be the northwest apex close to the road - it shows
1230 those contours. Will the trees be removed to that point?

1231

1232 Mr. Mistr- I am not sure where you are speaking of - at the top of the plan?

1233

1234 Mr. Taylor- If it were shown on the screen, it would be the uppermost leftmost corner.

1235

1236 Mr. Mistr - Yes. All of that triangle up there will be saved. The only thing in there is we had
1237 the nature trail, and we are going to put a gazebo in.

1238

1239 Mr. Taylor - Are there any other questions from the Commission? Thank you, Mr. Mistr.

1240

1241 Mr. Marlles - Mr. Mistr, you have about five and a half minutes for rebuttal.

1242

1243 Mr. Mistr - Thank you.

1244

1245 Mr. Taylor - Mr. Kovacs, would you like to speak for the opposition again on this case?
1246

1247 Mr. Kovacs- We only have 10 minutes together?
1248

1249 Mr. Marles - You have a total of 10 minutes, not including questions from the Commission. A
1250 total of 10 minutes.
1251

1252 Mr. Taylor - From this point in time, 10 minutes.
1253

1254 Mr. Kovacs - Just briefly, this isn't the first time I've talked, so I understand how it goes. We
1255 have about 15 specific items. I can just run through them all within my 10 minutes and then pick up any
1256 questions later, or do you want to have them and then have questions on them?
1257

1258 Mr. Taylor - No, I think Mr. Kovacs, let us have all 15 items.
1259

1260 Mr. Kovacs - OK. I will go real quickly then.
1261 Mr. Taylor - Do you have those written down that we might read them as you present them?
1262

1263 Mr. Kovacs - No. I have just been taking notes. First of all, even if it takes some time, thanks
1264 to Tim Foster, Todd Eure and Jim Strauss for doing good work on this and helping us understand the
1265 process and how it came forth. Real quickly, Section 104.26(g) under your POD, there is one very
1266 specific thing that you are to look at, and that is access and safety, and that is the one thing that can
1267 really reject or defer a project on, and Condition #23 from Public Works and the stuff that they want to
1268 see, is to see the sight distance at the access points, and we certainly have a concern with the westerly
1269 access points. If you go out there today, it doesn't necessarily reflect the grades that are going to be
1270 there, and I think, without having that information, particularly in the past history of this project, we
1271 certainly have a concern there. POD submission, Item #5, location, type, size and height of retaining
1272 wall. Certainly you don't have that information in your questions today, and the retaining wall idea just
1273 coming up last month, I mean last week. And also one retaining wall is on a sewer line. Also, where is
1274 the balance of the open space area – the recreational open space area? There is 18,750 s. f. required
1275 and there is only a gazebo shown. Condition #9 at P.C. Review should occur prior to landscaping as
1276 part of site grading. I mean prior to occupancy permits. Certainly you should see that, at least in these
1277 critical areas before they are able to go to their site grading. What good does it do to look at a
1278 landscaping plan when the destruction has already occurred? There is talk about phases, but yet I see
1279 nothing in the submission about phasing. There is supposed to be a Phase A, Phase B. There is
1280 supposed to be road phasing. The question is why is the road phasing, why tear up the road twice
1281 instead of – having disruptions twice instead of just once. There is a condition #27 that parking shall be
1282 behind the right of way. Well, there is a 75 ft. buffer zone along the site here. Parking ought to be
1283 behind those. And even though that might be covered somewhere else, why the inconsistencies in the
1284 conditions that are being proposed. We have been inconsistent on this project already, as you have
1285 heard the guy talk about earlier.
1286

1287 Also, inconsistencies that Mr. Wilton said the care facility site will be used for a fill when the townhouses
1288 go. This gentleman just said they won't be touching it. The retaining wall – we can certainly say how
1289 can you put in a retaining wall and be able to save the trees, large trees that have root systems, that have
1290 drip lines that go over those certainly between the wall and make tree problems unless there is a tree
1291 survey. We just heard that there is a tree survey being done. We were told last week that there would

1292 not be a tree survey being done.

1293

1294 The total slope with the wetland #3 goes right down to those. How do stabilize this slope without going
1295 into the RPA or the wetlands?

1296

1297 The applicant's engineer said, "You know, this site really doesn't allow us to do what we want to do,
1298 unless we go in and destroy the site." And some of you haven't been out here for the four years we've
1299 been saying that the intensity always proposed for this site, and for those of us who could never have
1300 been opposed have said, "It can't be done. It can't be done and keep loyal to your environmental
1301 element and to many of the programs that you propose and you promote." And you have even said,
1302 "You will see more at POD, you'll see more at POD." We are seeing more at POD and even the
1303 applicant's engineer says "You really can't do it without destroying the site."

1304

1305 So, I think you ought to just go back and reject it. Time and time again you have told me, "At the zoning
1306 level, we are not looking at the details. We are only talking about maximums. When we get to POD we
1307 can what the real impacts are, and they are not entitled to 75, only if it really works on the site." I think
1308 you have misinformation, conflicting information, I don't know what this phasing comes from, and all. I
1309 would think that is all a part of what should be part of what is written up and that you really know what
1310 this project is in front of you before you act on it.

1311

1312 So, one, I think you ought to reject it and let's get on with our lives, and secondly, a continuation would
1313 be appropriate.

1314

1315 Mr. Taylor - Any questions for Mr. Kovacs?

1316

1317 Mr. Jernigan - With all of these inconsistencies, how could it pass our staff if we have got all of
1318 these problems? Apparently our staff seems to be content with it, but you say we have got a lot of
1319 problems.

1320

1321 Mr. Kovacs - It is put it off. Put it off. We will pick it up later. We will pick up the issues
1322 later. And there is at least 81 conditions from Public Works, stuff that we had talked about, that we
1323 would like to see at POD level. The engineer for the project, when he came to the pre-submission
1324 meeting where they bring their submission plans to us. We said you are supposed to have all of this
1325 traffic information here. And all of the stuff that he said that they did. We said you are supposed to
1326 have this here. This was the beginning of September, and he said, no, we will be told by traffic where
1327 the access will be and what will be done, and that is it. They make the decision. That is totally contrary
1328 to what Tim Foster, Mr. Taylor, Mr. Kaechele, and Mr. Wilton all discussed at the zoning level. So
1329 after that meeting, our neighborhood called Mr. Taylor. We called Mr. Kaechele and we called Mr.
1330 Brown, and then a month later that information showed up. So, while it sounds like they are
1331 magnanimous in bring this stuff, and that is the inconsistencies that go. So, traffic has had to go out there
1332 and stand at about the point of access, and say, "Well, we think this will work, but we will get the more
1333 detailed information later." So there is still more detailed information later. If this is a flat fight, if there
1334 wasn't the grading that the engineer says just has to be done because the site is so bad. If we could
1335 take the grading plan and walk out there, and you can places on the grading plan where you just walk
1336 from the street into the woods, but you've got to go up this 10 ft. tall debris mound that was probably
1337 put there 15 years ago, and you just can't figure out really where you are on the site. It is a real difficult
1338 site. It is real difficult. But this is a race to build. A race to build. Submission plans come in. And we

1339 didn't comment on stuff like arrows going the wrong way on flows and pages numbers and scales and
1340 all of that stuff, you know. But this is just pushing it. I hate to get on a soap box to relate this, but there
1341 is just, when I looked at your agenda, do you know how many things on your agenda say, "We haven't
1342 received the plans yet, but we will have something for you later."

1343

1344 Mr. Jernigan - And you are an engineer, right?

1345

1346 Mr. Kovacs - No. I am nothing. I am a planner.

1347

1348 Mr. Jernigan - I wouldn't say that is nothing.

1349

1350 Mr. Kovacs - I am the old-fashioned community planner.

1351

1352 Mr. Jernigan - I phrased that wrong. Do you do this everyday?

1353

1354 Mr. Kovacs - No. Not anymore. I used to. In my past life I have.

1355

1356 Mr. Jernigan - Did you bring these concerns up at the neighborhood meetings?

1357

1358 Mr. Kovacs - Yes, sir.

1359

1360 Mr. Jernigan - And they weren't addressed at that time?

1361

1362 Mr. Kovacs - Well, like the traffic stuff was all addressed at the last meeting, but it was
1363 supposed to have been addressed before the submission, and you know, Tim Brown, Todd Eure, Jim
1364 Strauss, they are great. They have taken the brunt of this. What are they doing now? They tell us one
1365 thing and we've got to beat everybody up on everything else, Commissioner Kaechele and Mr. Taylor.
1366 We called them and said, "Look, we get told we are going to have this information and we don't have it
1367 until the last minute."

1368

1369 Mr. Marlles - Mr. Chairman, there is still five minutes and 40 seconds left.

1370

1371 Mr. Taylor - Mr. Lewis, would you like to come up and speak?

1372

1373 Mr. Vanarsdall - He has already been up here twice.

1374

1375 Mr. Taylor - That was the last case though.

1376

1377 Mr. Vanarsdall - Oh, I am sorry.

1378

1379 Mr. Todd Lewis - Again, my name is Todd Lewis from Cross Keys Association. The area that is
1380 set aside for the assisted living facility, it is my understanding from the applicant, that at a period in the
1381 not too distant future that the applicant intends to remove trees from that area and grade it for the
1382 purpose of demonstrating to a potential buyer the viability of the site, and it is my concern that that
1383 needs to be represented on this plan if that is something that is going to be undertaken in the near future,
1384 because that is grading. That is clearing. That is going to have some impact on the plan. So, that is
1385 actually just the only thing that I wanted to add and to concur strongly with Mr. Kovacs' comments.

