

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,  
2 held in the Board Room of the County Administration Building in the Government Center  
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, October 24,  
4 2007.

5  
6

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)  
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mrs. Bonnie-Leigh Jones (Tuckahoe)  
Mr. David D. O'Kelly, Assistant Director of Planning  
Acting Secretary

Members Absent: Mr. Frank Thornton (Fairfield)  
Board of Supervisors Representative  
Mr. Randall R. Silber, Director of Planning, Secretary

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning  
Ms. Leslie A. News, CLA, Principal Planner  
Mr. James P. Strauss, CLA, County Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Matt Ward, County Planner  
Mr. Gregory Garrison, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Mrs. Aimee Berndt, County Planner  
Mr. Paul Gidley, County Planner  
Mr. Jonathan W. Steele, G.I.S. Manager  
Mr. Michael Jennings, Traffic Engineer  
Mr. Tom Tokarz, County Attorney  
Mr. Lee Priestas, Director of Public Works  
Mr. Tim Foster, Assistant Director of Public Works  
Mr. Sam Amos, Chief Design Engineer  
Mr. Jeff Perry, EESD, Manager  
Mr. Al Frauenfelder, GIS Coordinator  
Ms. Kim Vann, Div. of Police, CPTED  
Ms. Diana B. Carver, Recording Secretary  
Mrs. Ann B. Cleary, Office Assistant

7  
8  
9  
10

**Mr. Frank J. Thornton, the Board of Supervisors representative, abstains from voting on all cases unless otherwise noted.**

11 Mr. Branin - I'd like to call to order the Subdivision and Plan of  
12 Development meeting for October 24<sup>th</sup>, 2007. We're one member short on our  
13 Commission, which is Mr. Thornton. He had a prior engagement that he had to attend.  
14 I don't believe we have anyone from the press in the room today. With that, Mr.  
15 Secretary, I'm going to turn it over to you.

16  
17 Mr. O'Kelly - Thank you, Mr. Chairman. The first order of business for  
18 the Planning Commission this morning is to consider requests for deferrals and  
19 withdrawals. Leslie News will lead us through those.

20  
21 Ms. News - Good morning, Mr. Chairman, Members of the Commission.  
22 We have seven requests for deferrals and withdrawals, and an additional request that  
23 we've become aware of, and I'll take you through those. The first request is on page 3  
24 of your agenda and is located in the Fairfield District. This is Transfer of Approval POD-  
25 52-03, Virginia Center Station, the Kim Property. The applicant has requested deferral  
26 to the November 14, 2007 meeting.

27  
28 **TRANSFER OF APPROVAL** (*Deferred from the September 26, 2007 Meeting*)  
29

TOA POD-52-03 Virginia Center Station – Kim Property – Brook Road	<b>Jeffrey Meyer for Kim Won Kim and Boo Ok Kim (The Kims):</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Virginia Center Inc. and VC Silver, LLC to Kim Wan Kim and Boo Ok Kim. The 2.439-acre site contains Building B and is a portion of the overall 7.324-acre site. It is located at the northeast corner of Brook Road (U.S. Route 1) and Virginia Center Parkway on parcel 784-768-2228. The zoning is M-1, Light Industrial District. County water and sewer. <b>(Fairfield)</b>
---	--

30  
31 Mr. Branin - Is anyone in opposition to the deferral of TOA, POD-52-03,  
32 Virginia Center Station-Kim Property? No one?

33  
34 Mr. Archer - Mr. Chairman, I move for deferral of this TOA, POD-52-03,  
35 Virginia Center Station-Kim Property to the November 14, 2007 meeting, at the  
36 applicant's request.

37  
38 Mr. Jernigan - Second.

39  
40 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Jernigan. All  
41 in favor say aye. All opposed say no. The ayes have it, the motion carries.

42  
43 At the request of the applicant, the Planning Commission deferred TOA POD-52-03,  
44 Virginia Center Station, Kim Property, to its November 14, 2007 meeting.  
45

46 Ms. News - Next on page 4 of your agenda, and located in the Three  
47 Chopt District, is Transfer of Approval POD-65-95, Julian's Restaurant. The applicant  
48 has requested deferral to the January 23, 2008 meeting.

49  
50 **TRANSFER OF APPROVAL** *(Deferred from the September 26, 2007 meeting)*

51  
POD-65-95 (part) **Hirschler Fleischer for Clarendon Associates, L.L.C.:**  
Julian's Restaurant – Request for transfer of approval as required by Chapter  
11129 Church Road 24, Section 24-106 of the Henrico County Code from DBD,  
LLC to Clarendon Associates, L.L.C. The 1.004-acre site is  
located on the southwestern line of Three Chopt Road,  
approximately 275 feet northwest of Church Road on  
parcel 746-757-5593 .The zoning is B-2C, Business  
District (Conditional). County water and sewer. **(Three  
Chopt)**

52  
53 Mr. Branin - Is anyone in opposition to the deferral of TOA POD-65-95,  
54 Julian's Restaurant? No one? Then I would like to motion that TOA POD-65-05,  
55 Julian's Restaurant, be deferred to the January 23, 2008 meeting, per the applicant's  
56 request.

57  
58 Mr. Jernigan - Second.

59  
60 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in  
61 favor say aye. All opposed say no. The ayes have it, the motion carries.

62  
63 At the request of the applicant, the Planning Commission deferred Transfer of Approval  
64 POD-65-95, Julian's Restaurant to its January 23, 2008 meeting.

65  
66 Ms. News - Next on page 5 of your agenda, and located in the Three  
67 Chopt District is Transfer of Approval POD-17-89, Southern Health Management  
68 Corporation. The applicant is requesting a deferral to the November 14, 2007 meeting.

69  
70 **TRANSFER OF APPROVAL** *(Deferred from the September 26, 2007 meeting)*

71  
POD-17-89 **Chuck Richardson for Southern Health Management**  
Southern Health **Corporation:** Request for transfer of approval as required  
Management Corporation by Chapter 24, Section 24-106 of the Henrico County  
(formerly Control Data Code from Rowe Development to Southern Health  
Building) Management Corporation. The 2.699-acre site is located  
on the southwest corner of Mayland Drive and Mayland  
Court on parcel 752-757-8975. The zoning is M-1C, Light  
Industrial District (Conditional). County water and sewer.  
**(Three Chopt)**

72

73 Mr. Branin - Is anyone in opposition to the deferral of TOA POD-17-89,  
74 Southern Health Management Corporation? No one? Then I would like to move that  
75 TOA POD-17-89, Southern Health Management Corporation, be deferred to the  
76 November 14, 2007 meeting, per the applicant's request.

77  
78 Mr. Vanarsdall - Second.

79  
80 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
81 in favor say aye. All opposed say no. The ayes have it, the motion carries.

82  
83 At the request of the applicant, the Planning Commission deferred Transfer of Approval  
84 POD-17-89, Southern Health Management Corporation, to its November 14, 2007  
85 meeting.

86  
87 Ms. News - Next on page 14 of your agenda, and located in the Fairfield  
88 District, is LP/POD-36-06, Trinity Baptist Church. This is a landscape, lighting, and  
89 fence plan. The applicant is requesting a deferral to the November 14, 2007 meeting.

90  
91 **LANDSCAPE, LIGHTING PLAN & ALTERNATIVE FENCE HEIGHT**

92  
93  
94 LP/POD-36-06 **Balzer & Associates, Inc. for Trinity Baptist Church:**  
95 Trinity Baptist Church Request for approval of a landscape, lighting and  
96 Road and Barrington Road alternative fence height plan, as required by Chapter 24,  
Sections 24-106, 24-106.2 and 24-95(l)7 of the Henrico  
County Code. The 12.10-acre site is located at the  
southwest corner of Dill Road and Barrington Road on  
parcel 799-733-1982. The zoning is M-2, General  
Industrial District and R-4, One-Family Residence District.  
**(Fairfield)**

97  
98 Mr. Branin - Is anyone in opposition to the deferral of LP/POD-36-06,  
99 Trinity Baptist Church? No one?

100 Mr. Archer - Mr. Chairman, I move deferral of POD-36-06, Trinity Baptist  
101 Church to the November 14, 2007 meeting, at the request of the applicant.

102 Mr. Vanarsdall - Second.

103 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All  
104 in favor say aye. All opposed say no. The ayes have it, the motion carries.

105 At the request of the applicant, the Planning Commission deferred LP/POD-36-06,  
106 Trinity Baptist Church, to its November 14, 2007 meeting.

107

108 Ms. News - Next on page 15 of your agenda, and located in the Three  
109 Chopt District, is POD-41-07 (POD-57-86 Revised), Pouncey Place, Phase 1. The  
110 applicant has requested a deferral to the December 12, 2007 meeting.  
111

112 **PLAN OF DEVELOPMENT** *(Deferred from the September 26, 2007 Meeting)*

113

POD-41-07                                    **Bay Design Group, P.C. for Pouncey Place, LLC:**  
Pouncey Place, Phase 1 – Request for approval of a plan of development as required  
Twin Hickory Lake Drive by Chapter 24, Section 24-107 of the Henrico County  
and Pouncey Tract Road Code, to construct a shopping center with two one-story  
(POD-57-86 Revised) buildings for a total of 27,630 square feet. The 5.25-acre  
site is part of a 10.10-acre parcel and is located on the  
southeast corner of Pouncey Tract Road (State Route  
271) and Twin Hickory Lake Drive on part of parcel 740-  
765-2150. The zoning is B-2C, Business District  
(Conditional) and WBSO, West Broad Street Overlay  
District. County water and sewer. **(Three Chopt)**

114

115 Mr. Branin - Is anyone in opposition to the deferral of POD-41-07 (POD-  
116 57-86 Revised), Pouncey Place, Phase 1? No one? Then I'd like to move that POD-  
117 41-07 (POD-57-86 Revised), Pouncey Place, Phase 1, be deferred to the December 12,  
118 2007 meeting, per the applicant's request.

119

120 Mr. Jernigan - Second.

121

122 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in  
123 favor say aye. All opposed say no. The ayes have it, the motion carries.

124

125 At the request of the applicant, the Planning Commission deferred POD-41-07 (POD-  
126 57-86 Revised), Pouncey Place, Phase 1, to its December 12, 2007 meeting.

127

128 Ms. News - Next on page 17 of your agenda, and located in the Fairfield  
129 Varina District, is SUB-14-07, Village @ Olde Colony (February 2007 Plan). The  
130 applicant has requested a deferral to the November 14, 2007 meeting.

131

132 **SUBDIVISION** *(Deferred from the April 25, 2007 Meeting)*

133

SUB-14-07                                    **Bay Design Group, P.C. for Shurm Construction, Inc.**  
Village @ Olde Colony **and Sydney and Sydney Development, LLC:** The 3.673-  
(February 2007 Plan) - acre site proposed for a subdivision of 6 single-family  
Harmony Avenue homes is located along the south line of Harmony Avenue  
and the northern terminus of Woodside Street on parcel  
803-696-9576. The zoning is R-3C, One-Family Residence  
District (Conditional). County water and sewer. **(Varina) 6**  
**Lots**

134

135 Mr. Branin - Is anyone in opposition to the deferral of SUB-14-07, Village  
136 @ Olde Colony (February 2007 Plan)? No one?

137

138 Mr. Jernigan - Mr. Chairman, that's in my district. It's a misprint, but I'll take  
139 that. I move for deferral of SUB-14-07, Village @ Olde Colony (February 2007 Plan), to  
140 the November 14, 2007 meeting by request of the applicant.

141  
142 Mr. Vanarsdall - Second.

143  
144 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
145 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

146  
147 At the request of the applicant, the Planning Commission deferred SUB-14-07, Village  
148 @ Olde Colony (February 2007 Plan), to its November 14, 2007 meeting.

149  
150 Ms. News - Next on page 44 of your agenda, and located in the Varina  
151 District, is SUB-58-07, South Lake (October 2007 Plan). The applicant has requested a  
152 deferral to the November 14, 2007 meeting.

153  
154 **SUBDIVISION**

155  
SUB-58-07 **Foster & Miller, P.C. for Roger B. Riggle, E. W. Riggle**  
South Lake **and David Riggle:** The 1.100-acre site proposed for a  
(October 2007 Plan) subdivision of 3 single-family homes is located at 6115  
Hawkes Lane and S. Lake Avenue Hawkes Lane on the southwest corner of Hawkes Lane  
and S. Lake Avenue on parcel 819-724-8059. The zoning  
is R-2A, One-Family Residence District. County water and  
sewer. **(Varina) 3 Lots**

156  
157 Mr. Branin - Is anyone in opposition to the deferral of SUB-58-07, South  
158 Lake (October 2007 Plan)? No one?

159  
160 Mr. Jernigan - Mr. Chairman, I move for deferral of SUB-58-07, South Lake  
161 (October 2007 Plan), to the November 14, 2007 meeting by request of the applicant.

162  
163 Mr. Archer - Second.

164  
165 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in  
166 favor say aye. All opposed say no. The ayes have it, the motion carries.

167  
168 At the request of the applicant, the Planning Commission deferred SUB-58-07, South  
169 Lake (October 2007 Plan), to its November 14, 2007 meeting.

170  
171 Ms. News - We have one final request that we've become aware of from  
172 the Commission. This is a request for a deferral. It's in the Brookland District, on page 7  
173 of your agenda, for TOA, POD-47-84, Landmark Office Center, Phase 2. The  
174 Commission has requested a deferral to the November 14, 2007 meeting.