1386
1387 Mr. Taylor - Are there any other questions for Mr. Lewis from the Commission? Thank you.
1388
1389 Mr. Lewis - Thank you very much.
1390
1391 Mr. Taylor - Any questions from the Commission at all?
1392
1393 Mr. Marlles - Mr. Chairman, the applicant has the opportunity for rebuttal.
1394
1395 Mr. Taylor - Oh, that is correct. Would you – I think we'd enjoy having you speak.
1396
1397 Mr. Vanarsdall - Your rebuttal? I don't know what you are going to rebut.
1398
1399 Mr. Taylor - Well, I think he is free to speak.
1400
1401 Mr. Henry Wilton - For the record, my name is Henry Wilton, and I will just make this short. Again,
1402 I think the staff has done a real good job as far as the plan, and I just have to reiterate what I said
1403 before. It is a work in process and the issues about the retaining wall. Certainly it is not going to be an
1404 11 ft. retaining wall. We will work with the staff on that. The traffic has all been taken care of in regard
1405 to the County being satisfied with site distance, and Tim has done job along with Todd on that, so I
1406 have to also just say that, and David Kovacs, I would say has brought a lot of attention or a lot of points
1407 in regard to the plan, and all of those points will be signed off on by your department heads before it is
1408 an approved plan, which is going to take some time. And we will continue to work with the community
1409 and have another meeting with them and give them the final set of plans, and go over that when, and also
1410 meet with them in regard to, we have to meet with them in regard to the landscaping. So, again, we will
1411 continue working with them and again we want to thank the staff for what they have done on the site
1412 there. It is a difficult site. That is why five developers have passed on it and gone through the review, so
1413 we all know it is a tough site and I think we will do a good job with it, and I think the County staff has
1414 really helped us in doing what we can with the site. Thank you.
1415
1416 Mr. Archer - Mr. Wilton, may I ask you one question, please? One of the gentlemen spoke
1417 about the fact that the retaining wall will be built on a sewer line. Is that correct?
1418
1419 Mr. Wilton - No. That will be..process in regard to that, so that will be moved when the plan
1420 is fine tuned and goes back to the staff for their review.
1421
1422 Mr. Archer - So in that case then it won't be over.
1423
1424 Mr. Eure - Oh, yes, sir. They have already made that notation, and again, Mr. Kovacs did
1425 bring a lot of issues, but those issues would be taken care of during the staff level review anyway. All
1426 right, thank you.
1427
1428 Mr. Taylor - Any other questions. No questions. Mr. Eure, do you have anything to add?
1429 Does the staff have anything to add at this point that they would like to discuss? What I would like to
1430 do is just talk about the road phasing and the traffic, and your assurance that the road issues are, I
1431 believe, at this point resolved.
1432

1433 Mr. Eure - Good morning, Mr. Chairman, and members of the Commission. My name is Todd
1434 Eure. I am with Henrico Traffic Engineering. Regarding the phasing of improvements on Three Chopt,
1435 the meeting that we had last week on Tuesday with Bob Thompson, Director of Public Works, Mr.
1436 Wilton of Wilton, Spud Mistr and myself, Tim Foster and Lee Priestas. Bob Thompson agreed to
1437 phasing the improvements on Three Chopt to be consistent with the way the entrance is going to be
1438 built. The westernmost entrance is what is going to be proposed to be built with Phase A for the first 34
1439 or 35 units of the townhouses and the improvements they are putting in with that phase will provide
1440 room for a right-turn lane into the site, a left-turn lane into the site, as well as an adequate taper of the
1441 westbound three-lane back to the existing exit. They are going to have to go across the parcel to the
1442 west in order to do additional road improvements to accomplish that. The balance of improvements on
1443 Three Chopt would be done with the construction of the second entrance, which will be done with
1444 Phase B. To be honest, if all of the improvements were put in with the initial phase, we would have
1445 basically too much pavement out there and wouldn't probably be able to safely stripe it to function the
1446 way we would want it to function. So, from an operation standpoint, with only one entrance going in,
1447 we would prefer only to have the road improvements on the western end of the property put in initially.
1448

1449 With regard to sight distance, we have not seen any site lines on the plans as of yet. That is something
1450 that we do require the applicant to put on before we sign off on a construction plan. We need to see
1451 that in great detail to assure that with any proposed grading they do on the site that site lines are
1452 adequate for the prevailing conditions on the roadway. We have been out and field checked the
1453 location of the westernmost entrance as well as the eastern entrance to assure that we feel comfortable
1454 that an entrance can safely go in there, and we are comfortable with that location that they are
1455 proposing, based on existing conditions.

1456

1457 Mr. Taylor - Are there any other questions for Mr. Eure? No questions. Thank you, Todd.
1458 Well, this is truly a tough, tough case, and I want to thank the staff, the environmental people, planning,
1459 as well as traffic for reviewing all of the work and looking over the site. This is one site that I have
1460 visited and walked with the staff, Mr. Kovacs, myself, Mr. Wilton, more than a handful of times, and it
1461 truly is a bear in terms of development. Issues are roads, topography, drainage, wetlands, trees,
1462 neighbors, and the density of the site. And none of these are easy to solve. Access and safety is an
1463 issue for the roads and we still have issues of assisted living to resolve, retaining walls, the phasing, road
1464 phasing as well as construction phasing, and an elimination of some of the inconsistencies on the plan.
1465 As Mr. Kovacs stated, looking at the plan there are just lots and lots of contours, and it is not clear if
1466 within those contours if we could achieve those contours without mass destruction of all of the trees and
1467 the landscaping that is in there, and that, I think, is both a concern that I have an it is a concern that the
1468 neighbors have, and a concern that the county has, because we would like to keep some trees. Then
1469 the issue of just exactly how it is to be constructed with the retaining walls to resolve those contour
1470 problems. In addition, the wetlands and the resource protection areas still are difficult to build around.
1471 They are difficult to demarcate and they are going to, and it is going to be necessary to do some
1472 mitigation type of work to protect the destruction of the site. And while I am in favor of the
1473 development there, the development really has to be carefully planned, carefully detailed, coordinated
1474 with the neighbors and have the acceptance of both the developer and the neighbors and all of the staff
1475 people before we go ahead.

1476

1477 So, with that statement, I think that more detail is needed because of the complicated nature of the site,
1478 and the environmental sensitivity of the site, and while I am in favor of the site being developed, the
1479 question is how it can be developed to both be a credit to the developer as well as to the County. I

1480 can't really at this point find that true, so what I am going to do is I am going to use my 30-day deferral
1481 and defer this for 30 days at the request of the Commission.

1482

1483 Mr. Vanarsdall - Mr. Chairman, before you make that motion, what on earth do you think we are
1484 going to solve by waiting 30 days from now when staff has recommended it, there is nothing wrong with
1485 it. It is all legal and above board. What are we going to get other than to inconvenience the applicant
1486 out of the 30-day deferral. I am just asking as a Commission member. I don't understand what more
1487 we can do.

1488

1489 Mr. Taylor - That is a very fair question, Mr. Vanarsdall. One of the things that we are
1490 hoping to do is frankly, since Mr. Kaechele has been out of town since the last meeting, and a lot of
1491 these negotiations have occurred within the last week, and I think the speed of that is such that we
1492 probably overlooked a few of the issues that we need to talk about.

1493

1494 Mr. Vanarsdall - Who overlooked them? The staff didn't. Who overlooked them? Staff
1495 recommends approval, so who overlooked them and if he was out of town and you couldn't get to him,
1496 why wasn't it deferred up front and not have to go through this for an hour.

1497

1498 Mr. Taylor - Well, I think that that is a fair question, but the amount of details that we are
1499 looking at is such that even with the work that has been done.

1500

1501 Mr. Vanarsdall - I must be dense, but I don't see any difference other than having opposition,
1502 and we have had it on PODs before. I don't see any difference in this and anything else we have ever
1503 handled. I just don't get it. I hate to butt into your business, but it is part of my business to know why
1504 we are doing it. I don't understand it.

1505

1506 Mr. Taylor - Let me see if I can be a little clearer.

1507

1508 Mr. Vanarsdall - Go ahead and make your motion. I am not going to vote on it.

1509

1510 Mr. Taylor - I want everybody to understand what I think we need, and the one thing that I
1511 had hoped to get was because of the contours that are shown on the plan relative to the building, I had
1512 hoped to see a cut-through – a sectional diagram – of what those slopes would be. They are apparently
1513 three to one. But that means within that entire area that is three to one, Mr. Vanarsdall, we are going to
1514 have to take down all of those trees no matter what the caliper is, and when we do that, we are going to
1515 come up with a site that, while it sounds easy to just achieve one in three, we are going to have to really
1516 take down a large amount of trees, and I am not sure that when you look carefully at that, that amount
1517 of cutting is going to be acceptable. The roads we have looked at, and I think we have cleared the
1518 roads. The wetlands, I think at this particular point, we have resolved the wetlands, but there are on a
1519 couple of the drawings, some inconsistencies that I think 30 days - a 30-day deferral at my request -
1520 would allow us to insure that everybody had looked at this. We have had one more review. All of the
1521 inconsistencies and shortcomings are resolved, and then we can proceed to really look at it, knowing full
1522 well what the final outcome is going to be. So I would simply ask the indulgence of one month to take a
1523 look at this. And that is one month that I feel, looking at the life span of this project and this goes all the
1524 way back to Care Metrix and I think that was the case that we looked at four years ago, if my memory
1525 is correct, when we first started looking at that site. And I have gone over that site, walked over that
1526 site for four years, and frankly it hasn't gotten any better in the four years, and with just looking at it, I

1527 am concerned that one more look, one more review, and attention to the detail would, perhaps, take
1528 one month, but I think it might satisfy everybody that we have cleared all of the obstacles and we have
1529 looked at all of the details.

1530

1531 Mr. Vanarsdall - I have one more comment. Then what you are saying is this case wasn't ready
1532 to be heard today, and it shouldn't have been on the agenda.

1533

1534 Mr. Taylor - Sir, I can't really be the judge of that, because sometimes we never know. And
1535 on this particular one, some of...

1536

1537 Mr. Vanarsdall - Go ahead with your motion. I don't have anything else to say about it.

1538

1539 Mr. Taylor - All right. Then I will repeat my motion that I would move for a 30-day deferral
1540 at the request of the Commissioner. Is there a second? No second. Then I will move to disapprove
1541 Case TC-11.

1542

1543 Mr. Vanarsdall - All right, Mr. Secretary. We need a motion to approve it, don't we, or do we
1544 just let it go like it is.

1545

1546 Mr. Marles - Well, the motion on the floor is to deny the POD. Is there a second to that?

1547

1548 Mr. Vanarsdall - I thought the motion on the floor was to defer.

1549

1550 Mr. Jernigan - You didn't get a motion to defer it, so you made a motion to deny it.

1551

1552 Mr. Taylor - Oh, I didn't mean to do that. I meant to defer it and I am glad that you
1553 corrected me. I move to defer this 30 days at the request of the Commissioner. Is there a second to
1554 that one?

1555

1556 Mr. Jernigan - I want to say something. You have been walking this site for four years. It is
1557 not going to change?

1558

1559 Mr. Taylor - No. It is not going to change. It is tough. This is the toughest site that I have
1560 seen, and I do admire Mr. Wilton for even undertaking it, but he undertakes some of the toughest sites,
1561 and I think you would agree that of the sites that he has undertaken, this is one of the toughest. I cannot
1562 see, if I look ahead in my mind how we are going to get around some of the sharp construction corners
1563 that I see from my review of that site, even though I think we could work that site, and I think we can
1564 do, but it has to be done very sensitively and very carefully.

1565

1566 Mr. Vanarsdall - Well, Mr. Chairman, you have a motion to defer the case. You didn't get a
1567 second. So what are you going to do from there?

1568

1569 Mr. Taylor - Well, I am kind of running out of arrows here, Mr. Vanarsdall. I think I have
1570 deferred. I think I have moved to approve it.

1571

1572 Mr. Archer - Mr. Chairman, if I might interrupt, I don't know why I am interrupting. The
1573 deferral would naturally be for three weeks actually anyway, because we meet early next month. Do we

1574 not?

1575

1576 Mr. Taylor - Well, I could defer it, we could defer it for longer.

1577

1578 Mr. Archer - I wanted to clarify that. I think that would be...

1579

1580 Mr. Taylor - Mr. Vanarsdall is perhaps right. This site is so complicated that it may take
1581 more than my 30-day period would allow.

1582

1583 Mr. Archer - Well, I wasn't suggesting a longer period of time. I really just want to clarify
1584 that, but are we trying to, in view of what the staff has reported on, and their recommendation, are we
1585 trying to get to a point where we can get more information to the people who are opposed to this case,
1586 and trying to make a more comfortable decision on it? Is that what we are trying to achieve? You
1587 know, from listening to what I have heard today, we probably, I have asked a couple of questions has
1588 responded to in a way that I think is favorable, but Mr. Lewis and Mr. Kovacs seem to have not had
1589 enough time to digest some of the information that has been given here today, so is that what we are
1590 trying to achieve? Are we just trying more time to get information?

1591

1592 Mr. Taylor - Yes. The short answer to that is there are four or five issues that I enumerated
1593 that I think we need to work on, and I frankly think we could do that in 30 days, because
1594 Commissioner Vanarsdall has got some points. We have been looking at this for a long time. Whether
1595 or not we can do this remains to be seen.

1596

1597 Mr. Vanarsdall - I would be for it if you could answer the simple questions as to what will be any
1598 different 30 days from now than it is today. Nothing. There is no more staff can do. The applicant can
1599 get together with the two opposition, so...

1600

1601 Mr. Taylor - Well, as I said Mr. Vanarsdall, I wanted to get some cut-through, some
1602 sectional diagrams I didn't get yet. I am even thinking that there may be a way that that could be
1603 developed other than by using a townhouse. I just don't know.

1604

1605 Mr. Vanarsdall - Why don't we do something with it? Because we have got other cases to go
1606 over this morning.

1607

1608 Mr. Taylor - We do.

1609

1610 Mr. Marles - Mr. Archer, I think there was a concern expressed by the citizens that the
1611 developer did not have the grading plans at the community meeting that was held last Thursday. I think
1612 that was one of the concerns that was expressed, so I think perhaps a deferral, in order to make sure
1613 that the neighborhood has the information, that information, and it is particularly important here, because
1614 of the impact that the grading plans have on the tree coverage, have on the wetlands on the site. I think
1615 that is at least one of the reasons I heard, perhaps, for deferral of this.

1616

1617 Mr. Archer - OK. Well, I guess what I am trying to get at...

1618

1619 Mr. Vanarsdall - It is going to be worked out, Mr. Marles? Do you really believe that?

1620

1621 Mr. Marlles - I think it, I think maybe there are some issues, additional issues that could be
1622 clarified or worked out, but I think getting the information to the neighborhood, making sure that they
1623 have those grading plans and that they are explained to the community was one of the valid issues that I
1624 heard as part of the reason for the deferral.

1625

1626 Mr. Vanarsdall - What Mr. Archer was suggesting was a two-week deferral rather than 30 days.
1627 Isn't that right?

1628

1629 Mr. Archer - Yes, well actually a three-week deferral until our next meeting, anyway. It
1630 would not be 30 days anyway. I just wanted to clarify that point, unless we wanted to defer it to the
1631 Zoning meeting, which we don't generally like to do.

1632

1633 Mr. Taylor - The problems that I have is to try to allow enough time to allow Mr. Wilton to
1634 work with the neighbors and the staff and resolve a few of the remaining issues. The difficulty that
1635 comes up is that with the holidays coming and the next opportunity, I would only get a three-week
1636 deferral and it may take more time than that, and I think Mr. Wilton has deferred this twice.

1637

1638 Mr. Archer - Well, Mr. Chairman, my only assertion is that this is a public hearing, and there
1639 are people from the public who've come down to speak in opposition. Mr. Vanarsdall has clearly
1640 pointed out that staff has apparently done all of the things that we can do as to whether or not we would
1641 be willing to make changes in anything. But I am concerned that members of the public have not had
1642 ample opportunity to have all of their questions answered officially, and for that reason I could support
1643 the three-week deferral. I don't think we need to go any longer than that. I think the applicant has had
1644 this case to work with long enough.

1645

1646 Mr. Vanarsdall - I agree with you. I don't either. Could you all stand a two-week?

1647

1648 Mr. Archer - Three weeks, actually.

1649

1650 Mr. Marlles - That next meeting would be November 20, the next POD meeting.

1651

1652 Mr. Archer - If that is what it would take to resolve the issues...

1653

1654 Mr. Wilton - We are going to continue working with the neighbors and the staff, but again, I
1655 don't think we are going to, we are not going to be able to finish our plans in order to go ahead and
1656 really take care of every situation until we go ahead through the POD approval process, in order to get
1657 the plans right. The specifics that they are talking about are done again after you all get the approval, so
1658 I don't know. Except for again deciding that if it is going to be a three-step retaining wall made out of
1659 timbers versus having the footing put in, that issue would be resolved and that is one of the few, I think,
1660 that would be resolved until the Planning Commission would give the approval, and then it is up to Spud
1661 and the engineers to do the final plan, and then at that point, you know, we should meet again with the
1662 people to make sure they are OK with the final plan. That would, obviously, be my preference. If you
1663 gentlemen want to take, I've been working on this case for over a year now. And we have come a long
1664 way. I don't think there is going to be a lot; we are working with the County and the staff and Mr.
1665 Taylor and the neighborhood going through this process continuing on. I don't know if three weeks; I
1666 don't think it is going to make any difference in regard to that process. I am going to do what the
1667 County and the staff tells me what to do.

1668
1669 Mr. Vanarsdall - Well, I think the question from Mr. Archer was can you get by with, what to go
1670 over to the 14th?
1671
1672 Mr. Taylor - It would be November 20th.
1673
1674 Mr. Archer - I will say it again, I am not trying to delay the case, Mr. Wilson, but we are
1675 sitting here. We've got two motions and can't get a second on either one.
1676
1677 Mr. Wilton - The only thing I can tell you is that I have a campaign party, political campaign
1678 party that I am giving for a candidate at my house on the 20th and I think I've got to be there for that. I
1679 am not going to say what party it is with.
1680
1681 Mr. Archer - Maybe we can get it to the Expedited Agenda.
1682
1683 Mr. Wilton - But, I cannot be here for that deferral, so I would rather not take that deferral.
1684 I would rather not take a deferral if I can. I will work with Mr. Taylor. I will work with the staff and
1685 we will resolve everything, and I think you all know that I can do that. This is a tough site, but we will
1686 go ahead and resolve all of the issues. And, we will do that between now and when we come back
1687 before this Board (sic).
1688
1689 Mr. Vanarsdall - Well, the issue is on deferral now, it is not on what you work with or who or
1690 anything else. The issue is on a 30-day deferral.
1691
1692 Mr. Wilton - And I can't be here for that deferral date. So, my preference is to not have a
1693 deferral if I can work around it.
1694
1695 Mr. Vanarsdall - Do you agree to defer it?
1696
1697 Mr. Archer - I thought he was going to do it.
1698
1699 Mr. Vanarsdall - I am asking him.
1700
1701 Mr. Wilton - I am trying not to agree to defer it. I am trying to agree to work with the
1702 neighborhood and with the staff and with Mr. Taylor to take care of the problems that everybody has
1703 with this site. It is a tough site and I think we can do it, but I don't know how a deferral is going to
1704 make any difference on how I work with the County. I am going to work with the County. I am going
1705 to work with the County if I get a deferral or if I get it approved.
1706
1707 Mr. Archer - It would make Mr. Taylor feel better if you defer it. OK. And he is the
1708 Commissioner for the District.
1709
1710 Mr. Wilton - Yes, and in that respect, I will do what Mr. Taylor wants me to, but again I am
1711 already, I will not be here November 20th but my staff can be here.
1712
1713 Mr. Vanarsdall - Spud will be here, won't he?
1714