175





214 **TRANSFER OF APPROVAL**

215  
POD-71-78 (part)  
Koger – Harrison Building  
– Branch Building & Trust  
Company – 8006  
Discovery Drive

**Debbie Willis for Branch Banking & Trust:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Koger Properties, Inc. to Branch Banking & Trust Company. The 3.65-acre site is located on the north line of Discovery Drive, approximately 500 feet west of Forest Avenue on parcel 759-745-1413. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

216  
217 Mr. Branin - Is anyone in opposition to the approval of TOA POD-71-78,  
218 the Koger-Harrison Building – Branch Building & Trust Company? No one? Then I  
219 would like to move that TOA POD-71-78, the Koger-Harrison Building – Branch Building  
220 & Trust Company, be approved on the expedited agenda.

221  
222 Mrs. Jones - Second.

223  
224 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
225 favor say aye. All opposed say no. The ayes have it, the motion carries.

226  
227 The Planning Commission approved the transfer of approval request for POD-71-78,  
228 the Koger-Harrison Building – Branch Building & Trust Company, subject to the  
229 standard and added conditions previously approved for developments of this type from  
230 Koger Properties, Inc. to Branch Banking & Trust Company and the following additional  
231 condition:

- 232  
233 1. Site deficiencies, as identified in the inspection report, dated October 1, 2007  
234 shall be corrected by November 30, 2007.

235  
236 Ms. News - The next item is on page 9 of your agenda, and is located in  
237 the Brookland District. This is a Transfer of Approval for POD-37-84, Windsor Office  
238 (formerly Family Dentistry Young). There's an addendum item on page 2 of your  
239 addendum, which adds condition #1 addressing correction of deficiencies on the site,  
240 and recommending approval

241  
242 **TRANSFER OF APPROVAL**

243  
POD-37-84  
Windsor Office  
(formerly Family Dentistry  
Young)  
3000 Hungary Spring  
Road

**Harini B. Reddy, DMD for Harini B. Reddy, DMD, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from M. Walter Young to H. Reddy LLC. The 0.332-acre site is located at the northwest quadrant of the intersection of Hungary Spring Road and Shrader Road on the west line of Hungary Spring Road approximately 980 feet north of W. Broad Street (U.S. Route 250) on parcel 765-752-3742.

The zoning is O-1, Office District. County water and sewer.  
**(Brookland)**

244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271

Mr. Branin - Is anyone in opposition to the approval of TOA, POD-37-84, Windsor Office (formerly Family Dentistry Young)? No one?

Mr. Vanarsdall - I recommend TOA, POD-37-84, Windsor Office (formerly Family Dentistry Young), be approved on the expedited agenda, including the added condition #1 on the addendum, which states the owner has now accepted responsibility for the site deficiencies.

Mrs. Jones - Second.

Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it, the motion carries.

The Planning Commission approved the transfer of approval request for POD-37-84, Windsor Office (formerly Family Dentistry Young), subject to the standard and the additional conditions previously approved from M. Walter Young to H. Reddy, LLC and the following condition:

1. Site deficiencies, as identified in the inspection report, dated September 27, 2007, shall be corrected by December 31, 2007.

Ms. News - The next item is on page 10 of your agenda, and located in the Three Chopt District. This is a Transfer of Approval for POD-15-97, Highwoods III. Staff recommends approval.

## **TRANSFER OF APPROVAL**

POD-15-97  
Highwoods III –  
5600, 5620, 5640 Cox  
Road

**Brian Menditto for Highwoods Properties:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Innsbrook North Associates to FSP Innsbrook Corporation. The 26.013-acre site is located at the north terminus of Cox Road on parcel 753-770-9025. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Three Chopt)**

272  
273  
274  
275  
276  
277  
278

Mr. Branin - Is anyone in opposition to the approval of TOA, POD-15-97, Highwoods III? No one? Then I would like to move that TOA, POD-15-97, Highwoods III, be approved on the expedited agenda.

Mrs. Jones - Second.

279 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
280 favor say aye. All opposed say no. The ayes have it, the motion carries.

281  
282 The Planning Commission approved the transfer of approval request for POD-15-97,  
283 Highwoods III, subject to the standard conditions and additional conditions previously  
284 approved from Innsbrook North Associates to FSP Innsbrook Corporation.

285  
286 Ms. News - Next on page 11 of your agenda, and located in the  
287 Brookland District, is Transfer of Approval, POD-134-88, Navy Federal Credit Union  
288 (formerly Signet Bank-Paragon Branch). Staff is recommending approval.

289  
290 **TRANSFER OF APPROVAL**

291  
POD-134-88 **Judy Harrison for Navy Federal Credit Union:** Request  
Navy Federal Credit Union for transfer of approval as required by Chapter 24, Section  
(formerly Signet Bank – Paragon Branch) 24-106 of the Henrico County Code from Shelmar  
Glenside Road & W. Investments, LLC to Navy Federal Credit Union. The 1.19-  
Broad Street acre site is located on the east quadrant of the intersection  
of Glenside Drive and W. Broad Street (U.S. Route 250)  
on parcel 767-746-6454. The zoning is B-3, Business  
District and B-2C, Business District (Conditional). County  
water and sewer. **(Brookland)**

292  
293 Mr. Branin - Is anyone in opposition to the approval of TOA POD-134-88,  
294 Navy Federal Credit Union (formerly Signet Bank-Paragon Branch)? No one?

295  
296 Mr. Vanarsdall - I move that TOA POD-134-88, Navy Federal Credit Union  
297 (formerly Signet Bank-Paragon Branch), be approved on the expedited agenda with the  
298 condition #1, which states that site deficiencies will be identified and taken care of by  
299 the new owner.

300  
301 Mrs. Jones - Second.

302  
303 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All  
304 in favor say aye. All opposed say no. The ayes have it, the motion carries.

305  
306 The Planning Commission approved the transfer of approval request for POD-134-88,  
307 Navy Federal Credit Union (formerly Signet Bank-Paragon Branch), subject to the  
308 standard and added conditions previously approved, from Shelmar Investments, LLC to  
309 Navy Federal Credit Unit, and the following additional condition:

- 310  
311 1. The site deficiencies, as identified in the inspection report, dated October 8,  
312 2007, shall be corrected by March 15, 2008, or a bond shall be posted to cover  
313 the cost of the work.

314

315 Ms. News - Next on page 12 of your agenda, and located in the Fairfield  
316 District, is Transfer of Approval POD-5-06, St. Claire Ridge Townhomes. Staff  
317 recommends approval.

318  
319 **TRANSFER OF APPROVAL**

320  
POD-5-06 **Richard Kuhn for Style Craft Homes:** Request for  
St. Claire Ridge transfer of approval as required by Chapter 24, Section 24-  
Townhomes 106 of the Henrico County Code from J. H. and Russell R.  
2807 – 2815 Thompson, Jr., Joann Turner, and V. M. Little for Style  
Mechanicsville Turnpike Craft Homes. The 4.85-acre site is located on the east line  
of Mechanicsville Turnpike (U.S. Route 360) approximately  
350 feet north of St. Claire Lane on parcels 800-730-7438,  
3962 and 3223 .The zoning is R-5, General Residence  
District. County water and sewer. **(Fairfield)**

321  
322 Mr. Branin - Is anyone in opposition to TOA, POD-5-06, St. Claire Ridge  
323 Townhomes? No one.

324  
325 Mr. Archer - Mr. Chairman, I move approval of TOA, POD-5-06, St. Claire  
326 Ridge Townhomes with the conditions of the original approval.

327  
328 Mr. Vanarsdall - Second.

329  
330 Mr. Branin - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in  
331 favor say aye. All opposed say no. The ayes have it, the motion carries.

332  
333 The Planning Commission approved the transfer of approval request for POD-5-06, St.  
334 Claire Ridge Townhomes, subject to the standard and added conditions previously  
335 approved.

336  
337 Ms. News - The next item on your agenda is on page 13 of the agenda,  
338 and is located in the Three Chopt District. This is a landscape plan, SUB-15-06, Mason  
339 Park Subdivision. There is an addendum item on page 2 of your addendum, which  
340 indicates that a revised plan that addresses landscaping on Lot 36 in the tree save area,  
341 has been included in your addendum. Staff recommends approval of the revised plan.

342  
343 **SUBDIVISION LANDSCAPE PLAN** *(Deferred from the September 26, 2007 meeting)*

344  
SUB-15-06 **Jeff McKay for Centex Homes:** Request for approval of  
Mason Park Subdivision a landscape plan, as required by Chapter 24, Sections  
Shady Grove Road 24-106 and 24-106.2 of the Henrico County Code. The  
29.32-acre site is located on the north side of Shady  
Grove Road approximately 1,600 feet west of Twin  
Hickory Road on parcel 740-770-0883 and 5728. The  
zoning is R-2AC, One-Family Residence District

(Conditional). **(Three Chopt)**

345  
346 Mr. Branin - Is anyone in opposition to SUB-15-06, Mason Park  
347 Subdivision? No one? Then I would like to move that SUB-15-06, Mason Park  
348 Subdivision, be approved on the expedited agenda with the included addendum item.

349  
350 Mr. Jernigan - Second.

351  
352 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All  
353 in favor say aye. All opposed say no. The ayes have, the motion carries.

354  
355 The Planning Commission granted conditional approval to SUB-15-06, Mason Park  
356 Subdivision, subject to the standard conditions attached to these minutes for  
357 subdivisions served by public utilities, the annotations on the plans, and the following  
358 additional condition:

359  
360 5. The access easement shall be vacated and all required landscaping on Lot #36  
361 shall be installed or bonded prior to issuance of a certificate of occupancy for Lot  
362 #36.

363  
364 Ms. News - The next item is on page 37 of your agenda and located in  
365 the Fairfield District. This is POD-70-07, McDonald's, at 5106 Nine Mile Road. This  
366 plan includes a lighting plan. There is an addendum item on page 5 of your addendum,  
367 which includes a revised caption increasing the square footage of the building to 4,196  
368 square feet, and noting the ASO District. Staff recommends approval

369  
370 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

371  
POD-70-07 **Carter Design for Franchise Realm Interstate  
McDonald's @ 5106 Nine Mile Road – Nine Mile Road and Cedar Fork Road** Request for  
approval of a plan of development **and lighting** plan as  
required by Chapter 24, Section 24-106 of the Henrico  
County Code, to demolish an existing fast food restaurant  
and construct a one-story, ~~4,007~~ **4,196** square foot fast  
food restaurant. The 1.11-acre site is located at on the  
north line of Nine Mile Road, approximately 150 feet east  
of Cedar Fork Road on parcel 812-724-2367 and part of  
parcel 812-725-3210. The zoning is B-2, Business District  
**and ASO, Airport Safety Overlay District**. County water  
and sewer. **(Fairfield)**

372  
373 Mr. Branin - Is anyone in opposition to Plan of Development and Lighting  
374 Plan for POD-70-07, McDonald's @ 5106 Nine Mile Road? No one?

375  
376 Mr. Archer - Mr. Chairman, I move approval of POD-70-07, McDonald's  
377 @ 5106 Nine Mile Road, subject to the annotations on the plans, standard conditions for

378 developments of this type, additional conditions 11B and 24 through 35, as well as the  
379 addendum item.

380  
381 Mrs. Jones - Second.

382  
383 Mr. Branin - Motion made by Mr. Archer, seconded by Mrs. Jones. All in  
384 favor say aye. All opposed say no. The ayes have it, the motion carries.

385  
386 The Planning Commission approved POD-70-07, McDonald's @ 5106 Nine Mile Road,  
387 subject to the annotations on the plans, the standard conditions attached to these  
388 minutes for development of this type, and the following additional conditions:

- 389
- 390 11B. Prior to the approval of an electrical permit application and installation of the site  
391 lighting equipment, a plan including light spread and intensity diagrams, and  
392 fixture specifications and mounting heights details shall be revised as annotated  
393 on the staff plan and included with the construction plans for final signature.
  - 394 24. The easements for drainage and utilities as shown on approved plans shall be  
395 granted to the County in a form acceptable to the County Attorney prior to any  
396 occupancy permits being issued. The easement plats and any other required  
397 information shall be submitted to the County Real Property Agent at least sixty  
398 (60) days prior to requesting occupancy permits.
  - 399 25. The entrances and drainage facilities on Nine Mile Road (State Route 33) shall  
400 be approved by the Virginia Department of Transportation and the County.
  - 401 26. A notice of completion form, certifying that the requirements of the Virginia  
402 Department of Transportation entrances permit have been completed, shall be  
403 submitted to the Department of Planning prior to any occupancy permits being  
404 issued.
  - 405 27. The developer shall provide fire hydrants as required by the Department of Public  
406 Utilities and Division of Fire.
  - 407 28. A concrete sidewalk meeting County standards shall be provided along north  
408 side of Nine Mile Road (State Route 33).
  - 409 29. Outside storage shall not be permitted.
  - 410 30. The developer shall install an adequate restaurant ventilating and exhaust  
411 system to minimize smoke, odors, and grease vapors. The plans and  
412 specifications shall be included with the building permit application for review and  
413 approval. If, in the opinion of the County, the type system provided is not  
414 effective, the Commission retains the rights to review and direct the type of  
415 system to be used.
  - 416 31. Any necessary off-site drainage and/or water and sewer easements must be  
417 obtained in a form acceptable to the County Attorney prior to final approval of the  
418 construction plans.
  - 419 32. Deviations from County standards for pavement, curb or curb and gutter design  
420 shall be approved by the County Engineer prior to final approval of the  
421 construction plans by the Department of Public Works.
  - 422 33. In the event of any traffic backup which blocks the public right-of-way as a result  
423 of congestion caused by the drive-up delivery facilities, the owner/occupant shall

424 close the drive-up delivery facilities until a solution can be designed to prevent  
425 traffic backup.

426 34. Insurance Services Office (ISO) calculations must be included with the plans and  
427 contracts and must be approved by the Department of Public Utilities prior to the  
428 issuance of a building permit.

429 35. The location of all existing and proposed utility and mechanical equipment  
430 (including HVAC units, electric meters, junction and accessory boxes,  
431 transformers, and generators) shall be identified on the landscape plans. All  
432 equipment shall be screened by such measures as determined appropriate by  
433 the Director of Planning or the Planning Commission at the time of plan approval.  
434

435 Ms. News - The final item is on page 41 of your agenda and located in  
436 the Brookland District. This is POD-71-07 (formerly POD-7-80 and 51-81 Revised) Elam  
437 Office Building. There is an addendum item on page 6 of your addendum, which  
438 indicates that the applicant has confirmed that the current medical uses in the building  
439 will expire in June 2008 and there will be no further medical uses. Therefore, there will  
440 be sufficient parking. Staff can recommend approval.  
441

#### 442 **PLAN OF DEVELOPMENT**

443  
444 **POD-71-07 Balzer & Associates, Inc. for DBE Investments, LLC:**  
445 Elam Office Building – Request for approval of a plan of development as required  
446 5711 Staples Mill Road by Chapter 24, Section 24-106 of the Henrico County  
(POD-7-80 and POD-51- Code, to construct a 7,214 square foot, two-story, building  
81 Revised) addition to a 15,170 square foot existing three-story office.  
447 The 1.47-acre site is located on the east line of Staples  
448 Mill Road (U.S. Route 33) approximately 200 feet north of  
449 Northside Avenue on parcel 774-745-5455. The zoning is  
450 O-2, Office District. County water and sewer. **(Brookland)**  
451

444 Mr. Branin - Is anyone in opposition to the approval of POD-71-07 Elam  
445 Office Building (POD-7-80 and POD-51-81 Revised)? No one.  
446  
447

448 Mr. Vanarsdall - I recommend approval of POD-71-07, Elam Office Building  
449 (POD-7-80 and POD-51-81 Revised) with conditions 24 through 36, and the notations  
450 from the addendum on the medical use that expires in June 2008.  
451

452 Mrs. Jones - Second.  
453

454 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All  
455 in favor say aye. All opposed say no. The ayes have it, the motion carries.  
456

457 The Planning Commission approved POD-71-07 Elam Office Building (POD-7-80 and  
458 POD-51-81 Revised), subject to the annotations on the plans, the standard conditions  
459 attached to these minutes for developments of this type, and the following additional  
460 conditions:

- 461  
462 24. The easements for drainage and utilities as shown on approved plans shall be  
463 granted to the County in a form acceptable to the County Attorney prior to any  
464 occupancy permits being issued. The easement plats and any other required  
465 information shall be submitted to the County Real Property Agent at least sixty  
466 (60) days prior to requesting occupancy permits.  
467 25. The entrances and drainage facilities on (State Route) shall be approved by the  
468 Virginia Department of Transportation and the County.  
469 26. A notice of completion form, certifying that the requirements of the Virginia  
470 Department of Transportation entrances permit have been completed, shall be  
471 submitted to the Department of Planning prior to any occupancy permits being  
472 issued.  
473 27. The developer shall provide fire hydrants as required by the Department of Public  
474 Utilities and Division of Fire.  
475 28. Outside storage shall not be permitted.  
476 29. The certification of building permits, occupancy permits and change of  
477 occupancy permits for individual units shall be based on the number of parking  
478 spaces required for the proposed uses and the amount of parking available  
479 according to approved plans.  
480 30. Any necessary off-site drainage and/or water and sewer easements must be  
481 obtained in a form acceptable to the County Attorney prior to final approval of the  
482 construction plans.  
483 31. Deviations from County standards for pavement, curb or curb and gutter design  
484 shall be approved by the County Engineer prior to final approval of the  
485 construction plans by the Department of Public Works.  
486 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
487 drainage plans.  
488 33. Insurance Services Office (ISO) calculations must be included with the plans and  
489 contracts and must be approved by the Department of Public Utilities prior to the  
490 issuance of a building permit.  
491 34. Approval of the construction plans by the Department of Public Works does not  
492 establish the curb and gutter elevations along the Virginia Department of  
493 Transportation maintained right-of-way. The elevations will be set by the  
494 contractor and approved by the Virginia Department of Transportation.  
495 35. The location of all existing and proposed utility and mechanical equipment  
496 (including HVAC units, electric meters, junction and accessory boxes,  
497 transformers, and generators) shall be identified on the landscape plans. All  
498 equipment shall be screened by such measures as determined appropriate by  
499 the Director of Planning or the Planning Commission at the time of plan approval.  
500 36. Except for junction boxes, meters, and existing overhead utility lines, and for  
501 technical or environmental reasons, all utility lines shall be underground.

502 **ABOVE CASE IS BROUGHT UP AGAIN ON PAGE 78.**

503  
504 Ms. News - This completes our expedited agenda.  
505



506 Mr. Branin - Thank you, Ms. News. Thank you for doing such a great job.  
507 Mr. Secretary?

508  
509 Mr. O'Kelly - Yes, Mr. Chairman. The next item of business for the  
510 Commission this morning is the subdivision extensions of time. There are three  
511 subdivisions up for extension. These are listed for informational purposes only. No  
512 action is required by the Planning Commission; however, Ms. Christina Goggin is here  
513 to answer any questions that the Commission may have in regards to the extensions  
514 that are before the Commission at this time.

515  
516 Mr. Branin - Thank you, Mr. Secretary.

517

518 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL:**

519 **FOR INFORMATIONAL PURPOSES ONLY**

520

521

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Year(s) Extended Recommended
Crowder Farms (October 2004 Plan)	43	43	2	Varina	10/22/08
Pocahontas Estates (October 2004 Plan)	16	16	2	Varina	10/22/08
West Broad Village (July 2006 Plan)	545	545	0	Three Chopt	10/22/08

522

523 Ms. Goggin - Good morning.

524

525 Mr. Branin - Good morning, Ms. Goggin, how are you?

526

527 Ms. Goggin - I'm good, thank you. And you?

528

529 Mr. Branin - Well, thank you.

530

531 Ms. Goggin - Good. Any questions?

532

533 Mr. Branin - I have none.

534

535 Mrs. Jones - Nor do I.

536

537 Mr. Branin - Okay. Thank you.

538

539 **TRANSFER OF APPROVAL**

540

POD-116-88  
Wella Manufacturing –  
4650 Oakley's Lane

**Wilson Stoyanoff for 4650 Oakley Lane, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Wella Manufacturing of Virginia, Inc. to 4650 Oakley's Lane, LLC. The 23.37-acre site is located at the intersection of Oakley's Lane and International Trade Drive on the east line of Oakley's Lane approximately 1,000 feet north of Audubon Drive on parcel 818-718-5133. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

541  
542 Mr. Branin - Is anyone in opposition to POD-116-88, Wella  
543 Manufacturing? No one? Mr. Pambid?

544  
545 Mr. Pambid - Good morning, members of the Commission. The new  
546 owner does accept and agree to be responsible for the continued compliance with the  
547 conditions of the original approval. Staff does recommend approval of this TOA with the  
548 following condition, that site deficiencies, as identified in the inspection report dated  
549 August 20, 2007, shall be corrected by March 15, 2008. Site deficiencies include  
550 missing or overgrown landscaping, parking lot striping, and BMP maintenance. Work  
551 has already progressed on addressing the overgrown landscaping and BMP  
552 maintenance. Attorney David Stoyanoff with Wilson Stoyanoff is here to answer any  
553 questions, and I can answer any questions that you might have as well.

554  
555 Mr. Branin - Does anybody have any questions?

556  
557 Mr. Jernigan - I don't have any. Does the applicant want to say anything?

558  
559 Mr. Pambid - Mr. Stoyanoff, did you have anything to add?

560  
561 Mr. Vanarsdall - Not unless you want to.

562  
563 Mr. Jernigan - Thank you. Mr. Chairman, with that, I will move for approval  
564 of POD-116-88, Wella Manufacturing, in the Varina District.

565  
566 Mr. Vanarsdall - Second.

567  
568 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
569 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

570  
571 The Planning Commission approved the transfer of approval request for POD-116-88,  
572 Wella Manufacturing, subject to the standard and added conditions previously  
573 approved.

574  
575 **PLAN OF DEVELOPMENT**

576

POD-33-07  
Unity of Faith Fellowship  
Church – 298 Cedar Fork  
Road

**Keith Engineering, Inc. for Unity of Faith Fellowship Church:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 12,000 square foot, 290-seat sanctuary. The 26.57-acre site is located on the west line of Cedar Fork Road approximately 350 feet north of E. Cedar Fork Road on parcels 812-727-4158 and 812-728-5601. The zoning is A-1, Agricultural District, R-4, One-Family Residence District and ASO (Airport Safety Overlay) District. County water and sewer. **(Fairfield)**

577  
578 Mr. Branin - Is anyone in opposition to POD-33-07, Unity of Faith  
579 Fellowship Church? No one? Lee, you're back again.

580  
581 Mr. Pambid - Yes sir.

582  
583 Mr. Vanarsdall - Good morning again, Lee.

584  
585 Mr. Pambid - Keeping me very busy here.

586  
587 Mr. Branin - Keeping you busy, now that you're on staff.

588  
589 Mr. Pambid - This POD request is for a new church sanctuary on a vacant  
590 site. It is a 290-seat sanctuary. The church elevations feature red brick facades on  
591 three sides, and they're proposing a burgundy standing seam metal roof. There are  
592 also some future Phase II improvements that are not part of this approval. Staff  
593 recommends approval of POD-33-07, subject to the annotations on the staff plan and  
594 conditions 24 through 35 of the agenda. This concludes my presentation and I'd be  
595 happy to answer any questions that you might have. Jeff Keith, the engineer with Keith  
596 Engineering is here, as is Pastor Myron "Rock" Davis with Unity of Faith Fellowship.

597  
598 Mr. Branin - Thank you. Does anybody have any questions for Lee?  
599 Would you like to hear from the applicant?

600  
601 Mr. Archer - I don't think it's necessary, Mr. Chairman.

602  
603 Mr. Branin - Okay, Mr. Archer.

604  
605 Mr. Archer - With that, I will move for approval of POD-33-07, Unity of  
606 Faith Fellowship Church, subject to the annotations on the plans, standard conditions  
607 for developments of this type, additional conditions 9 amended, 11 amended, and 24  
608 through 35.

609  
610 Mr. Jernigan - Second.

611

612 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Jernigan. All in  
613 favor say aye. All opposed say no. The ayes have it, that motion carries.  
614

615 The Planning Commission approved POD-33-07, Unity of Faith Fellowship Church,  
616 subject to the annotations on the plans, the standard conditions attached to these  
617 minutes for developments of this type, and the following additional conditions:  
618

- 619 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
620 Planning for review and Planning Commission approval prior to the issuance of  
621 any occupancy permits.
- 622 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan  
623 including depictions of light spread and intensity diagrams, and fixture and  
624 specifications and mounting height details shall be submitted for Department of  
625 Planning review and Planning Commission approval.
- 626 24. The easements for drainage and utilities as shown on approved plans shall be  
627 granted to the County in a form acceptable to the County Attorney prior to any  
628 occupancy permits being issued. The easement plats and any other required  
629 information shall be submitted to the County Real Property Agent at least sixty  
630 (60) days prior to requesting occupancy permits.
- 631 25. The developer shall provide fire hydrants as required by the Department of Public  
632 Utilities and Division of Fire.
- 633 26. Outside storage shall not be permitted.
- 634 27. Prior to issuance of a building permit, the developer must furnish a letter from  
635 **Dominion Virginia Power** stating that this proposed development does not  
636 conflict with their facilities.
- 637 28. Any necessary off-site drainage and/or water and sewer easements must be  
638 obtained in a form acceptable to the County Attorney prior to final approval of the  
639 construction plans.
- 640 29. Deviations from County standards for pavement, curb or curb and gutter design  
641 shall be approved by the County Engineer prior to final approval of the  
642 construction plans by the Department of Public Works.
- 643 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
644 drainage plans.
- 645 31. Insurance Services Office (ISO) calculations must be included with the plans and  
646 contracts and must be approved by the Department of Public Utilities prior to the  
647 issuance of a building permit.
- 648 32. Approval of the construction plans by the Department of Public Works does not  
649 establish the curb and gutter elevations along the Henrico County maintained  
650 right-of-way. The elevations will be set by Henrico County.
- 651 33. The conceptual master plan, as submitted with this application, is for planning  
652 and information purposes only. All subsequent detailed plans of development  
653 and construction plans needed to implement this conceptual plan shall be  
654 administratively reviewed by staff and approved by the Planning Commission and  
655 shall be subject to all regulations in effect at the time such subsequent plans are  
656 submitted for review and approval.