1715 Mr. Wilton - Well, Spud can handle it, I guess.
1716
1717 Mr. Vanarsdall - I think we have fooled with this long enough, personally.
1718
1719 Mr. Wilton - Yes and I would like to get it out of your way.
1720
1721 Mr. Vanarsdall - Why don't you go ahead and make a motion and we can defer the case and be
1722 done with it.
1723
1724 Mr. Taylor - Mr. Marlles and I have come up with another approach to the motion and
1725 because of the way the calendar sits this month and we don't get 30 days, the one option that we have
1726 is extend it all the way to December 12, which is the rezoning meeting, and we have put it before the
1727 rezoning meeting, which allows you to miss, to go to your party, allows us to review it and work with
1728 the staff.
1729
1730 Ms. Ware - I think November would be sufficient.
1731
1732 Mr. Archer - Mr. Taylor, we've had occasions before where we have had ample discussion
1733 on cases, and we know we can't discuss it anymore. Would you be amenable then in light of your
1734 motion to just deferring it for three weeks for a decision only, with no discussion. Just have a meeting
1735 and get all of these things worked out with Mr. Kovacs and Mr. Lewis.
1736
1737 Mr. Wilton - That will be fine and that way it will give us three weeks to work it. Certainly.
1738
1739 Mr. Marlles - It will be November 20 and it will be just for decision.
1740
1741 Mr. Vanarsdall - November 20.
1742
1743 Mr. Taylor - I go with my first motion, so moved to defer this case to November 20 at the
1744 request of the Commissioner.
1745
1746 Mr. Archer - I will second the motion.
1747
1748 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Archer to defer this case to
1749 November 20. All in favor say aye. All opposed say no. The motion passes.
1750
1751 Mr. Archer - And this will be for decision only, is that correct?
1752
1753 Mr. Taylor - Yes, for decision only. We will take a 10-minute break.
1754
1755 The Planning Commission deferred POD-78-02, Three Chopt Village, Sections A and B, to its
1756 November 20, 2002, meeting for decision only. Mr. Thornton left during this case and was absent for
1757 the rest of the meeting.

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1759
1760
1761

THE PLANNING COMMISSION TOOK A BREAK AFTER THIS CASE

1762 Mr. Taylor - The Planning Commission will now reconvene at 11:20 a.m. and I will turn the
1763 microphone over to our Secretary, Mr. Mariles.
1764

1764 Mr. Marles - Thank you, Mr. Chairman. Our next case is on page 14 of your agenda,
1765 LP/POD-83-01, The Lodge @ Hunton Park.

1766

1767 **LIGHTING PLAN (Deferred from the September 25, 2002, Meeting)**

1768

LP/POD-83-01

The Lodge @ Hunton Park

Foster & Miller, P.C. for Lodge @ Hunton Park, L.P.: Request for approval of a lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 30.00-acre site is located on the north line of Hunton Park Boulevard, approximately 1,200 feet east of Staples Mill Road (U.S. Route 33) on parcel 762-775-1005. The zoning is R-5C, General Residence District (Conditional) and G-1, Conservation District. **(Brookland)**

1769

1770 Mr. Taylor - Is there anyone in the audience in opposition to LP/POD-83-01 The Lodge @
1771 Hunton Park lighting plan? No opposition. Ms. News.

1772

1773 Ms. News - Good morning, Mr. Chairman and members of the Commission. The revised
1774 plans which have just been distributed address staff's concern regarding the use of unshielded wall pacs.
1775 After many discussions and several plan revisions, the applicant has agreed to use a fully shielded
1776 fixture. Staff had also requested that the applicant add additional light poles to provide a better
1777 distribution of light and better quality lighting project. Staff generally does not permit the use of wall-
1778 mounted lights as a primary light means for lighting a parking lot, particularly in a residential
1779 development. Additionally, the Division of Police has indicated that the light levels are inadequate in
1780 many areas. The revised photometrics indicate the shielded wall pac fixture actually provides a better
1781 distribution of light than the previous fixture. Just this morning the applicant's representative indicated
1782 that this increased lighting level is due to the fact that the photometrics were run originally at a lower
1783 fixture mounting height.

1784

1785 The wall pacs currently are mounted at a 15-foot height for this submission, which is the maximum
1786 height allowed by the proffers. I would note that this is a revision to the 13-foot height that's shown on
1787 your plans. The lighting level however is still not in accordance with the Police recommendations. The
1788 applicant feels that the lighting levels are adequate and does not wish to add any additional poles. The
1789 applicant has submitted a letter for the record acknowledging the Police concerns but indicates they are
1790 of the opinion that the current lighting plans are sufficient with regard to illumination. Although, the staff
1791 attempts to work closely with the Division of Police in the implementation of lighting plan approvals,
1792 current policy does not address minimum lighting levels required for a project. The light levels have
1793 been increased from the original review. And, because the applicant has agreed to provide shielded
1794 fixtures and the light levels do meet the Planning Office requirements for control of spill light at the
1795 property lines, staff can recommend approval of the revised plan No. 2, which has just been distributed.

1796

1797

1798 The plans were received after the deadline so it will be necessary for the Commission to waive the time
1799 limit to act on this plan, and the applicant's representative is here to answer any questions if there are no
1800 questions of staff.

1801

1802 Mr. Taylor - Are there and questions of Ms. News by the Commission?

1803

1804 Mr. Vanarsdall - I want to ask Ms. News something, Mr. Chairman. In talking about this, you
1805 said that the General Assembly comes up with a lighting plan for jurisdictions every year or every couple
1806 of years.

1807

1808 Ms. News - Legislation has been introduced for enabling legislation to create a lighting
1809 ordinance. Currently, the County does not have a lighting ordinance. We work on policy only.

1810

1811 Mr. Vanarsdall - It usually doesn't get out of the Committee, does it?

1812

1813 Ms. News - That's correct. Every year it's been tabled, that I've seen something come
1814 across.

1815

1816 Mr. Vanarsdall - That's what's wrong with the State. Now with the County we don't have a
1817 lighting plan, perse. In other words, in this case she wanted over and above of what we have but the
1818 applicant didn't have to do it because we have no code and we have nothing to hang our hat on.

1819

1820 Ms. News - Right. We have a policy that basically addresses spill light and use of concealed
1821 source fixtures, but we don't address minimum lighting levels or maximum lighting levels. It's something
1822 we do on a case- by-case basis.

1823

1824 Mr. Vanarsdall - And this is something that staff is aware of and it just takes an awful lot of time
1825 and people to bring it together. One thing, for the benefit of the Commission, one thing she mentioned
1826 was a letter goes in file that it did not live up to the standards of what the Police wanted.

1827

1828 Ms. News - That's correct.

1829

1830 Mr. Vanarsdall - While that doesn't keep anyone from getting attacked or raped, or stumbling
1831 over something, it does relieve our responsibility. So, we have the best of everything that we can get on
1832 this at the moment.

1833

1834 Ms. News - Yes, sir.

1835

1836 Mr. Vanarsdall - Okay. Anybody else have any questions, Mr. Chairman?

1837

1838 Mr. Taylor - Are there any questions on the part of the Commission? No questions,
1839 Commissioner.

1840

1841 Mr. Vanarsdall - Then I'll move to waive the time limits on the revised plans dated today,
1842 October 23, 2002.

1843

1844 Mr. Taylor - Second. The motion was made by Mr. Vanarsdall and seconded by Mr.
1845 Taylor to waive the time limits on LP/POD-83-01, the Lodge at Hunton Park. All in favor say aye...all
1846 opposed say nay. There being no opposition, the time limits are waived.

1847

1848 The Planning Commission waived the time limits for the revised lighting plan for LP/POD-83-01, The
1849 Lodge @ Hunton Park.

1850

1851 Mr. Vanarsdall - I move LP/POD-83-01, the lighting plan for The Lodge at Hunton Park be
1852 approved with the annotations on the plans, the standard conditions for lighting plans and as presented
1853 by staff.

1854

1855 Mr. Taylor - Second. The motion was made by Mr. Vanarsdall and seconded by Mr.
1856 Taylor to approve LP/POD-83-01, the Lodge at Hunton Park. All in favor say aye...all opposed say
1857 nay. There being no opposition, LP/POD-83-01 is approved.

1858

1859 Mr. Vanarsdall - Ms. News, I want to thank you because I know you wrestled with this for a
1860 pretty good while and I want to thank you for your patience.

1861

1862 The Planning Commission approved the revised lighting plan for LP/POD-83-01, The Lodge @ Hunton
1863 Park, subject to the standard conditions attached to these minutes for lighting plans.

1864 Mr. Thornton was absent.

1865

1866 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

POD-64-02

Wawa - 5221 Brook Road
Wilmer & Brook Roads
(POD-45-75 Revised)

Jordan Consulting Engineers, P.C. for Francie & Angie Makris and Wawa, Inc.: Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106, 24-106(3)a and 24-106.2 of the Henrico County Code to construct a 5,913 square foot convenience store with gas pumps. The 1.755-acre site is located at the southeast corner of Brook Road (U. S. Route 1) and Wilmer Avenue on parcel 785-745-8737. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

1867

1868

1869 Mr. Taylor - Is there anyone in the audience in opposition to POD-64-02, Wawa on Brook
1870 Road? We have opposition. Mr. McGarry.

1871

1872 Mr. McGarry - Good morning, Mr. Chairman and members of the Commission. The site in question is
1873 here at the corner of Brook Road and Wilmer Avenue, and I believe the opposition comes from the BP
1874 at that location and the Texaco at that location. There is a revised plan being handed out to you now.
1875 Based on that revised plan, VDOT can recommend approval because the two roads at this intersection
1876 are controlled by VDOT. There are no County roads involved. VDOT's primary concern was that the
1877 Wilmer Road widening and the left-turn storage lane was not going to be adequate. This plan shows a
1878 left-turn storage lane and a new construction for an eastbound lane for Wilmer provides for that left-turn
1879 storage so that the road improvements satisfy VDOT. Staff can recommend approval of the transitional
1880 buffer deviation as stated on the staff plan. It's been handed to you. There is only one issue that is not
1881 addressed on the plan and it has to do with VDOT's and the County's request for a sidewalk. So, staff
1882 is recommending a four-foot sidewalk plus the 10-foot landscape area in front of those 17 parking
1883 spaces along Brook Road. The applicant said that they can provide that. Staff can recommend
1884 approval of this plan subject to the standard conditions for plans of development plus conditions Nos.
1885 23 through 33. I'll be happy to answer any questions.