- 657 34. The location of all existing and proposed utility and mechanical equipment  
 658 (including HVAC units, electric meters, junction and accessory boxes,  
 659 transformers, and generators) shall be identified on the landscape plans. All  
 660 equipment shall be screened by such measures as determined appropriate by  
 661 the Director of Planning or the Planning Commission at the time of plan approval.  
 662 35. Except for junction boxes, meters, and existing overhead utility lines, and for  
 663 technical or environmental reasons, all utility lines shall be underground.  
 664

665 **PLAN OF DEVELOPMENT & MASTER PLAN**  
 666

POD-51-07 **Timmons Group for Central VA Investments/Rocketts**  
 Rocketts Landing, Phase **Landing LLC:** Request for approval of a plan of  
 II – Old Osborne Turnpike development and master plan as required by Chapter 24,  
 (POD-25-05 and POD-79- Section 24-106 of the Henrico County Code, to construct a  
 05 Revised) community pool, convert an existing warehouse into a  
 2,336 square foot pool house, convert an existing  
 warehouse into a one story 9,566 square foot “Village Hall”  
 community center, and to approve an updated Master Plan  
 for the Village of Rocketts Landing Land Bays 4B and 5,  
 including the pool house, community center, a building pad  
 for a future nine-story 100-foot-tall mixed use building (the  
 Waterford Building), and ancillary improvements for a  
 future marina area and the future Capital Trail. The 6.3-  
 acre site is located on Old Osborne Turnpike on parcels  
 797-712-3780, 797-713-2150 and 797-711-2587. The  
 zoning is UMUC, Urban Mixed Use District (Conditional).  
 City of Richmond water and sewer. **(Varina)**

667  
 668 Mr. Branin - Is anyone in opposition to POD-51-07, Rocketts Landing  
 669 Phase II, Old Osborne Turnpike (POD-25-05 and POD-79-05 Revised)? No one.  
 670

671 Mr. Kennedy - Good morning, members of the Commission.  
 672

673 Mr. Vanarsdall - Mr. Kennedy, you have a new shirt and tie there, and they  
 674 look pretty.

675  
 676 Mr. Kennedy - I try to keep it clean, sir.  
 677

678 Mr. Vanarsdall - You did a good job of that.

679 Mr. Kennedy - Thank you. I want to draw your attention to Condition #33  
 680 on the agenda; it’s been revised to refer to the C & O Railroad, as opposed to the C & P  
 681 Railroad. It was just a typographical error.  
 682

683 A revised UMU master plan and development matrix have been attached to the  
 684 addendum. They were submitted to address staff’s concerns regarding the provision of  
 685 open space, density, and parking calculations. We just needed to make sure the

686 calculations complied with the PUP master plan. The revised master plan includes the  
687 development previously approved in Phase I and the development proposed with Phase  
688 II. As you may recall, Phase I consists of two parts. The original development identified  
689 as Section A, was approved by the Planning Commission at their September 25, 2005  
690 meeting, and a revised plan 1 including Section B in Block 4B, was approved by the  
691 Planning Commission in December of 2005. The development matrix attached,  
692 describes that development, as well as what will be approved with the new master plan.  
693 The revised master plan incorporates development as I indicated previously approved,  
694 both sections in Phase I, and adds the proposed development contemplated with Phase  
695 II, consisting primarily of the community pool, pool house, and town hall buildings. A  
696 revision to Phase I reflecting reduction in the size of building 12D, also known as the  
697 210 Rock Building, is including in that plan, and also the reduction of the accessory  
698 parking structure 12C. So, part of Phase I is being revised as well. Future master plan  
699 revisions to Block 12 is contemplated, so the developer is going to come back with a  
700 revised plan for that one portion of Block 12. That's because they are working on plans  
701 in the City as well. Once they've developed those plans with the City, they'll come back  
702 and revise that Block 12.

703  
704 The revised master plan would also authorize a pad site with at-grade parking in Block  
705 17 for a future mixed-use building. That future mixed-use building will also come back  
706 for approval and will also have ancillary improvements for the future marina and the  
707 Capital Trail. The future marina will actually be located in the City of Richmond, as the  
708 corporate line actually runs along the edge of the water. The river is actually in the City,  
709 so the docks will be in the City. Their accessory improvements, ancillary improvements,  
710 including access drives, walkways and those will be provided in the County, so they're  
711 shown on the plans.

712  
713 The revised master plan will also permit stabilization of a former cold storage  
714 warehouse. It's built into the hillside of Block 15. It would not authorize any new use at  
715 this time. It's an historic structure and they are contemplating some future use, but they  
716 don't know what it's going to be at this time. With this plan, it gives them the opportunity  
717 to stabilize and maintain that.

718  
719 The extensive conditions reflect conditions that were previously applicable to Phase I.  
720 We're incorporating Phase I plans, so those conditions are referring back to Phase 1.  
721 Those conditions have been revised to accommodate Phase II and also to  
722 accommodate the fact that they are City utilities.

723  
724 The conditions are consistent with the Planning Commission's previous approval of  
725 those conditions. Those conditions are very consistent with what was done in the past.  
726 There are very slight modifications just to incorporate the Phase 2 improvements.

727  
728 Staff recommends approval of the plan of development and master plan subject to the  
729 annotations on the plans, the standard conditions for developments of this type,  
730 conditions 24 through 62 on the agenda, with condition 33 revised. With that, staff is  
731 available to answer questions. There are representatives to the developer here, Richard

732 Souter, vice president of WVS is here, and attorney Bill Axselle is here to answer any  
733 questions you may have.

734  
735 Mr. Branin - Thank you, Mr. Kennedy. Does anybody have any questions  
736 for Mr. Kennedy?

737  
738 Mr. Jernigan - Mike, on conditions 51 and 52, it's the same condition with  
739 the exception one of them is tentative, and it looks like one of them is permanent.  
740 Subdivision plat for Rocketts Way and Old Hudson Street is a tentative for 51 and it  
741 says the same thing except it doesn't have anything about being tentative in 52. Page  
742 22 and 23.

743  
744 Mr. Branin - Mr. Kennedy, it's #51 at the bottom and 52 at the top of the  
745 second page.

746  
747 Mr. Kennedy - One's for tentative approval, so they need to come back with  
748 a tentative plat for conditional approval. The other condition refers to a final, so they  
749 have to have it recorded before it reaches CO. What it does is it says before  
750 construction plan approval they have to have tentative approval. Any layout of a plan  
751 like a subdivision would come for tentative approval, and you record it before they sell  
752 lots.

753  
754 Mr. Jernigan - So they had to have a tentative and a final.

755  
756 Mr. Kennedy - A tentative and a final, yes.

757  
758 Mr. Jernigan - All right.

759  
760 Mr. Branin - Any more questions?

761  
762 Mrs. Jones - I'm curious to know about timeframes. Do you have any  
763 idea when this might move towards completion or what percentage is completed now?

764  
765 Mr. Kennedy - As far as the buildings are concerned in the current phase  
766 with Phase I, let me just—

767  
768 Mrs. Jones - And then what we're considering right now, Phase II.

769  
770 Mr. Kennedy - Okay, let me just go to the plan and I can address that to you  
771 here. Hopefully it's clear enough. This plan's a little bit clearer (return to a plan). Right  
772 now, the Cedar Works Building, which is the old warehouse building with apartments  
773 that are being occupied now, the building has a CO, they're just finishing units. That  
774 building is being occupied at this time. The small office building they occupy with WVS  
775 offices, as well as the architect offices, that's occupied with a sales center as well.  
776 That's fully occupied. In this corner here, there's some townhouses. Those are under  
777 construction and they should be occupied shortly. They're beginning construction on

778 what remains of the townhouses on this block. This block is well under construction and  
779 occupancy. This block here, this existing office building, this existing warehouse that's  
780 been converted to an office building, they have not started. They've not gotten any  
781 construction plans. The parking deck has been completed. They're using that as  
782 parking for the Cedar Works Building across the street. There's actually a bridge, a  
783 pedestrian bridge that we CO'ed last week for that purpose. In the front of that, is a 210  
784 Rock Building. That was the building that was reduced in size. This little portion here  
785 was taken off so it would be accommodated with the development of the City, the  
786 common development. The 210 Rock Building is under construction now and that will be  
787 occupied probably later this year or the beginning of next year. The building here, this  
788 Skyline condominium building, that should have CO's at the end of this month, which is  
789 in a couple of days now, and they should be occupying that as well. We're expecting to  
790 do inspections for acceptance next week for that. So, we're expecting that to be  
791 occupied as well. There are sets of townhouses on both sides of this block. Those won't  
792 start until the spring. Basically, all the development in this first phase is either underway  
793 or has been approved, with the exception of that one office building. This phase here  
794 will be these two buildings here, this pool house building, and the town hall building.  
795 They're going to start working on those immediately. They need to do that because of  
796 the change in the floodplain rules that we'll be considering, because they are in the  
797 floodplain. They're going to start working on those immediately. Well, it's a service for  
798 people living there. It's anticipated to be amenities for the homeowners that live there.  
799 So, they want to move that along pretty quickly. We expect some time in December  
800 that they'll come back with the building, which is on Block 17. Basically, we need an  
801 amendment for a mixed-use building with residential. They can do a mixed-use building  
802 without residential at this time, but they're requesting that ordinance amendment, which  
803 is also before the Commission. They're moving along pretty quickly.

804

805 Mrs. Jones - Moving right along.

806

807 Mr. Kennedy - They're working now in the City. The City is going through  
808 their zoning process for their property, so they're working on that at this time. Then I  
809 expect them to come back with future phases. We've actually almost finished with  
810 section 4B, and 4A is in the City, which is the other half of this block. We're starting on  
811 section 5 with these warehouse buildings on the river. Block 17 is actually in block 5.  
812 And then with 6 and 7 going further down. We've got several more years of  
813 development, with substantial development to go forward. It will be many years before  
814 it's completed, but I think they're making good effort to make progress. We're happy to  
815 see that they're working with the City as well, because that ties in the marina, the  
816 marina improvements. They need to start in the City to do the marina, and I think that's  
817 going to be a very unique opportunity. It's kind of funny that we have a river and we  
818 don't really have a marina in the city.

819

820 Mrs. Jones - Exactly.

821

822 Mr. Jernigan - It's been that way for a while.

823



824 Mr. Kennedy - And I think it's moving along pretty quickly. I think it's gotten  
825 a lot of City support.  
826  
827 Mrs. Jones - The brick tunnel, can you put the cursor on the brick tunnel?  
828  
829 Mr. Kennedy - The brick tunnel is actually under this space right here.  
830  
831 Mrs. Jones - Okay.  
832  
833 Mr. Kennedy - Actually, it's right here. It's this block here.  
834  
835 Mrs. Jones - Somewhere in there.  
836  
837 Mr. Kennedy - It's kind of hard to see.  
838  
839 Mrs. Jones - All right.  
840  
841 Mr. Kennedy - This shape here, it's actually built into the hillside. It was  
842 actually a cold storage tunnel for a brewery that was there. They stored barrels of beer.  
843 Instead of refrigeration, they used the natural refrigeration. It's an historic structure.  
844 They haven't quite figured out what they'd like to use it for. The cost of renovating is  
845 going to be substantial, and there are also the floodplain issues. What we'd like to do is  
846 stabilize it at this time and make sure that we preserve it in some form.  
847  
848 Mrs. Jones - Thank you.  
849  
850 Mr. Jernigan - Also, the Fall Line, you've issued CO's in the Fall Line  
851 condominiums.  
852  
853 Mr. Kennedy - Fall Line, yes. They should be actually almost finished with  
854 the CO's probably towards the end of this month. The Skyline is the other condominium  
855 building that's going to start as well.  
856  
857 Mr. Jernigan - I believe that their build-out date was 2015? Is that when  
858 they wanted to be finished?  
859  
860 Mr. Kennedy - Yes, but they've got a lot of work, both in the City and in the  
861 County.  
862  
863 Mr. Jernigan - Actually, they've done real well down there. They're moving  
864 right along, even though the economy's slowed down a little bit. They had most of those  
865 units pre-sold.  
866  
867 Mr. Kennedy - You're talking about a lot of land along the river with all these  
868 bays and a lot of interesting issues to have to deal with, with the brownfield and the

869 railroad and floodplains, so. We're attacking them one by one, and I think it's making a  
870 significant impact in the skyline.

871  
872 Mr. Branin - Thank you, Mr. Kennedy. Mr. Jernigan, do you have any  
873 questions for the applicant?

874  
875 Mr. Jernigan - No. Mr. Kennedy has done such a great job on this. As we  
876 know, all UMU's require a lot of work, and he's put a lot of work into this. He's done a  
877 great job. I don't really have any questions, unless Mr. Axselle wanted to say anything.  
878 Okay, that's fine. With that, Mr. Chairman, I will move for approval of POD-51-07,  
879 Rocketts Landing Phase II, Old Osborne Turnpike (POD-25-05 and POD-79-05  
880 Revised), with standard conditions for developments of this type and the following  
881 additional conditions #1 amended, #2 amended, conditions 24 through 32, #33 revised  
882 due to a typographical error, and #34 through 62.

883  
884 Mr. Vanarsdall - Second.

885  
886 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
887 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

888  
889 The Planning Commission approved POD-51-07, Rocketts Landing Phase II, Old  
890 Osborne Turnpike (POD-25-05 and POD-79-05 Revised), subject to the annotations on  
891 the plans, the standard conditions attached to these minutes for developments of this  
892 type, and the following additional conditions:

- 893  
894 1. **AMENDED** - The owner shall enter into the necessary contracts with the **City of**  
895 **Richmond Department of Public Utilities** for connections to public water and  
896 sewer. The developer shall provide evidence that this requirement is satisfied for  
897 each building prior to the issuance of a certificate of occupancy for such building.
- 898 2. **AMENDED – The City of Richmond Department of Public Utilities** shall  
899 approve the plan of development for construction of public water and sewer, prior  
900 to beginning any construction of these utilities. **The City of Richmond**  
901 **Department of Public Utilities** shall be notified at least 24 hours prior to the start  
902 of any water or sewer construction. The developer shall coordinate plan review  
903 with the City of Richmond, and provide evidence that this requirement is satisfied,  
904 prior to the issuance of a building permit for each building.
- 905 24. The unit house numbers shall be visible from the parking areas and drives.
- 906 25. The names of streets, drives, courts and parking areas shall be approved by the  
907 Richmond Regional Planning District Commission and such names shall be  
908 included on the construction plans prior to their approval. The standard street  
909 name signs shall be installed prior to any occupancy permit approval.
- 910 26. The easements for drainage and utilities as shown on approved plans shall be  
911 granted to the County in a form acceptable to the County Attorney prior to any  
912 occupancy permits being issued. The easement plats and any other required  
913 information shall be submitted to the County Real Property Agent at least sixty  
914 (60) days prior to requesting occupancy permits.

- 915 27. The limits and elevations of the 100-year frequency flood shall be conspicuously  
916 noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated  
917 100-year floodplain must be labeled "Variable Width Drainage and Utility  
918 Easement." The easement shall be granted to the County prior to the issuance of  
919 any occupancy permits.
- 920 28. The entrances and drainage facilities on Old Osborne Turnpike (State Route 5)  
921 shall be approved by the Virginia Department of Transportation and the County.
- 922 29. A notice of completion form, certifying that the requirements of the Virginia  
923 Department of Transportation entrances permit have been completed, shall be  
924 submitted to the Department of Planning prior to any occupancy permits being  
925 issued.
- 926 30. The developer shall provide fire hydrants as required by the **City of Richmond**  
927 **Department of Public Utilities** and **Henrico Division of Fire**.
- 928 31. Prior to issuance of a certificate of occupancy for any building in this development,  
929 the engineer of record shall certify that the site has been graded in accordance  
930 with the approved grading plans.
- 931 32. The proffers approved as a part of zoning case C-55C-04 and conditions of  
932 Provisional Use Permit cases P-14-04 and P-04-05 shall be incorporated in this  
933 approval.
- 934 33. **REVISED** - Prior to issuance of a building permit, the developer must furnish a  
935 letter from ~~C & P Railroad~~ **C&O Railroad** stating that this proposed  
936 development does not conflict with their facilities.
- 937 34. Any necessary off-site drainage and/or water and sewer easements must be  
938 obtained in a form acceptable to the County Attorney prior to final approval of the  
939 construction plans.
- 940 35. Deviations from County standards for pavement, curb or curb and gutter design  
941 shall be approved by the County Engineer prior to final approval of the  
942 construction plans by the Department of Public Works.
- 943 36. The pavement shall be of an SM-2A type and shall be constructed in accordance  
944 with County standard and specifications. The developer shall post a defect bond  
945 for all pavement with the Department of Planning - the exact type, amount and  
946 implementation shall be determined by the Director of Planning, to protect the  
947 interest of the members of the Homeowners Association. **The defect bond shall**  
948 **remain in effect for a period of three years from the date of the issuance of**  
949 **the final occupancy permit.** Prior to the issuance of the last Certificate of  
950 Occupancy, a professional engineer must certify that the roads have been  
951 designed and constructed in accordance with County standards.
- 952 37. The loading areas shall be subject to the requirements of Chapter 24, Section  
953 24-97(b) of the Henrico County Code.
- 954 38. Insurance Services Office (ISO) calculations must be included with the plans and  
955 contracts and must be approved by the Department of Public Utilities prior to the  
956 issuance of a building permit.
- 957 39. Approval of the construction plans by the Department of Public Works does not  
958 establish the curb and gutter elevations along the Henrico County maintained right-  
959 of-way. The elevations will be set by Henrico County.

- 960 40. Approval of the construction plans by the Department of Public Works does not  
961 establish the curb and gutter elevations along the Virginia Department of  
962 Transportation maintained right-of-way. The elevations will be set by the  
963 contractor and approved by the Virginia Department of Transportation.
- 964 41. Evidence of a joint ingress/egress and maintenance agreement must be  
965 submitted to the Department of Planning and approved prior to issuance of a  
966 certificate of occupancy for this development **served by privately maintained**  
967 **streets.**
- 968 42. The conceptual master plan submitted with this application is for planning and  
969 information purposes only. All subsequent detailed plans need to implement this  
970 conceptual plan for the construction of future buildings shall be reviewed and  
971 approved by the Planning Commission; all other buildings and structures shown  
972 on the plans may be administratively reviewed and approved and shall be subject  
973 to all regulations in effect at the time such subsequent plans are submitted for  
974 review and approval.
- 975 43. The location of all existing and proposed utility and mechanical equipment  
976 (including HVAC units, electric meters, junction and accessory boxes,  
977 transformers, and generators) shall be identified on the landscape plans. All  
978 equipment shall be screened by such measures as determined appropriate by  
979 the Director of Planning or the Planning Commission at the time of plan approval.
- 980 44. Except for junction boxes, meters, and existing overhead utility lines, and for  
981 technical or environmental reasons, all utility lines shall be underground.
- 982 45. The proposed utilities connected to the City of Richmond system shall be  
983 accepted by the City for maintenance prior to the issuance of any Certificates of  
984 Occupancy. The Developer shall coordinate plan review with the City of  
985 Richmond and provide evidence to the Director of Public Utilities that the City's  
986 requirements are satisfied.
- 987 46. The applicant shall dedicate all right of way and easements determined  
988 necessary by the Director of Public Works and the Virginia Department of  
989 Transportation (VDOT), for the widening of State Route 5 (Old Osborne  
990 Turnpike), in accordance with the proffers and the traffic impact study, prior to the  
991 approval of final construction plans for any adjoining portion of the property  
992 adjacent to State Route 5.
- 993 47. All offsite easements necessary for the proposed connections into the City of  
994 Richmond utility system shall be recorded prior to the approval of final  
995 construction plans.
- 996 48. A construction plan for the widening of State Route 5 (Old Osborne Turnpike)  
997 and streetscape improvements along the west side of State Route 5 (Old  
998 Osborne Turnpike) abutting Land Bays 4 & 5 in accordance with the proffers and  
999 the developer's traffic study, shall be approved by the Department of Public  
1000 Works, the Department of Planning, and VDOT prior to the approval of final  
1001 construction plans for any adjoining portion of the property adjacent to State  
1002 Route 5 (Old Osborne Turnpike). The Developer shall coordinate plan review  
1003 with VDOT, and provide evidence that their requirements are satisfied.
- 1004 49. A performance bond for all required improvements to State Route 5 (Old  
1005 Osborne Turnpike) including streetscape improvements along the west side of

- 1006 State Route 5 (Old Osborne Turnpike) abutting Land Bays 4 &5 shall posted prior  
1007 to the issuance of any building permits for any adjoining portion of the property  
1008 adjacent to State Route 5 (Old Osborne Turnpike).
- 1009 50. All improvements to State Route 5 (Old Osborne Turnpike) including streetscape  
1010 improvements along the west side of State Route 5 (Old Osborne Turnpike)  
1011 abutting Land Bays 4 & 5 shall completed prior to the issuance of any Certificates  
1012 of Occupancy for any adjoining portion of the property adjacent to State Route 5  
1013 (Old Osborne Turnpike), unless an exception is approved by the Directors of  
1014 Public Works and Planning.
- 1015 51. A tentative subdivision plat for the dedication of Rocketts Way, Old Hudson  
1016 Street and Old Delaware Street shall be submitted for Planning Commission  
1017 review and approval prior to the approval of any final construction plans abutting  
1018 any undedicated portion of those proposed streets.
- 1019 52. A subdivision plat for the dedication of Rocketts Way, Old Hudson Street, and  
1020 Old Delaware Street shall be recorded prior to the approval of any building  
1021 permits for property abutting any undedicated portion of those proposed streets.
- 1022 53. A subdivision plat for the townhouses shall be recorded prior to the approval of  
1023 any building permits for any portion of the proposed townhouses.
- 1024 54. The service alleys shall be improved, in accordance with the proffered design  
1025 guidelines, with a decorative pavement treatment that shall be submitted for  
1026 review and approval by the Director of Planning prior to approval of final  
1027 construction plans.
- 1028 55. A traffic control plan shall be approved by the County Traffic Engineer, prior to  
1029 the final approval of construction plans, for any restricted structured parking.
- 1030 56. A CPTED plan shall be submitted to the Division of Police for review, prior to the  
1031 approval of construction plans for any office building or multi-family residential  
1032 building.
- 1033 57. A construction staging plan which includes details for traffic control, fire  
1034 protection, stockpile locations, construction fencing, and construction trailer  
1035 locations, shall be submitted for County review and prior to the approval of any  
1036 final construction plans.
- 1037 58. The unfinished walls of the parking deck (Building No. 12G) shall be covered with  
1038 a cityscape mural of such design as approved by the Director of Planning; within  
1039 no more than two years from the date a Certificate of Occupancy is issued for the  
1040 parking deck, However, this requirement may be waived at the discretion of the  
1041 Director of Planning; if a POD is approved for the adjoining property within two  
1042 years; or if a building permit is approved for an adjoining property within three  
1043 years; or other cause.
- 1044 59. A construction plan for the Capital Trail including streetscape improvements for  
1045 Land Bays 4 & 5 shall be approved by the Department of Public Works, the  
1046 Department of Planning, and VDOT prior to the approval of final construction  
1047 plans for any adjoining portion of the property. The Developer shall coordinate  
1048 plan review with VDOT, and provide evidence that their requirements are  
1049 satisfied.

- 1050 60. A performance bond for all required improvements to the Capital Trail including  
 1051 streetscape improvements abutting Land Bays 4 and 5 shall posted prior to the  
 1052 issuance of any building permits for any adjoining portion of the property.  
 1053 61. All improvements to the Capital Trail including streetscape improvements  
 1054 abutting Land Bays 4 and 5 shall completed prior to the issuance of any  
 1055 Certificates of Occupancy for any adjoining portion of the property, unless an  
 1056 exception is approved by the Directors of Public Works and Planning.  
 1057 62. A plat granting a public access easement for the Capital Trail shall be recorded  
 1058 prior to the approval of any Certificates of Occupancy for property abutting any  
 1059 undedicated portion.

1060  
 1061 Mr. Vanarsdall - I think that's the most conditions I ever saw.

1062  
 1063 Mr. Jernigan - Well, it's got quite a few. Some of that, too, is because we're  
 1064 in conjunction with the City and we have to—

1065  
 1066 Mr. Vanarsdall - Well, I know they need it on the—

1067  
 1068 Mr. Jernigan - Utilities and all on that.

1069  
 1070 Mr. Branin - Next case.

1071  
 1072 **SUBDIVISION & EXCEPTION**

1073  
 SUB-55-07 **E. D. Lewis & Associates, P.C. for Grandis &**  
 Parham Estates **Gumenick and Harry & Carter Snipes:** The 5.03-acre  
 (October 2007 Plan) site proposed for a subdivision of 12 single-family homes  
 Minna Drive and Parham is located at the intersection of Minna Drive and Starwood  
 Road Drive and adjacent to I-64 East on parcel 755-752-4758.  
 The zoning is R-3, One-Family Residence District. County  
 water and sewer. **(Three Chopt) 12 Lots**

1074  
 1075 Mr. Branin - Is anyone in opposition to SUB-55-07, Parham Estates,  
 1076 (October 2007 Plan)? No one? Mr. Ward, good morning.

1077  
 1078 Mr. Ward - Good morning. There is a request to waive the additional  
 1079 35-foot rear yard setback along the lots which border Interstate-64, a Controlled Access  
 1080 Road. This road classification requires a 35-foot addition to the district's 40-foot rear  
 1081 yard setback.

1082  
 1083 Staff has received a revised plan. The engineer will continue to redesign the road as far  
 1084 south as possible; however, the latest plan does not show enough space to  
 1085 accommodate the additional 35-foot rear setback.

1086  
 1087 The applicant has agreed to install a six-foot vinyl privacy fence and 15-foot planting  
 1088 strip easement along lots adjacent to I-64.

1089  
1090 Staff makes no recommendation on the exception. Should the Commission choose to  
1091 act on this request, staff recommends conditional approval subject to the annotations on  
1092 the plans, the standard conditions for subdivisions served by public utilities, as well as  
1093 conditions 12 through 14 in the agenda, and condition 15 on page 4 of your addendum,  
1094 which staff can support the subdivision proposal with the added condition.  
1095  
1096 The applicant, Harry Snipes, and Engineer, Byron Trahynam are here today to discuss  
1097 any matters, and I will also be happy to answer any questions you may have at this time  
1098  
1099 Mr. Vanarsdall - What was #15?  
1100  
1101 Mr. Ward - It's to make sure the homes are built at the 40-foot front  
1102 setback so that we're giving additional room here along the lots that are abutting the  
1103 interstate. It's actually not the interstate itself; it's the exit ramp.  
1104  
1105 Mr. Branin - Mr. Ward, have they taken all consideration with moving it  
1106 closer for better soundproofing, being up against the highway?  
1107  
1108 Mr. Ward - We did look into that. VDOT didn't have a requirement for  
1109 that sort of thing, so we didn't press for a soundproof barrier. There is a good stand of  
1110 trees there and they are slightly elevated above the interstate.  
1111  
1112 Mr. Branin - All right. And in the actual construction of the houses.  
1113  
1114 Mr. Ward - Yesterday when I talked to the applicant, it was 24-foot  
1115 depth by 36-foot width for the actually buildings. So, the building itself will not be as  
1116 close as the buildable area that's being shown.  
1117  
1118 Mr. Branin - Okay. All right. Does anybody else have any questions for  
1119 Mr. Ward?  
1120  
1121 Mrs. Jones - Mr. Ward, I do. The reason behind this additional setback,  
1122 can you just tell me the points that you feel that additional setback is required?  
1123  
1124 Mr. Ward - Obviously, you can see similar lots here in this area along  
1125 interstate I-64 that had this requirement. However, you have these here that aren't as  
1126 far back. It's the intent that this would be some sort of buffer between them and the  
1127 interstate. That's why staff to the fullest extent possible, wants these houses built at the  
1128 front setback.  
1129  
1130 Mrs. Jones - Buffer for visual? Buffer for noise? Buffer for lights?  
1131  
1132 Mr. Ward - I think visual, most of all, but noise here in this case would,  
1133 obviously, be a factor.  
1134