1886

1887 Mr. Taylor - Are there any questions for Mr. McGarry.

1888

1889 Mr. Archer - Mr. McGarry, the sidewalk and the new buffer plan will that need to be a new
1890 condition?

1891

1892 Mr. McGarry - That would be an annotation on the plan that I would add after this meeting.

1893

1894 Mr. Archer - So, if you can annotate it with the same thing?

1895

1896 Mr. McGarry - Yes.

1897

1898 Mr. Mariles - Mr. McGarry, I missed that additional annotation.

1899

1900 Mr. McGarry - The annotation would be there would be a four-foot sidewalk along Brook Road and
1901 there will also be a 10-foot landscaped area maintained at a minimum as well. And the engineer
1902 indicates that he can adjust his site to handle that extra four feet.

1903

1904 Mr. Archer - Mr. McGarry, is there any way you can show us how we can make a
1905 comparison between what exists now? Do you have a picture or anything how the new plan will look?

1906

1907 Mr. McGarry - I have an aerial photo I can put up.

1908

1909 Mr. Archer - Yes, I think the aerial would probably help us a little bit more to understand
1910 what the difference is between the way it is now and what it would be like when it's completed.

1911

1912 Mr. McGarry - All right, we have the aerial photo coming up now.

1913

1914 Mr. Archer - Could you illustrate to the rest of the Commission member, I think I understand
1915 it pretty well, what the new illustration will look like.

1916

1917 Mr. McGarry - Wilmer Avenue is currently across the top of your screen (referring to photo on the
1918 screen). That is the two-lane portion of Wilmer Avenue and the off ramp from I95. They are
1919 proposing a left-turn storage lane where the entrance will be for this site.

1920

1921 Mr. Archer - Can everybody see the two lanes there? The off ramp is in the circular piece at
1922 the top of your screen. Everybody see that?

1923

1924 Mr. McGarry - That ramp will remain, that exists right there (referring to screen) is not a part of the site.
1925 The actual new location for the site will be right there. A left-turn storage lane is being provided there.
1926 In order to do that, they will have to build a new eastbound lane of Wilmer Avenue and the design is in
1927 the plan that has been handed to you.

1928

1929 Mr. Archer - Mr. McGarry, down at the bottom right, well not the bottom right either, but
1930 further down Wilmer Avenue there is a little island down there, will that remain? Down there in front of
1931 those buses. See that little green patch, there (referring to screen)?

1932

1933 Mr. McGarry - This island will remain. It is going to be reduced in size.

1934

1935 Mr. Archer - I'm just trying to figure out how far the lane is going to run down to that next

1936 cross street that runs behind the site.

1937

1938 Mr. McGarry - That island is going to be reduce by a little bit.

1939

1940 Mr. Archer - But some, right?

1941

1942 Mr. McGarry - Yes. In order to allow for the movement to get past it. A substantial amount will be left

1943 in tact.

1944

1945 Mr. Archer - Okay. That's all I have. For the benefit of the other Commission members,
1946 those vehicles that you see back there are buses, I believe, aren't they Ted.

1947

1948 Mr. McGarry - Yes, sir, they are. They are not there now but at one point when this aerial was flown
1949 they were parking buses back there for the hotel that's on the bottom of your screen.

1950

1951 Mr. Archer - Those are all the questions that I have unless somebody else has some.

1952

1953 Mr. Taylor - We have no other questions? We have this gentleman here in the back who has
1954 opposition. But, we need to hear from the applicant first.

1955

1956 Ms. Freye - Good morning, my name is Gloria Freye and I am an attorney here on behalf of
1957 Wawa. And also presented here representing Wawa is Terry Levine they are project engineer and
1958 John Jordan with Jordan Consulting Engineers. This site is zoned B-3, unconditional, which does permit
1959 the Wawa Convenience Store by right on this property. This property has been developed and used as
1960 a restaurant for years. I think it was developed late in the 1950's and most recently it was operated as
1961 the Brookside Seafood Restaurant. As you can see from the aerial that was up there, previously the
1962 property was not developed to the highest of standards at the time. Parking is right up to the edge of
1963 the pavement. There is minimal landscaping. The access along Wilmer was undefined. People could
1964 pull in and out of that site wherever they pretty well chose to. It really did create an unsafe situation and
1965 that traffic circulation has been one of the major concerns that Wawa has been working with about this
1966 property. The plan of development that is before you today is a major improvement over the existing
1967 conditions at that property. Today's plan will bring the development of that area, or at least that site, up
1968 to today's standards and actually exceed a lot of those standards.

1969

1970 This is about the fourth version and I guess if you count the one that was passed out to you today, the
1971 fifth version of submittal of this plan. Wawa has worked very closely with the staff, which we commend
1972 and thank for their efforts in communicating staff agencies concerns, VDOT concerns and the concerns
1973 of citizens in the area as well. In addition to the traffic concerns and patterns that we have talked about,
1974 the other issues dealt with the road improvements, the left turn lane that Mr. McGarry spoke to, how
1975 you control the access from Wilmer, what the Brook Road entrance needed to be realigned, safety
1976 concerns and then landscaping concerns as well.

1977

1978 On the traffic issue, Wawa and it's engineers did work very closely with VDOT as these are VDOT's
1979 roads but we also worked with the County engineer who is very helpful with ideas and suggestions in
1980 looking at how we could come up with the best plan for this property. VDOT did advise that a left-turn
1981 lane would be, in their idea, essential for this property for access from Wilmer. They based that on
1982 estimates taking from the Trip Generation Manual and surmised that the traffic from today's

1983 convenience stores was actually higher than what was reported in the trip generation manuals. We do
1984 not agree with that analysis for that data or their conclusion on that. And the reason why Wawa doesn't
1985 agree with those numbers is because in August of 2001, they actually commissioned a traffic study of
1986 their convenience stores. The study included seven Wawa's in Virginia. I have a copy of that report
1987 that I would like to put in the record and there is a copy for each of you. I don't need you to read or
1988 look at it. The important thing is that the average number of trips for morning and afternoon peak hours
1989 were actually lower than what was reported in the Trip Generation Manual. But, having said all that, it
1990 really doesn't matter because when we had the discussions with VDOT and the County about the traffic
1991 concerns that they and the Police had, and what Wawa had for the safety of it's own customers getting
1992 in and out of this property safely, they decided the best thing to do was to provide this left-turn lane on
1993 Wilmer. So, they are providing that and they are showing that on the site plan. It was very helpful
1994 working with VDOT to make sure that the necessary right-of-way would be there so that they could do
1995 that lane and do it properly.

1996

1997 So, when we look at the traffic situation on this property, what Wawa is providing on this plan is they
1998 have eliminated the use of a drive-way that they had the right to use and sharing with the, a driveway
1999 that served the hotel. They have given that up. They are not using that. They are restricting their access
2000 to Wilmer to one defined location which is shown on the plan. They are providing the left-turn lane on
2001 Wilmer Avenue and they have realigned the entrance off of Brook Road so that it is an alignment with
2002 the commercial drive on the other side of Brook Road which gives you a safer situation there. So, all
2003 told, with those road improvements and the design of their accesses, they have created a much safer
2004 traffic pattern on this property that's ever existed before.

2005

2006 It was suggested by some folks that there should be no access to Wilmer. That was actually looked
2007 into and considered. However, if there was no access to Wilmer that would actually mean that traffic
2008 wanting to enter the site from that direction would have to go all the way to the intersection, cross two
2009 lanes of traffic, make a left turn, come down in front of the site and make a left turn into the site across
2010 three lanes of traffic. When we conferred with the Police Department and the engineers about that, it
2011 was the consensus that it was much safer to have one access on Wilmer with one left turn across one
2012 lane of traffic than to have those other alternatives where you'd have multiple left turns and multiple lanes
2013 of traffic to cross.

2014

2015 The other issue that Wawa looked into very closely in working with the staff, were the safety concerns
2016 that were issued in this area. They have addressed those by providing black wrought iron fencing along
2017 the rear of the property that will be six feet high and tapering down to three feet high on the sides of the
2018 property. They are providing more glass in the front of their building so that there is better visibility into
2019 the store. They are providing interior and exterior cameras on the property and they have provided
2020 much better lighting than what's been there before.

2021

2022 Wawa also spent considerable time working with the staff on the landscaping of this property and how
2023 they could improve that. I think that some folks would say, "anything is an improvement on this
2024 property." But, they were also aware that there is a group of citizens who have formed a committee to
2025 look at some higher development standards for Brook Road that would enhance the appearance of that
2026 corridor. So, Wawa, with the help of the staff, looked at those, looked at the site plan to see how they
2027 could incorporate some of those designs and that intent into their plan. And I think they have done a
2028 pretty good job even though those standards are only proposed, they have not been adopted. Wawa
2029 gave up some of the parking that they wanted. It relocated some of the parking from the front to the

2030 back rear side so that they could have larger landscaped areas along Brook Road. And what that
2031 resulted in, on the plan, is at the corner at Wilmer and Brook they come up with a landscape area that is
2032 over 28 feet wide and about 28 feet wide down at the entrance at Brook Road for those larger areas
2033 that tapers down to a 10-foot strip along the frontage of Brook Road, which will be set back from
2034 Brook Road so that we can provide the four-foot sidewalk that Mr. McGarry told you about this
2035 morning.

2036

2037 Additionally, Mr. McGarry did talk about the modification that the site needs for their transitional buffer
2038 on Wilmer. The transitional buffer requirement there is that when you have B-3 zone property, which is
2039 adjacent to A-1 property you need a 35-foot buffer. Well, the A-1 property across the street, I think
2040 you saw in the aerial, is the salt dome for VDOT, which is not a very landscaped site itself. But by
2041 making the changes that they did along Brook Road and moving the parking that created some issues
2042 with providing that 35-foot transitional buffer. So, what they came up with is a transitional buffer that is
2043 30 feet tapering down to 20 feet. The Code requirement for the quantity of plants in the transitional
2044 buffer, however, is being provided. They are not being prorated, they are being provided, and they will
2045 be dispersed in that transitional buffer and then along the front. So, in addition, to additional plantings
2046 that Wawa is going to be doing. So, actually, even though there's a slight modification there on the
2047 Wilmer Avenue side, VDOT does not oppose that and the County would end up with actually having
2048 more landscaping than the Code requires.