1135 Mrs. Jones - It just seems to me that the requirement's there for a very  
1136 specific reason and if we choose to disagree with that principle, then we're setting these  
1137 homes up for a less than desirable setting. I would find it hard to think that the noise  
1138 and the headlights and the other elements from the highway wouldn't be a significant  
1139 impact on these lots.  
1140

1141 Mr. Ward - With the aerial, you can see that the stand of mature trees  
1142 that are in existence. Staff could get the correct elevations for where the site's going to  
1143 be versus where the road is coming in, which could be a very positive factor in the fact  
1144 that it's elevated above the road and you wouldn't hear the traffic as much.  
1145

1146 Mrs. Jones - The site is—  
1147

1148 Mr. Ward - The site is elevated.  
1149

1150 Mrs. Jones - Enough that you feel it would really take care of that?  
1151

1152 Mr. Ward - Yes. We took that into consideration, as well as the trees  
1153 that are existing there within the right-of-way for VDOT, and then the fact of adding the  
1154 condition for those lots adjacent to the interstate to be built at 40 feet.  
1155

1156 Mrs. Jones - Mmm-hmm. Seven through twelve.  
1157

1158 Mr. Branin - Did that answer?  
1159

1160 Mrs. Jones - Yes, thank you.  
1161

1162 Mr. Branin - Mr. Ward, with the actual construction of the houses, for  
1163 sound suppression and insulation, what rating are they at?  
1164

1165 Mr. Ward - I could not answer that.  
1166

1167 Mr. Branin - Okay. Then we'll definitely be bringing the applicant down.  
1168 Does anybody else have any other questions for Mr. Ward?  
1169

1170 Mr. Archer - Mr. Chairman, I have a question that's sort of general. One  
1171 of the conditions that a 15-foot planting strip easement and a 6-foot vinyl privacy fence  
1172 would be provided, who is responsible for the plants in the planting strip, and the  
1173 maintenance of the fence and the planting strip once it has been provided.  
1174

1175 Mr. O'Kelly - By ordinance, Mr. Archer, the lot owner is responsible for the  
1176 maintenance of the fence and the planting strip easement once it's installed.  
1177

1178 Mr. Archer - Okay. So, it has to be planted by the applicant also?  
1179



1180 Mr. O'Kelly - No. It would be planted by the developer, if any planting was  
1181 required. In this case, I think we're looking at keeping the existing trees sort of as a  
1182 planting strip easement and supplemented where necessary.  
1183  
1184 Mr. Archer - Okay. All right.  
1185  
1186 Mr. Branin - Anyone else have any questions before I bring down the  
1187 applicant? None? Sir, if you could state your name for the record when you come in.  
1188  
1189 Mr. Traynham - Good morning, members of the Planning Commission. My  
1190 name is Byron Traynham with E. D. Lewis and Associates. I represent the applicant.  
1191 The 6-foot privacy fence will be vinyl and we will do a landscape plan showing  
1192 evergreens in the 15-foot portion back there to suppress more of the sound from the  
1193 interstate.  
1194  
1195 Mr. Branin - Okay. Now, what kind of rating are you putting on with your  
1196 insulation on your house?  
1197  
1198 Mr. Traynham - I don't know the answer to that.  
1199  
1200 Mr. Branin - Would you be comfortable stating that you will put into your  
1201 conditions that it would be rated at 55?  
1202  
1203 Mr. Traynham - Yes, yes we would.  
1204  
1205 Mr. Jernigan - In a zoning case, we would get 55 against an interstate.  
1206  
1207 Mr. Traynham - Okay.  
1208  
1209 Mr. Jernigan - In today's market.  
1210  
1211 Mr. Branin - Also, what kind of price range will these house be listed at?  
1212  
1213 [Off mike] - [Unintelligible.]  
1214  
1215 Mr. Branin - Okay. All right. I have no further questions. Does anyone?  
1216 Thank you.  
1217  
1218 Mr. Traynham - Thank you.  
1219  
1220 Mr. Branin - All right. I would like to move for approval of SUB-55-07,  
1221 Parham Estates, (October 2007 Plan) with standard conditions for subdivisions served  
1222 by public utilities and the following additional conditions 12 through 15.  
1223  
1224 Mr. Jernigan - Second.  
1225

1226 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All  
1227 in favor say aye. All opposed say no. The ayes have it, the motion carries.  
1228

1229 The Planning Commission granted conditional approval to SUB-55-07, Parham Estates,  
1230 (October 2007 Plan), subject to the standard conditions attached to these minutes for  
1231 subdivisions served by public utilities, the annotations on the plans, and the following  
1232 additional conditions:  
1233

- 1234 12. Each lot shall contain at least 11,000 square feet.
- 1235 13. The plan must be redesigned to provide at least the 80-foot minimum lot width  
1236 required and as regulated by Chapter 24, of the Henrico County Code.
- 1237 14. The detailed plant list and specifications for the landscaping to be provided within  
1238 the 15-foot-wide planting strip easement along I-64 shall be submitted to the  
1239 Department of Planning for review and approval prior to recordation of the plat.
- 1240 15. Lots 7-12 must be built to the 40-foot front yard setback.

1241

## 1242 **SUBDIVISION**

1243

SUB-56-07 Morgan Estates (October 2007 Plan) 12520 Bacova Drive	<b>E. D. Lewis &amp; Associates, P.C. for Darrell H. Bowman:</b> The 3.98-acre site proposed for a subdivision of 3 single-family homes is located on the northern line of Bacova Road, approximately one mile west of Pouncey Tract Road (State Route 271) on parcel 735-766-2261. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. <b>(Three Chopt) 3 Lots</b>
--	--

1244

1245 Mr. Branin - Is anyone in opposition to SUB-56-07, Morgan Estates  
1246 (October 2007 Plan)? No one? All right, Ms. Goggin.  
1247

1248 Ms. Goggin - Good morning again. The Department of Public Works and  
1249 the Department of Planning cannot recommend approval of the plan as submitted. The  
1250 alignment of North Gayton Road to be extended, as well as the realignment of Bacova  
1251 Road will affect this property. If you look at the screen, here is the proposed alignment  
1252 of North Gayton, and Bacova will be realigned to accommodate that. Unfortunately, the  
1253 final design has not been determined at this time and therefore, staff recommends that  
1254 the developer defer this project until necessary right-of-way dedication for the alignment  
1255 of the two roads, and the extension of North Gayton has been determined. The effect of  
1256 the major thoroughfare plan road on this subdivision needs to be determined before  
1257 staff can make a positive recommendation.  
1258

1259 Mike Jennings is here if you have any questions concerning the proposed North Gayton  
1260 extension, as well as the Bacova alignment.  
1261

1262 Should the Commission act on this request, in addition to the standard conditions for  
1263 subdivisions not served by public utilities, staff recommends conditions 11 and 13 in the  
1264 agenda.

1265  
1266 The engineer, Byron Traynham is here on behalf of the applicant to answer any  
1267 questions the Commission may have, and I am here to answer any questions the  
1268 Commission may have of me.  
1269  
1270 Mr. Branin - Okay. May I speak to the applicant, please?  
1271  
1272 Mr. Traynham - Good morning. My name is Byron Traynham with E. D.  
1273 Lewis and Associates. We are well aware of the concerns of traffic engineering and the  
1274 Planning Commission regarding the extension of Gayton Road.  
1275  
1276 Note Disturbance In Audience  
1277  
1278 Mr. Branin - Sir, sir? We're in the middle of a meeting, sir.  
1279  
1280 Mr. Traynham - We just wanted to get this in front of everyone, just so the  
1281 Planning Commission could understand the applicant's concerns of having a piece of  
1282 property and not being able to do develop it because of the extension of this road, and  
1283 him really not knowing exactly when the County will know where this road will be in  
1284 relation to his property. Right now, it is an estimate of where this road will go. It could go  
1285 200 yards to the west of the property, or it could go right through the middle of the  
1286 property. No one knows that. The owner of the property is in limbo until this is known.  
1287 He just really wanted to get this in front of the Planning Commission so that every one  
1288 would understand his situation.  
1289  
1290 Mr. Branin - Absolutely. I'm going to ask you to defer this, or I will defer  
1291 this because I think the proposed subdivision is good, but with not knowing where the  
1292 road's going, I would like to have the opportunity to sit down with the applicant, with  
1293 Transportation, and see how far along we are before we move forward with it. So, I'm  
1294 going to ask for a one-month deferral. You can defer it or I will. Just so we have a  
1295 chance to sit down and talk, because, sir, I haven't had an opportunity to meet you and  
1296 would like to get that opportunity.  
1297  
1298 [Off mike.] [Unintelligible.]  
1299  
1300 Mr. Branin - Well, let's see where we can get in a meeting and then we  
1301 can, hopefully, proceed forward.  
1302 Mr. Traynham - We'll defer it for one month to sit down and....  
1303  
1304 Mr. Branin - Okay. Mr. Secretary, that date would be November—  
1305  
1306 Mr. O'Kelly - 14<sup>th</sup>.  
1307  
1308 Mrs. Jones - That's three weeks, actually.  
1309  
1310 Mr. Branin - I appreciate it.

1311  
1312 Mr. Traynham - Thank you very much.  
1313  
1314 Mr. Branin - Mr. Secretary, also, if you would have staff set up a meeting  
1315 at their earliest convenience. Okay? Thank you. I would like to move SUB-56-07,  
1316 Morgan Estates (October 2007 Plan) be deferred to the November 14, 2007 meeting  
1317 per Commissioner request.  
1318  
1319 Mrs. Jones - Second.  
1320  
1321 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
1322 favor say aye. All opposed say no. The ayes have it, the motion carries.  
1323  
1324 At the request of the Commissioner, the Planning Commission deferred SUB-56-07,  
1325 Morgan Estates (October 2007 Plan), to it's November 14, 2007 meeting.  
1326  
1327 Mr. O'Kelly - Mr. Chairman, before we announce the next case, to those  
1328 folks that are here for the public hearing on the floodplain ordinance, we have about  
1329 seven more cases on our regular agenda to hear before the public hearing, which is  
1330 scheduled at 10:00. We may be delayed a little bit on the public hearing. I just wanted  
1331 to let you all know where we are at this point.  
1332  
1333 Mr. Vanarsdall - We also have plenty of room down front and all in here, if  
1334 any of you want to sit down.  
1335  
1336 [Off mike] - Seven items, are we talking like two hours or what?  
1337  
1338 Mr. Vanarsdall - I hope not.  
1339  
1340 Mr. O'Kelly - I don't think so, no sir.  
1341  
1342 [Off mike] - Is there someone that could give some of us a briefing  
1343 outside of exactly what the flood—  
1344  
1345 Mr. O'Kelly - I think that's an excellent suggestion and we do have  
1346 representatives from the Department of Public Works here that might be able to  
1347 facilitate a meeting in the lobby. Thank you.  
1348 Mr. Jernigan - Which one are you here for?  
1349  
1350 [Off Mike] - The Brookland one up here through the Hungry/Purcell area.  
1351  
1352 Mr. O'Kelly - Ma'am, it's all the same.  
1353  
1354 Mr. Jernigan - It's all the same.  
1355  
1356 [Off Mike] - The other people are from [unintelligible].

1357  
1358 Mr. Jernigan - It's the whole County.  
1359  
1360 Mr. O'Kelly - It's a countywide ordinance.  
1361  
1362 **MR. BRANIN LEAVES THE ROOM AND MR. JERNIGAN PRESIDES OVER THE**  
1363 **MEETING.**  
1364  
1365 Mr. Vanarsdall - Man, cleared the room, didn't it? Where'd the Chairman  
1366 disappear?  
1367  
1368 Mr. Jernigan - He has to leave for a few minutes; I'll take over.  
1369  
1370 Mr. O'Kelly - Okay, thank you, Mr. Jernigan.  
1371

1372 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**  
1373

POD-57-07  
Candlewood Suites –  
5400 Audubon Drive

**The Spectra Group for Raj Jain:** Request for approval of a plan of development and special exception as required by Chapter 24, Sections 24-2, 24-67(d) and 24-106 of the Henrico County Code, to construct a four-story, 54,680 square foot, 100-room hotel with a height of 55 feet. The special exception would authorize a building exceeding a height of 45 feet. The 3.07-acre site is located on the north line of Audubon Drive, approximately 1,120 feet east of the intersection with Oakley's Lane on parcel 819-717-6812. The zoning is M-1C, Light Industrial District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

1374  
1375 Mr. Jernigan - Is there any opposition to POD-57-07, Candlewood Suites?  
1376 Okay, Lee?  
1377  
1378 Mr. Pambid - Good morning again. Again, the POD request is for a hotel  
1379 branded as a Candlewood Suites. Some of the major points of this site plan are #1, a  
1380 BMP is proposed. We do have some proffers in place to address this. It requires that  
1381 any above-ground wet BMP shall be aerated and any above-ground dry BMP shall be  
1382 landscaped in accordance with the landscape plan at time of POD.  
1383  
1384 Another highpoint to this site plan is that the submitted architectural are in compliance  
1385 with the recently-amended proffers and they feature substantially more brick now than  
1386 the elevations originally submitted at the time of POD a couple of months ago.  
1387  
1388 Some Civil War earthworks are present on this site, but they will be left undisturbed.  
1389

1390 As recently stated, the applicant is also requesting approval of a special exception to  
1391 allow a 55-foot tall building in the M-1C District, where 45 feet is allowed by right. As is  
1392 customary, staff makes no recommendations on special exceptions of this nature.  
1393 However, the applicants are here today to present their case to the Planning  
1394 Commission for their special exception request.

1395  
1396 Staff recommends approval subject to the annotations on the staff plans and the  
1397 conditions in the agenda. Should the Planning Commission choose to approve the  
1398 special exception for height, it should be moved separately from POD approval.

1399  
1400 This concludes my presentation. I'm available to answer any questions you might have.  
1401 Also, engineer Chris Taylor with the Spectra Group and Raj Jain with Landmark  
1402 Hospitality Group are here to present their case for the special exception and to answer  
1403 any questions with regards to the POD.

1404  
1405 Mr. Jernigan - Lee, the only question I have is on Condition 35, I notice on  
1406 A and B about an E & S plan? I thought that was just normally Code, that they had to  
1407 do that anyway. I didn't know why that was put in that way. They always have to file an  
1408 E & S report. Was there anything different about this?

1409  
1410 Mr. Pambid - I think the fact that they haven't made a decision on the BMP  
1411 yet as to whether it's going to be dry or wet, we wanted to have another chance to  
1412 review that aspect of the POD. We can also ask the engineer, Chris Taylor, about that  
1413 as well.

1414  
1415 Mr. Jernigan - Well, it came from staff. I didn't know. I know an E & S  
1416 report has to be filed for Public Works for each case. I just didn't know why this was  
1417 singled as something different. All right.

1418  
1419 Mrs. Jones - I have a question about the POD, not the special exception.  
1420 Why was Condition 28 deleted?

1421  
1422 Mr. Jernigan - After speaking to Lee yesterday, originally, the lights were at  
1423 15 feet so they wouldn't shine on anybody. There is a subdivision across the street, but  
1424 we also have about a 60-foot road, plus wooded conditions that protect the  
1425 neighborhood. By Code, you can't put over a half a foot-candle on somebody else's  
1426 property anyway. So, even if the lights are taller, they won't be getting any light off this,  
1427 and mainly it was for the 15 feet.

1428  
1429 Mrs. Jones - The character of the lights, as described here will be low-  
1430 intensity residential, that kind?

1431  
1432 Mr. Jernigan - And we've amended 9 and 11, so that'll have to come back.

1433  
1434 Mrs. Jones - Okay.

1435

1436 Mr. Jernigan - It will probably be a shoebox top, that type lighting.  
1437  
1438 Mr. Pambid - That's right.  
1439  
1440 Mrs. Jones - I was just curious.  
1441  
1442 Mr. Jernigan - Okay. That's all I have.  
1443  
1444 **MR. BRANIN RETURNS.**  
1445  
1446 Mr. Branin - Does anybody else have any questions? No one?  
1447  
1448 Mr. Pambid - You have the applicant and the engineer here as well, if you  
1449 have questions for them.  
1450  
1451 Mr. Branin - Would you like to hear from the applicant?  
1452  
1453 Mr. Jernigan - No, I don't think we need to. We've gone over this case  
1454 quite a bit, so I'm okay with it.  
1455  
1456 Mr. Branin - All right.  
1457  
1458 Mr. Jernigan - Mr. Chairman, with that, I would like to move for approval of  
1459 POD-57-07, Candlewood Suites, with the special exception for a 55-foot height, subject  
1460 to the annotations on the plans, the standard conditions for developments of this type,  
1461 and the follow additional conditions #9 amended, #11 amended, 24 through 27, 28  
1462 deleted, and 29 through 39.  
1463  
1464 Mr. Vanarsdall - Second.  
1465  
1466 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
1467 All in favor say aye. All opposed say no. The ayes have it, the motion carries.  
1468  
1469 The Planning Commission approved POD-57-07, Candlewood Suites, subject to the  
1470 annotations on the plans, the standard conditions attached to these minutes for  
1471 developments of this type, and the following additional conditions:  
1472  
1473 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1474 Planning for review and Planning Commission approval prior to the issuance of  
1475 any occupancy permits.  
1476 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan  
1477 including depictions of light spread and intensity diagrams, and fixture and  
1478 specifications and mounting height details shall be submitted for Department of  
1479 Planning review and Planning Commission approval.  
1480 24. The easements for drainage and utilities as shown on approved plans shall be  
1481 granted to the County in a form acceptable to the County Attorney prior to any

- 1482 occupancy permits being issued. The easement plats and any other required  
1483 information shall be submitted to the County Real Property Agent at least sixty  
1484 (60) days prior to requesting occupancy permits.
- 1485 25. The developer shall provide fire hydrants as required by the Department of Public  
1486 Utilities and Division of Fire.
- 1487 26. Outside storage shall not be permitted.
- 1488 27. The proffers approved as a part of zoning case C-50C-07 shall be incorporated in  
1489 this approval.
- 1490 28. ~~DELETE - All exterior lighting fixtures shall be designed and arranged so the~~  
1491 ~~source of light is not visible from the roadways or adjacent residential properties.~~  
1492 ~~The lighting shall be low intensity, residential in character, and the height or~~  
1493 ~~standards shall not exceed 15 feet.~~
- 1494 29. Any necessary off-site drainage and/or water and sewer easements must be  
1495 obtained in a form acceptable to the County Attorney prior to final approval of the  
1496 construction plans.
- 1497 30. Deviations from County standards for pavement, curb or curb and gutter design  
1498 shall be approved by the County Engineer prior to final approval of the construction  
1499 plans by the Department of Public Works.
- 1500 31. The loading areas shall be subject to the requirements of Chapter 24, Section  
1501 24-97(b) of the Henrico County Code.
- 1502 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
1503 drainage plans.
- 1504 33. Insurance Services Office (ISO) calculations must be included with the plans and  
1505 contracts and must be approved by the Department of Public Utilities prior to the  
1506 issuance of a building permit.
- 1507 34. Approval of the construction plans by the Department of Public Works does not  
1508 establish the curb and gutter elevations along the Henrico County maintained  
1509 right-of-way. The elevations will be set by Henrico County.
- 1510 35. The owners shall not begin clearing of the site until the following conditions have  
1511 been met:
- 1512 (a) The site engineer shall conspicuously illustrate on the plan of development  
1513 or subdivision construction plan and the Erosion and Sediment Control  
1514 Plan, the limits of the areas to be cleared and the methods of protecting  
1515 the required buffer areas. The location of utility lines, drainage structures  
1516 and easements shall be shown.
- 1517 (b) After the Erosion and Sediment Control Plan has been approved but prior  
1518 to any clearing or grading operations of the site, the owner shall have the  
1519 limits of clearing delineated with approved methods such as flagging, silt  
1520 fencing or temporary fencing.
- 1521 (c) The site engineer shall certify in writing to the owner that the limits of  
1522 clearing have been staked in accordance with the approved plans. A copy  
1523 of this letter shall be sent to the Department of Planning and the  
1524 Department of Public Works.
- 1525 (d) The owner shall be responsible for the protection of the buffer areas and  
1526 for replanting and/or supplemental planting and other necessary  
1527 improvements to the buffer as may be appropriate or required to correct



1528 problems. The details shall be included on the landscape plans for  
1529 approval.

1530 36. The location of all existing and proposed utility and mechanical equipment  
1531 (including HVAC units, electric meters, junction and accessory boxes,  
1532 transformers, and generators) shall be identified on the landscape plans. All  
1533 equipment shall be screened by such measures as determined appropriate by  
1534 the Director of Planning or the Planning Commission at the time of plan approval.

1535 37. Except for junction boxes, meters, and existing overhead utility lines, and for  
1536 technical or environmental reasons, all utility lines shall be underground.

1537 38. Federal Aviation Administration (FAA), Form 7460-1 shall be submitted to the  
1538 FAA and proof of such approval shall be provided to the Planning Department  
1539 prior to approval of any building permit application.

1540 39. Evidence that an engineer has certified the height of the building shall be  
1541 provided to the Director of Planning prior to the issuance of a Certificate of  
1542 Occupancy.

1543

1544 **MR. ARCHER EXITS DURING THE NEXT CASE.**

1545

1546 **PLAN OF DEVELOPMENT**

1547

POD-64-07 BJ's Wholesale Club – 1320-1326 Starling Drive	<b>Vanasse Hangen Brustlin for The Taubman Company and BJ's Wholesale Club, Inc.:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one- story, 117,286 square foot wholesale/retail warehouse building with a six-pump fuel center. The 12.50-acre site is located on the west line of Starling Drive, approximately 600 feet south of Quioccasin Road on parcels 751-744- 9528 and 752-744-2137. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Tuckahoe)</b>
--	---

1548

1549 Mr. Branin - Does anybody have any opposition to POD-64-07, BJ's  
1550 Wholesale Club? No one.

1551 Mrs. Jones - No, we do.

1552

1553 Mr. Branin - One. Okay. I didn't see you raise your hand; I'm sorry. All  
1554 right. Mr. Secretary, would you review for the people in the audience how opposition  
1555 works with time?

1556

1557 Mr. O'Kelly - I don't have my cheat sheet.

1558

1559 Mr. Branin - All right. We have ten minutes to hear a case and usually  
1560 we will hear from the applicant and the applicant will make a presentation. After the  
1561 applicant makes the presentation, he will request a couple minutes for rebuttal. Then  
1562 we will ask you to come down and voice your opposition. There is a total of ten minutes

1563 for all opposition to be heard. When the ten minutes are up, the attorney or applicant  
1564 has that time for rebuttal and then we will make a decision on the case. Okay? That  
1565 doesn't include the time when we ask you questions. We take that time out. All right.  
1566 Ms. Goggin?

1567  
1568 Ms. Goggin - This POD was deferred by the applicant at the August 26,  
1569 2007 meeting to this agenda. BJ's held a neighborhood meeting August 13, 2007 at  
1570 Quioccasin Baptist Church. During that meeting, citizens expressed their concerns  
1571 about additional traffic that would be generated from the store, as well as cut-through  
1572 traffic through the adjacent neighborhood on Farmington Drive and Blue Jay Lane.  
1573 Concerns about noise and the visual impacts were also expressed about the proposed  
1574 location of six fueling pump stations in the proximity to the neighborhood.

1575  
1576 In response to this meeting, the developer moved the fuel stations sixty feet further  
1577 north away from the neighborhood, which would allow them more room for landscaping  
1578 and soften the impact on the adjacent parcels. The fuel centers were first proposed  
1579 literally right here, as shown on the site plan, but they did move it 60 feet north, so  
1580 there's a double row of parking, as well as some landscape islands in addition to the  
1581 other landscaping that I will talk about a little bit later.

1582  
1583 Staff was contacted by one property owner in the subdivision to the south of the site on  
1584 Starling Drive, expressing concern about the additional traffic and the impact on the  
1585 neighborhood along Starling. We added her to the notification list. The notice letters  
1586 were sent out last week and we have not been contacted since that mailing, except by  
1587 Quioccasin Baptist Church, who submitted a letter supporting the proposed  
1588 development. As you can tell, there are citizens here today that have come to this  
1589 hearing to express their concerns about the proposed development, additional traffic in  
1590 their neighborhood, and specifically construction traffic and delivery traffic routing.

1591  
1592 I would also like to note that to help with the noise abatement, there is a proffer on the  
1593 site that requires the applicant to screen visually and for noise the HVAC units that  
1594 would be on the roof of the building.

1595  
1596 Staff suggested that the applicant include additional architectural details on the building  
1597 to break up the building mass on all four sides. Suggestions included pilasters,  
1598 recessed brick sections, and other features to break up the roofline. The applicant did  
1599 provide some of these on the front elevation, but has not agreed to provide these on all  
1600 four sides. As you can tell right here, here's the entrance. The building was otherwise  
1601 plain, like is shown here on the west elevation. They did repeat a feature right here and  
1602 one right here, but if they do this at a minimum, staff would like them to repeat the  
1603 pattern that's to the left of the triangular feature so it is symmetrical in design. Staff  
1604 does not feel that this would compete with the entrance of the store, which is bigger and  
1605 has some signage as well as a glass front so people can see in, making it obvious that's  
1606 where the entrance is. Staff has not received revised architectural renderings  
1607 addressing staff's comments pertaining to the building elevations.

1608

1609 A traffic impact study in accordance with Chapter 527 Regulations, has been  
1610 acknowledged by the Virginia Department of Transportation to be complete. Mike  
1611 Jennings, our traffic engineer, is here to make his recommendation on VDOT's review  
1612 and enter VDOT's review comments into the public record.

1613  
1614 Should the Commission choose to approve the POD, staff recommends approval  
1615 subject to the standard conditions for developments of this type; annotations on the  
1616 plan; additional conditions 24 through 36; condition 35 amended as shown on page 5 in  
1617 the handout addendum; and conditions 9 and 11 amended, which will require the  
1618 landscape and lighting plan to come back to the Planning Commission for review and  
1619 approval. This would require additional adjacent property notice letters to go out to  
1620 allow the adjacent residents to participate in that process.

1621  
1622 John Carty from VHB is here, as well as Jim Theobald and Peter Hopely—did I get that  
1623 right? Hopley? Hopley, excuse me—from BJ's is here as well. As previously mentioned,  
1624 Mike Jennings is here to talk about the 527 Study, and I'd be happy to answer any  
1625 questions the Commission may have.

1626  
1627 Mrs. Jones - I'd like to confirm with you on the site plan. Would you just  
1628 touch briefly on the proffered buffer? This is a large-scale operation going in right next  
1629 to residential properties, and I'd like you just to tell the Commission about the buffering  
1630 around Blue Jay.