2049

2050 In closing, we would like to thank Mr. Archer and the staff. VDOT folks for working with us to get the
2051 plan that you have before us. It was little tricky because every time we changed one thing it caused a
2052 shift in something else, but I think we have come forward with a very good plan. Wawa did defer its
2053 consideration of this plan one other time so that they could continue to work on these issues and to
2054 address questions that were raised by the citizens. Aside from the transitional buffer modification, this
2055 plan either meets or exceeds the ordinance requirements. The design of the site entrances by restricting
2056 the access and providing the road improvements that have been presented, you can be assured that the
2057 public safety needs are being met with this plan. This site does work well for Wawa. It has the right
2058 size, it's the right location, the right configuration that allows them to have higher development standards
2059 and go beyond what the Code requires. For all these reasons, we ask that you approve this plan of
2060 development and we will be glad to respond to questions that you may have.

2061

2062 Mr. Archer - Thank you, Ms. Freye. Ms. Freye, you mentioned that you are aware of the
2063 standards committee that has been formed for the improvements on Brook Road. Did you all meet with
2064 that group?

2065

2066 Ms. Freye - I do not believe so. I think that all of our responses to their concerns were
2067 channeled through the staff department.

2068

2069 Mr. Archer - Okay, thank you.

2070

2071 Mr. Taylor - Are there any other questions by the Commission? Thank you, Ms. Freye.
2072 Now, sir, if you would come up to the podium and give us your name. We would enjoy hearing your
2073 comments.

2074

2075 Mr. Stahl - Good morning, Mr. Chairman, members of the Commission. My name is
2076 Stephen Stahl.

2077

2078 Mr. Archer - Good morning, Mr. Stahl.

2079

2080 Mr. Stahl - I'm the owner of Sta-Brite Cleaners located at 5300 Brook Road and I
2081 represent, in addition, in absentia of Mr. John Seibert who owns the property on either of me which
2082 houses Brook Road Chevron and also Brook Road Texaco. Mr. Seibert could not be here today.
2083 First of all, let me give you a little history in what's been going on, on this. Over a month ago we met
2084 with a site engineer from VDOT. There were about four concerned business owners and also two
2085 representatives of a citizens group that met with a person, whose name escapes me from VDOT,
2086 regarding Wilmer Avenue and some site concerns we had on Wilmer Avenue. At that time the
2087 gentleman told me that he was being transferred to another division in Hanover County and I should
2088 really talk to Gary Jennings. So, subsequent to that two of the citizens and another group of concerned
2089 businessmen met with Mr. Todd Eure from your office and also Gary Jennings from VDOT.
2090 Essentially, what we, as business people, decided to do at that point was to disagree because we did
2091 not feel that there was ample room for stacking of cars coming off of Exit 81 off I-95 on Wilmer
2092 Avenue even with a reconfiguration.

2093

2094 Subsequent to that, we asked what to do and we were told to meet with Mr. Archer. We met with Mr.
2095 Archer and Mr. McGarry and we expressed our concerns and we were told that the Wawa people
2096 were having a meeting on Thursday afternoon following our meeting. We called Mr. McGarry on
2097 Friday afternoon of last week and we were told at that time that they were going forward with the plan
2098 that they had submitted, which meant that there would be a curb cut on Wilmer Avenue. We were very
2099 concerned about this. I did not get the word on this from Mr. Seibert until Monday night when he got
2100 back in town. He has since gone out of the United States, and as a result we have just seen for the first
2101 time the revised plan. He hasn't seen it yet. So, I would ask for a deferral until December 12 until such
2102 time as I can determine and he can determine whether this meets our approval. I can tell you that at first
2103 blush it does not because it still has a curb cut on Wilmer Avenue and we feel that the curb cut on
2104 Wilmer Avenue is going to provide some real issues of safety and also the stacking of cars and rear
2105 ending and things of that nature, but we would request a deferral until December 12 because I will be
2106 out of town on business on November 20 so that we can then follow up. We also want to follow up
2107 with VDOT again on this issue of the stacking of cars coming off of the ramp. So, that's my request.

2108

2109 Mr. Taylor - Thank you, Mr. Stahl. Are there any questions from the Commission?

2110

2111 Mr. Archer - Mr. Stahl, just so the rest of the Commission will know, you serve on that
2112 committee do you not?

2113

2114 Mr. Stahl - I serve on the Brook Road Advisory Committee and Mr. Stahl's business also
2115 includes the BP Station that's across the street.

2116

2117 Mr. Archer - The plan, the new plan the one that you have not seen, now when we talked
2118 about this before I don't think the new stacking lane or the other lane on the other side was present at
2119 that time.

2120

2121 Mr. Stahl - That's correct.

2122

2123 Mr. Archer - So, this is an improvement.

2124

2125 Mr. Stahl - It is an improvement but I don't think it is an acceptable approval.

2126

2127 Mr. Archer - I understand what you are saying. You disagree with it still, I understand that,
2128 but it is an improvement. Actually, it's just by widening the road and providing a longer stacking lane,
2129 that's automatically an improvement. And you and I have also talked about what factor prevails when
2130 POD plans come before us and how as long as it meets the ramifications of the zoning case that applies
2131 there that we can't do very much except to try to make it as good as we can. I am somewhat
2132 concerned that the applicant has not had an opportunity or at least has not made himself available to
2133 have an opportunity to meet with your group, and that's something we probably do need to consider.
2134 And Mr. Seibert has not seen it either.

2135

2136 Mr. Stahl - Mr. Seibert has not seen this at all.

2137

2138 Mr. Archer - And bearing in mind also that ultimate approval of this has to be in concurrence
2139 of what the traffic department says is something that can fit and VDOT says it can fit. So, I understand.
2140 We would like to have your agreement but we probably won't. But, can I get you all to put that color
2141 photo aerial back up so that Mr. Stahl can identify where it is.

2142

2143 Mr. McGarry - I'll point it out to him. Is this your site here (referring to site on screen?)

2144

2145 Mr. Stahl - No. The Chevron is on the corner and Mr. Seibert owns the Chevron. I'm the
2146 next building down. It's adjacent to Ladd Avenue.

2147

2148 Ms. Ware - And what business is that?

2149

2150 Mr. Stahl - They are all three gas stations.

2151

2152 Mr. Archer - Mr. Stahl also has a cleaners in his.

2153

2154 Mr. Stahl - Correct.

2155

2156 Mr. Archer - Now, would you also tell, Mr. Stahl, in looking at this, what your preference
2157 would be in terms of obtaining access to the Wawa station?

2158

2159 Mr. Stahl - Well, as Wawa's lawyer stated, we would like to see absolutely no curb cuts
2160 on Wilmer Avenue. I've got some pictures which I will be willing to show you regarding stacking at that
2161 intersection, if you would like to see them.

2162

2163 Mr. Archer - Can we put those pictures on the overhead?

2164

2165 Mr. McGarry - Yes, sir.

2166

2167 Mr. Stahl - The first one shows the backup that we currently have in the right-hand lane on
2168 Wilmer Avenue. People are trying to get around the corner to go to Brook Road.

2169

2170 Mrs. Ware - What time of day was this?

2171
2172 Mr. Stahl - This was taken at 5:15 p.m., which would be the normal rush hour, and keep in
2173 mind this was done on Monday night....
2174
2175 Mr. Vanarsdall - I'm sorry to interrupt you. What is that backing up?
2176
2177 Mr. Stahl - That's traffic backing up, sir.
2178
2179 Mr. Vanarsdall - Yes, but I mean on what street?
2180
2181 Mr. Stahl - On Wilmer Avenue, where it exists now.
2182
2183 Mrs. Ware - It's the exit ramp, right?
2184
2185 Mr. Archer - Mr. Stahl, is this traffic backing up or is it sitting? When you took the picture
2186 were they just sitting or was it in motion?
2187
2188 Mr. Stahl - It was moving, moving slowly. And keep in mind that this was done on
2189 Monday night during the night the sniper attack had taken place the previous weekend in Richmond so
2190 there weren't as many people out as normally would be out and the schools were completely closed.
2191 So, I would say that it understates the traffic that could have been on that particular road at that time.
2192 This is another picture taken (referring to screen) just a few minutes later and you can see that it is
2193 backing all the way to the exit ramp off of Exit 81 and I am not making this up, I didn't do any traffic
2194 count, I'm not that smart. I just went over there with a camera and took some pictures. And this third
2195 picture just gives you another insight into the congestion of that entire area. The County has already
2196 improved this road to large lanes on each side further down because of the congestion. And even
2197 though they are going to improve this road up here (referring to screen) to some extent, we don't feel
2198 that that improvement is satisfactory. We don't think that curb cut... You can have people coming off
2199 of that exit ramp trying to go right across into that curb cut and you are going to have some people
2200 getting their clocks cleaned. We anticipate... John and I did a quick calculation and we anticipated
2201 anywhere between 1,800 to 2,000 additional cars per day most of which is going to take place during
2202 the high traffic count times, lunchtime and the early morning and the late afternoon rush hours. We
2203 simple don't think this particular corner is going to be able to stand that kind of traffic count without
2204 some serious safety issues even after being addressed on the basis of what they said they were going to
2205 do on Wilmer Avenue.
2206
2207 Mr. Archer - Do you have any more?
2208
2209 Mr. Stahl - That's it.
2210
2211 Mr. Archer - Leave that one up there for a moment.
2212
2213 Mr. Jernigan - That's a yield sign as you come off, it's not a stop sign, it's a yield sign.
2214
2215 Mr. Stahl - That is correct.
2216
2217 Mr. Archer - That is a continuous flow traffic lane, I believe. How long is that access lane?

2218 It's fairly long isn't it?

2219

2220 Mr. Stahl - It's not quite a block. And you can see the traffic backing up on there.

2221

2222 Mrs. Ware - I don't know who can answer this, but how many cars can fit into that turn lane
2223 that they are proposing to build?

2224

2225 Mr. Jernigan - About five. It's a 100 feet long so you figure 20 feet per vehicle.

2226

2227 Mr. Archer - Mr. McGarry can answer that.

2228

2229 Mr. McGarry - Five.

2230

2231 Mr. Archer - Five cars. Thank you. That would be in the left turn stacking, is that what you
2232 are saying?

2233

2234 Mr. Vanarsdall - What was his answer?

2235

2236 Mr. Jernigan - Five cars would go into the turn lane, approximately.

2237

2238 Mr. Archer - Now with the, and Mr. McGarry you might have to answer this, with the left-
2239 turn stacking lane that would mean that there would be an unobstructed lane for the traffic to flow in to
2240 get out to Brook Road, is that correct?

2241

2242 Mr. McGarry - That's correct.

2243

2244 Mr. Archer - So, if we had, as those cars turn left and the only obstruction they would have
2245 would be eastbound traffic on Wilmer Avenue that might be approaching from the other direction.

2246

2247 Mr. McGarry - That's correct.

2248

2249 Mr. Archer - Mr. Stahl's suggestion would be to have that traffic flow out to Brook Road
2250 turn left and go up about, what, a block then make another left-turn to come in.

2251

2252 Mr. Stahl - Well, that would be at the corner of Ladd Avenue where a light could be
2253 placed, a traffic control light.

2254

2255 Mr. Archer - Right. I understand, which, in terms of having this rush-hour traffic it would
2256 probably create a little bit more of a hazard than the left turn lane because that means that they have got
2257 three or four points of traffic where traffic would have a confluence and I don't know, I'm not a traffic
2258 expert. Just trying to use a little common sense here.

2259

2260 Mr. Stahl - Neither am I, Mr. Archer.

2261

2262 Mr. Archer - Mr. Eure, would you come up here for a second?

2263

2264 Mr. Jernigan - I have one more question. Of those cars coming off of the exit ramp, what

2265 percentage do you think are turning right, blending in?

2266

2267 Mr. Stahl - Not all of them, I can guarantee you.

2268

2269 Mr. Jernigan - What I am saying is that there are not that many that come up and turn left.

2270 Most of them, would you say, a large percentage of them are blending into the traffic headed right?

2271

2272 Mr. Stahl - Based on that traffic count on Brook Road, I would say it's about half and half.

2273

2274 Mr. Archer - I was going to ask Mr. Eure can you kind of illustrate on that picture, there,

2275 (referring to screen) about where the drive cut is going to be and also kind of where the stacking is

2276 going to show up.

2277

2278 Mr. Eure - Actually, it would be better if we could put the overhead back up. Okay the

2279 proposed entrance for the Wawa is finally rendered on this diagram by my pen, right there. The left-

2280 turn stack lane that would be provided as part of VDOT requirement would, the taper would be about

2281 even with the second entrance, back by the buses and the beginning of the taper and then the full width

2282 of taper is somewhere just about in front of the vehicle just to the west of that existing entrance and then

2283 the full left-turn stack length is going to be pretty much between those two vehicles you see on there

2284 which is slightly over 100 feet, which would accommodate about five vehicles.

2285

2286 Mr. Archer - Now, in your opinion that situation would be better or worse than having them

2287 come out and turn left and go up and turn left again?

2288

2289 Mr. Todd - In my opinion, I think it would be better for several reasons first off there's, as

2290 you pretty much already noted, there'd be less conflict points once the traffic comes westbound on

2291 Wilmer either off of the interstate or off of Interstate 301 up Wilmer. The only opposing traffic they

2292 have to turn in front of is going to be the eastbound traffic on Wilmer, which we don't have any traffic

2293 counts for this into Wilmer, we maintain the section of Wilmer between Interstate 301 and Seminary and

2294 we have roughly 3,000 vehicles a day. This is definitely going to be higher through this section but doing

2295 peak hours I would venture to say that probably there is a lot less eastbound traffic than there is

2296 westbound traffic because this is not coming directly off of the interstate. So, they only have to deal

2297 with the conflicting eastbound traffic as opposed to coming to Route 1, getting in the cue that we have

2298 already seen the pictures of that occurs during peak hours, make the left turn onto Route 1 then make

2299 the other left turn into the site down across from Ladd Avenue, it's at the bottom of the picture.

2300 Realistically, there is not an option for installing a signal there because it doesn't meet spacing

2301 requirements for either Henrico County or VDOT, which in this case would be their signal. So, I don't

2302 think either agency could recommend installation for a traffic signal there, not to mention probably we

2303 wouldn't have the traffic to warrant a signal there even if Wawa only had one access point.

2304

2305 Mr. Archer - Okay. Now, looking at that same picture there, can you point out there where

2306 the entrances would be on Brook Road?

2307

2308 Mr. Eure - Right there (referring to screen), actually just a little bit further south. It lines up

2309 directly with Ladd Avenue, right there.

2310

2311 Mr. Archer - The entrance to the Wawa?

2312

2313 Mr. Eure - Correct. And that would be a shared entrance with the hotel or any
2314 redevelopment of that site. That would continually be a shared entrance.

2315

2316 Mr. Archer - All right, that's all I have, Mr. Chairman.

2317

2318 Mr. Taylor - I have one more question if I might. Mr. Eure, if a car was getting off on that
2319 circle, is there a median by that first island that they can't cross. In other words, if their first opportunity
2320 for a left turn to go into the back of the Wawa would be a little bit over to the north, I think, as they
2321 come out of that lane wouldn't they be able to turn left through that cut?

2322

2323 Mr. McGarry - The Wawa site will have a fence around the entire rear so you physically will only be
2324 able to get in off of Wilmer Avenue, pedestrian or vehicle. The existing driveway there, where those
2325 buses are, will not have any connection.

2326

2327 Mr. Eure - We had concerns about that from the time of the preliminary plan because
2328 initially they did show access from that easternmost entrance closest to Seminary and right there by the
2329 ramp. We did not support that access point providing access to Wawa because then you would have
2330 traffic coming off the interstate at a very unsafe angle in entering the site. So, they have adjusted their
2331 site so that entrance is exclusive of their site but does continue to provide access to the rear of the hotel.
2332 But, in addition to physically being separated, they are putting up the fence, which provides a visual
2333 barrier so that anybody coming off of the interstate would clearly see that is a separate entrance from
2334 the other Wawa entrance.

2335

2336 Mr. Taylor - Thank you.

2337

2338 Mr. Archer - Thank you, Mr. Eure. Anybody else have any questions? Mr. Stahl, I don't
2339 know what to say to address your concerns because I know it doesn't.

2340

2341 Mr. Stahl - It addressed them but it didn't satisfy them.

2342

2343 Mr. Archer - But, does that explain to you the difference between the two points of ingress
2344 and egress? The one that you were proposing and the one that traffic proposed.

2345 Mr. Stahl - By Mr. Eure's statistics we figured that there will just about a doubling of traffic
2346 count on Wilmer Avenue. He said 3,000 cars a day and we are saying roughly 2000 cars in addition to
2347 that on that section of Wilmer. So, you are just about doubling that. So, even though you are
2348 expanding the width of that road, you are still not doing everything you need to do.

2349

2350 Mr. Archer - Well, you know there are a couple of ways you can look at this, and the
2351 pictures are very helpful and I think you did a good job in taking them, but, you know, I think we need
2352 to understand also that almost at any point on any major thoroughfare there's going to be a high traffic
2353 count during work hours, morning, midday sometimes, and even in the afternoons. I don't know if we
2354 can do anything about that. I don't think, in looking at this, that there is any other traffic pattern that we
2355 could use. And the option that you mentioned is certainly an option but it doesn't seem to be one that's
2356 going to be workable. So, I don't really know what to do with that.

2357

2358 Mr. Stahl - Disallow the plan.

2359

2360 Mr. Archer - It's not that easy. Well, you know, understanding the zoning implications, the
2361 zoning is proper and the plan has passed muster with all of the departments that have any say so over it.
2362 So, we don't really have, as a Planning Commission, any grounds for opposing the plan. I understand
2363 thoroughly where you are coming from and I sympathize with you entirely because you are like anybody
2364 else would be. You are a competitor and your business is across the street.

2365

2366 Mr. Stahl - We just want to compete fairly. All we want to do is have the right to have
2367 people come off of that corner, around the corner, to be able to do business with us.

2368

2369 Mr. Archer - Well, they still can.

2370

2371 Mr. Stahl - Theoretically.

2372

2373 Mr. Archer - There's nothing to stop them from doing that but I just want you to understand
2374 what our position is as a Commission in terms of how we have to deal with that. I wish there was
2375 something we could do but I just don't know of any.

2376

2377 Mr. Stahl - I understand.

2378

2379 Mr. Archer - But, now I would like to make one other approach to this. The Committee that
2380 you serve on probably should have had some opportunity to meet with Wawa to look at the overall
2381 plan. Do you see anything that could be served by that Committee meeting now or do you think with
2382 the plan that they have submitted today and that has been approved by staff is one that you all would
2383 approve of also, in terms of the buffering and the tight location and....

2384

2385 Mr. Stahl - I don't know, Mr. Archer. Our primary concern is....

2386 Mr. Archer - Now, I don't want to ask for a meeting if you don't think there is any reason to
2387 have it is what I am saying.

2388

2389 Mr. Stahl - Our primary concern is with the lighting in that area. There have been two
2390 fatalities on that stretch of Brook Road within the last two years.

2391

2392 Mr. Archer - Do you mean street lights?

2393

2394 Mr. Stahl - Yes, street lights.

2395

2396 Mr. Archer - Can we speak to that? Does this plan include anything regarding street lights?
2397 We can not make Wawa responsible for street lighting and I don't know what the County's policy is
2398 regarding street lights. Do we have a policy for street lighting?

2399

2400 Mr. McGarry - Since that's a VDOT highway we have no authorization.

2401

2402 Mr. Archer - Okay. We can't do that either. Well, I don't know what else we can do, Mr.
2403 Stahl. I don't know if it would be fruitful for the Committee to meet with the Wawa folks because I
2404 think in terms of aesthetics we have just about done everything they can do, and has been done in
2405 regard to the site. I don't have any grounds at all to disallow the plan because it meets all of the legal

2406 requirements and actually exceeds them in terms of what they are bound to provide for us.

2407

2408 Mr. Stahl - Well, we will respectfully disagree on that one.

2409

2410 Mr. Archer - And, I understand. I don't know what else I can do.

2411

2412 Mr. Stahl - I don't either. As I said, you can disallow the plan.

2413

2414 Mr. Archer - Well, no, that's not that easy. All right, in any event... Let me ask the Director
2415 a question. Do they have any recourse after we approve this plan as to what they can do? Is there
2416 anybody they can complain to?

2417

2418 Mr. Marlles - Yes, sir, Mr. Archer. I was going to mentioned that. Mr. Stahl, under our
2419 zoning ordinance they would perhaps have standing to appeal the decision of the Planning Commission
2420 to the Board. The adjacent property owners certainly have that right. There is a timeframe that appeal
2421 would have to be submitted and if you would like to do that, we can certainly advise you on the proper
2422 procedure and format for that.

2423

2424 Mr. Vanarsdall - I think it's 15 days, isn't it, Mr. Marlles?

2425

2426 Mr. Marlles - I believe it is.

2427

2428 Mr. Archer - Okay, well I don't see the need to prolong this anymore. I appreciate all of the
2429 hard work that everybody has put in. And, Mr. Stahl, I appreciate you coming up speaking for the
2430 community and bringing those pictures. They are good by the way. Do we need to waive the time limit
2431 on the plan that was submitted today?

2432

2433 Mr. McGarry - No you do not. It was dated October 18, 2002.

2434

2435 Mr. Archer - So, we are okay. Well, taking all of that into consideration and again I want to
2436 thank everybody for their hard work. We beat this one to death pretty much. I have to move approval
2437 of POD-64-02, Wawa 5221 Brook Road, subject to the staff's recommendations, the annotations on
2438 the plan, the new annotation that has to be made with regard to the sidewalk and a buffer strip, I
2439 believe.

2440

2441 Mr. McGarry - Correct.

2442

2443 Mr. Archer - Okay. And additional conditions Nos. 23 through 33 and I don't think there's
2444 anything on the addendum.

2445

2446 Mr. Vanarsdall - Second.

2447

2448 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in
2449 favor say aye...all opposed say nay. There being no opposition POD-64-02, Wawa, is approved.

2450

2451 Mr. Archer - Mr. Chairman, if someone would I would appreciate them telling Mr. Stahl how
2452 he can start his appeal process or give him whatever he might need.

2453

2454 Mr. Stahl - I'll see Mr. Marles tonight and I'll get it then.

2455

2456 Mr. Archer - Okay. Thank you for coming down, we appreciate it.

2457

2458 The Planning Commission approved POD-64-02, Wawa at 5221 Brook Road and Wilmer Avenue
2459 (POD-45-75 Revised), subject to the standard conditions attached to these minutes the annotations on
2460 the plan and the following additional conditions. Mr. Thornton was absent.

2461

2462 23. The entrances and drainage facilities on Brook Road (U.S. Route 1) and Wilmer Avenue shall
2463 be approved by the Virginia Department of Transportation and the County.

2464 24. A notice of completion form, certifying that the requirements of the Virginia Department of
2465 Transportation entrances permit have been completed, shall be submitted to the Planning Office
2466 prior to any occupancy permits being issued.

2467 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and
2468 Division of Fire.

2469 26. The developer shall install an adequate restaurant ventilating and exhaust system to minimize
2470 smoke, odors, and grease vapors. The plans and specifications shall be included with the
2471 building permit application for review and approval. If, in the opinion of the County, the type
2472 system provided is not effective, the Commission retains the rights to review and direct the type
2473 of system to be used.

2474 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
2475 acceptable to the County Attorney prior to final approval of the construction plans.

2476 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
2477 approved by the County Engineer prior to final approval of the construction plans by the
2478 Department of Public Works.

2479 29. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
2480 must be approved by the Department of Public Utilities prior to the issuance of a building
2481 permit.

2482 30. Approval of the construction plans by the Department of Public Works does not establish the
2483 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
2484 will be set by Henrico County.

2485 31. Approval of the construction plans by the Department of Public Works does not establish the
2486 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-
2487 way. The elevations will be set by the contractor and approved by the Virginia Department of
2488 Transportation.

2489 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning
2490 Office and approved prior to issuance of a certificate of occupancy for this development.

2491 33. The location of all existing and proposed utility and mechanical equipment (including HVAC
2492 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
2493 identified on the landscape plans. All equipment shall be screened by such measures as
2494 determined appropriate by the Director of Planning or the Planning Commission at the time of
2495 plan approval.

2496

2497 Mr. Marles - Mr. Chairman, the last case on our agenda is back on page 16 of your agenda.

2498 We had a landscaping and lighting plan for Short Pump Town Center. The landscaping plan was

2499 approved on the Expedited Agenda. However we do have to consider the lighting plan for that site and
2500 I believe Mr. Strauss is prepared to give that presentation.

2501

2502 **LANDSCAPE & LIGHTING PLAN**

2503

LP/POD-6-01

Short Pump Town Center

Roy Ashley Associates for Short Pump town Center, LLC:

Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County. The 147.19 acre site is located on W. Broad Street (U.S. Route 250), approximately 1,000 feet west of the intersection with Pouncy Tract Road on parcels 736-764-6924, 737-763-9298, 738-763-5030, 737-763-0320, 737-762-6362, 739-763-3696, 2440, 2316, 739-762-1587, 738-763-9447, 737-764-3006, 736-763-6960 and 737-763-1830. The zoning is B-3C, Business District (Conditional).

(Three Chopt)

2504

2505 Mr. Taylor -

Thank you, Mr. Marles, we will enjoy hearing from Mr. Strauss.

2506

2507 Mr. Strauss -

Thank you, Mr. Chairman. Is there any opposition?

2508

2509 Mr. Taylor -

I'm sorry. Is there any opposition? There is no opposition.

2510

2511 Mr. Strauss -

Thank you, Mr. Chairman and members of the Commission. The applicant requests approval of the lighting plan for the shopping center, which is located in the West Broad Street Overlay District. Staff has reviewed the lighting plan. We have no issue with the lighting intensity proposed, which is 400-watt metal halide fixture nor the heights of the light poles, which are controlled by proffers associated with the rezoning case. The pole heights are located within 300 feet of W. Broad Street. The pole heights are to be 20 feet high and other poles are allowed to be 30 feet. We were concerned about the potential for glare with the type of fixtures that were proposed. The applicant has been very cooperative and helpful with staff in working through this issue and as of a result we have some handouts. Simply, these add some additional conditions and some "clean up" items for the lighting plan. It has more to do with the notes and such on the plan itself, with respect to future parking areas that would have to be the subject of a separate plan review.

2522

2523 Basically, the applicant has agreed to provide some shielding for lights along W. Broad Street or an option to go back to a flat lens. With that, staff has no further objections and we happily recommend approval of this plan with the additional annotations Nos. 1 through 6 on the plan and I'll be happy to answer any questions you may have.

2527

2528 Mr. Taylor -

Are there any questions of Mr. Strauss by Commission members? No questions. Well, I'll move approval of the lighting plan for LP/POD-6-01 with the six annotations on the plan and the standard conditions for lighting plans.

2531

2532 Mr. Vanarsdall -

And I'll second.

2533

2534 Mr. Taylor -

The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All in

2535 favor say aye...all opposed say nay. The motion carries.

2536

2537 The Planning Commission approved the lighting plan for LP/POD-6-01, Short Pump Town Center,
2538 subject to the standard conditions attached to these minutes for lighting plans and the additional six
2539 conditions on the annotated plan. Mr. Thornton was absent.

2540

2541 **APPROVAL OF MINUTES: September 25, 2002**

2542

2543 Mr. Taylor - The last thing we have left on the agenda for today is the approval of the
2544 minutes for the regular meeting on September 25, 2002. Do I hear a motion to approve the minutes
2545 from that meeting?

2546

2547 Mr. Vanarsdall - I move to approve the minutes if nobody have any changes.

2548

2549 Mr. Taylor - Are there any corrections or changes?

2550

2551 Mr. Vanarsdall - Then I'll make a motion to approve the September 25, 2002, minutes.

2552

2553 Mr. Jernigan - Second.

2554

2555 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan to
2556 approve the minutes of our meeting on September 25, 2002. All in favor say aye...all opposed say
2557 nay. There being no opposition, the minutes for September 25, 2002, meeting of the Planning
2558 Commission is approved.

2559

2560 Mr. Marlles - Mr. Chairman, just in a way of an update to the members of the Commission, at
2561 the Board meeting last night the Board did approve the amendment to the Land Use Plan to designate
2562 the Rocketts Landing Project Area and surrounding area for a Urban Mixed Use Development Area.
2563 And, of course, that is the new designation under major change there. I just wanted to make the
2564 Commission aware of that.

2565

2566 Mr. Archer - Thank you, Mr. Secretary.

2567

2568 Mr. Taylor - Very good, Mr. Secretary.

2569

2570 Mr. Jernigan - I'm wondering how much of a hot meeting that's going to be when that comes
2571 around.

2572

2573 Mr. Marlles - On this one I don't believe so because it's all industrial around it.

2574

2575 Mr. Jernigan - But you have a lot of people saying save the streams, save the rivers and stuff
2576 like that.

2577

2578 Mr. Taylor - Is there a motion to adjourn?

2579

2580 Mrs. Ware - So move.

2581

2582 Mr. Jernigan - Second.
2583

2584 Mr. Taylor - The motion was made by Ms. Ware and seconded by Mr. Jernigan. All in
2585 favor say aye...all opposed say nay. The meeting is adjourned.
2586

2586 On a motion by Mrs. Ware and seconded by Mr. Jernigan, the Planning Commission adjourned its
2587 October 23, 2002, meeting at 12:16 p.m.

2588

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Allen Taylor, P.E., C.P.C. Chairman

John R. Marlles, AICP, Secretary