1631  
1632 Ms. Goggin - No problem. When this site was rezoned in 1986 for retail  
1633 and office, the applicant at the time provided, and staff accepted, a 50-foot proffered  
1634 buffer that no building can take place in. This proffered buffer goes completely around  
1635 the property against all of the residential uses. Not the church, but the residential uses.  
1636 Also within that 50-foot proffered buffer is a 25-foot transitional buffer that is required by  
1637 County code. That transitional buffer would require, at a minimum, four large trees such  
1638 as oaks, maples; two small trees like a dogwood, a plum, or we can also do  
1639 cryptomeria—just evergreens, deciduous; as well as 16 shrubs per 100 linear feet.  
1640 Those can be wax myrtles, hollies, shrubs. In addition, in our negotiations, the applicant  
1641 has agreed to provide fence panels, as necessary, where the landscaping may not be  
1642 thick enough to provide a visual buffer from light and such that happens on the property  
1643 as people may be exiting or coming in.

1644  
1645 Mrs. Jones - I have another question. Thank you for that. It really is just  
1646 a standard. These are 1986 proffers. It was a different world back then. Predominantly  
1647 brick.

1648  
1649 Ms. Goggin - Yes ma'am.

1650  
1651 Mrs. Jones - What is that definition specifically in Henrico County?

1652  
1653 Ms. Goggin - Predominantly brick would exclude glass, entrance features,  
1654 doors, window frames. It would be the front, the sides of the building.

1655  
1656 Mrs. Jones - But “predominantly,” is that 51% or there a standard that is  
1657 commonly used for what constitutes “predominantly”?  
1658  
1659 Ms. Goggin - I don’t think we—  
1660  
1661 Mrs. Jones - I don’t mean to just put this out there, but it’s occurred to me  
1662 as I was looking this over again just sitting up here, that that’s a term I wasn’t sure there  
1663 was a quantitative value for.  
1664  
1665 Ms. Goggin - There are features that cannot be brick, glass, store framing,  
1666 etcetera. You need to have more brick than any other feature. Having some features  
1667 like this would be permissible. It would not take over the majority part of it. If they  
1668 started coming in with EIFS all along the top—For some decorative touches, yes. But  
1669 predominately, the building must be brick  
1670  
1671 Mrs. Jones - Okay. The residents’ concerns. The neighborhood meeting  
1672 that we had brought some very helpful concerns forward that I think we’ve all discussed  
1673 in many ways over the past weeks. Henrico County has responded to a drainage issue  
1674 unrelated to the BJ’s plan, correct?  
1675  
1676 Ms. Goggin - Yes ma’am.  
1677  
1678 Mrs. Jones - Other resident concerns. You have had one?  
1679  
1680 Ms. Goggin - I had one lady call me who lives in Ridgecrest. She  
1681 expressed her concern about the additional traffic on Starling Drive, specifically south of  
1682 the site where it turns into more of a residential street versus being the four-lane, turn-  
1683 lane road that is up towards the mall.  
1684  
1685 Mrs. Jones - So, there have been no calls, however, as a result of the last  
1686 mailing, which included the revised plan and notice of this meeting, correct?  
1687  
1688 Ms. Goggin - The applicant did send out the revised plan to the people  
1689 that came to the meeting, and the adjacent property owners. We provided that  
1690 information with their first mailing. Between their mailing and our notice letters, we have  
1691 had some people come in today for some input. I would like to note that Jeff Perry from  
1692 Public Works is here as well to address any drainage questions any citizens may have.  
1693  
1694 Mrs. Jones - Thank you. You’ve worked awfully hard on this. Thank you  
1695 so much.  
1696  
1697 Ms. Goggin - Thank you.  
1698  
1699 Mr. Branin - Does anybody else have any other questions for Ms.  
1700 Goggin?

1701  
1702 Mrs. Jones - We need to have Mr. Jennings come up, I guess, at this  
1703 point.

1704  
1705 Mr. Branin - Okay. Mr. Jennings?

1706  
1707 Mr. Jennings - Good morning. I'm Mike Jennings, Traffic Engineer for  
1708 Henrico County. As Ms. Goggin stated, BJ's was required to submit a 527 Traffic Study  
1709 for the new Code of Virginia regulations on a certain size development. Part of the  
1710 regulations are the key findings of the study be put into public record. Basically, what  
1711 I'm going to do is at least put their key findings, from VDOT's results, into the public  
1712 record today.

1713  
1714 Basically, they evaluated the traffic analysis and found that the report conforms to the  
1715 requirements of Chapter 527 in regard to the accuracy, methodologies, assumptions,  
1716 and conclusions presented in the analysis. Key findings identified in the traffic impact  
1717 analysis are noted in Section 6 of the report, and included the following. Results of the  
1718 capacity analysis for the 2009 and 2015 build conditions reveal that no significant  
1719 geometrical changes are required at study area intersections to accommodate BJ's  
1720 Wholesale Warehouse Club's site traffic. In some cases, signal timing modifications  
1721 even improve upon existing conditions before the addition of the site traffic. The  
1722 following improvements are recommended to accommodate site traffic generated by the  
1723 proposed BJ's Wholesale Club store, and the developer of the store commits to  
1724 providing them, if approved by Henrico County and VDOT, as may be required by  
1725 Henrico County Director of Public Works:

- 1726  
1727 1. Re-stripe additional southbound Starling Drive auxiliary lane adjacent to the site  
1728 to provide exclusive right-turn lanes for each driveway location.  
1729 2. Decrease the cycle length at the Quioccasin Road intersections with Starling  
1730 Drive and Pemberton Drive to 90 seconds during each peak period.  
1731 3. Optimize signal splits at Quioccasin Road intersections with Starling Drive and  
1732 Pemberton Road to accommodate the site traffic.  
1733 4. Also, shift 6 seconds of additional green time from Patterson Avenue to the  
1734 southbound Gayton Road approach in order to improve poor operations for the  
1735 Gayton Road approach.

1736  
1737 Completion of this traffic study has revealed that after the addition of the proposed retail  
1738 development site traffic and the recommended improvements, acceptable levels of  
1739 service can be maintained for all lane groups at all study area locations.

1740  
1741 Mrs. Jones - Mr. Jennings, before there's a glazing-over with all the  
1742 technical terminology, this boils down to the fact that VDOT feels that this project will not  
1743 have an adverse affect on the traffic in that area if these several items are done. Is that  
1744 correct?

1745

1746 Mr. Jennings - Yes ma'am. Both VDOT and I reviewed the traffic impact  
1747 study and we feel the road system can work at acceptable levels of service.  
1748

1749 Mrs. Jones - Just for the record—Acceptable levels of service. We  
1750 struggle with this constantly throughout the County. For the citizens who are here, we  
1751 tend to think “acceptable levels of service” means that I can go up to a light and move  
1752 through on green all the time. That’s my acceptable level of service. However, that  
1753 doesn’t happen. Could you just give it a little human—  
1754

1755 Mr. Jennings - Basically, through federal guidelines there are acceptable  
1756 levels of service A through F. Basically, what we consider acceptable is “D” and above,  
1757 and “D” could be a possible 40-second delay at an intersection to either turn left or go  
1758 straight. That’s considered acceptable when you have collector roads that are  
1759 intersecting.  
1760

1761 Mrs. Jones - It’s a real balancing act, isn’t it? I find these are standards  
1762 that have served Henrico County well. These are national standards translated through  
1763 our state and local agencies, right?  
1764

1765 Mr. Jennings - Yes ma'am. That’s what we’ve always followed.  
1766

1767 Mrs. Jones - Okay. I’d like to ask a couple other things while you’re at the  
1768 podium, if you don’t mind. This doesn’t have to do with the 527 study. By the way,  
1769 we’re all new kids on the block with this, but this is my first go-round with the 527.  
1770 Farmington and Blue Jay are quiet residential streets, and they’re about to have, I would  
1771 think, a lot of impact. At the moment, are they considered streets that need to have  
1772 some traffic calming? Are they in the Traffic Calming Program, and if so, why?  
1773

1774 Mr. Jennings - Based on the public meeting, we entered both these streets  
1775 into our Traffic Calming Program. We have done speed studies on both these streets.  
1776 Farmington Drive did not qualify for our Traffic Calming Program, but Blue Jay Lane did.  
1777 So, we could work with the citizens to acquire the proper signatures to move on with  
1778 Phase I of the program on that street.  
1779

1779 Mrs. Jones - And the citizens, as far as you know, do what to pursue this?  
1780 You’re anticipating that will be—  
1781

1782 Mr. Jennings - My understanding is yes, based on what Ms. Goggin told me  
1783 of the public hearing.  
1784

1785 Mrs. Jones - Okay.  
1786

1787 Mr. Jennings - I was not at the public hearing.  
1788

1789 Mrs. Jones - Okay. Well, that could be very helpful for this project as it  
1790 goes forward. Cut-throughs from that area are a real concern.  
1791

1792 Mr. Jennings - Looking at the trip generation and traffic distribution of this  
1793 site, we don't feel that there is going to be cut-through traffic coming through that  
1794 subdivision. The majority of the traffic will be coming from the north through the  
1795 Quioccasin/Parham area down Starling.  
1796

1797 Mrs. Jones - Okay. Would you please just mention for the record the  
1798 existing bus stop that is at the corner of this property and how that'll be handled with the  
1799 site development?  
1800

1801 Mr. Jennings - Yes ma'am. I talked to Todd Eure, who is our Transportation  
1802 Development Engineer. Part of his job is the analysis of the bus stops, the trips, and the  
1803 routes and everything. He basically said there is a bus stop existing on that site right  
1804 now and about 22 buses come through there a day. They basically come south on  
1805 Starling and then loop into the Regency parking lot. Basically, once BJ's is developed,  
1806 this is going to be an on-demand stop. If somebody wants to get off there or get on  
1807 there, it'll stop. If not, it won't even stop there. Basically, I talked to him about the  
1808 possibility of relocating the bus stop, because I know BJ's had asked for that. He said  
1809 it's not a problem, as long as it's in a safe place. We could look at it to make sure  
1810 there's adequate sight distance at the intersections and everything. It would be a short  
1811 stop. It would not be a long stop.  
1812

1813 Mrs. Jones - When would that come up, as we go through the—  
1814

1815 Mr. Jennings - If it's approved, we'd look at it during the POD process. My  
1816 understanding is, from talking to VHB's engineer, they are going to propose a location  
1817 for a bus stop. So, I would get with Todd and we would review that on the POD.  
1818

1819 Mrs. Jones - Okay. All right. Thank you.  
1820

1821 Mr. Branin - Anyone have any questions for Mr. Jennings before he  
1822 leaves?  
1823

1824 Mrs. Jones - He's left.  
1825 Mr. Branin - Then I guess we don't. Would you like to hear from the  
1826 applicant?  
1827

1828 Mrs. Jones - Yes, please.  
1829

1830 Mr. Branin - Can the applicant come down and state your name for the  
1831 record?  
1832

1833 Mr. Theobald - Mr. Chairman, ladies and gentlemen, I'm Jim Theobald and  
1834 I'm here this morning on behalf of BJ's Wholesale Club. With me is Mr. George Goff and  
1835 Peter Hopley, as well as a number of other design professionals who may also be able  
1836 to assist with any of your questions.  
1837

1838 They have contracted to purchase approximately 12-1/2 acres across from the back of  
1839 Regency Square on Starling Drive. As you know, this site was originally zoned for retail  
1840 use back in 1981, and then subsequently amended, revised the proffers in 1986. And  
1841 prior to its 1981 rezoning, it was being used as the site of the Tuckahoe Little League.  
1842 The site is currently owned by Taubman, who owns Regency Square. They have been  
1843 looking for a user who they believe would be complementary to the uses existing and  
1844 planned at the mall, and would benefit the whole economic development of that area.  
1845

1846 The proffers that were ultimately amended in 1986 were substantial even for 1986, and  
1847 addressed a number of issues including eliminating potentially objectionable uses;  
1848 requiring building materials—you've heard brick, predominantly brick on three sides and  
1849 split face block on the rear; height limitations; limitations on the hours of deliveries;  
1850 enhanced buffers; access restrictions so that no connection can be made to, for  
1851 instance, the exiting stub street in the back along Blue Jay Lane; and lighting  
1852 restrictions, as well as fencing restrictions dealing with the existing fence that surrounds  
1853 the western and southern portions of the property.  
1854

1855 As Ms. Goggin indicated, we have met with neighbors and continually with staff, and  
1856 had many discussions with Mrs. Jones. We have received a letter from the Quioccasin  
1857 Baptist Church indicating that they are not opposed to our plans. We've been working  
1858 with them on providing them with potential pedestrian access, as well as some overflow  
1859 parking that they may need from time to time. We have amended our plans as a result  
1860 of those discussions to essentially provide for the full transitional buffer between the  
1861 church property and BJ's because the 50 feet did not apply, rather than just seek a  
1862 deviation and skinny that down further. We've also increased the height of the HVAC  
1863 screening wall on the roof regarding views and noise. Importantly, we moved the fuel  
1864 island further away from the neighborhood and in a way that didn't conflict with traffic  
1865 trying to use that. Keep in mind, those fuel islands are not for the benefit of the general  
1866 public, but only for BJ's Wholesale Club members.  
1867

1868 We have added additional architectural details, although not required to do so, to the  
1869 front of the building façade, and have agreed to add brick to the columns of the fuel  
1870 station canopy. We've also committed to the residents that we would attempt to deal  
1871 with our vendors as to the routing of the delivery traffic coming from Quioccasin. We've  
1872 also agreed with them to find a suitable place for construction access, somewhere more  
1873 in the middle of the site, if you will, so that we don't bother Disco Sports and the  
1874 Wellness Center, and we're as far away from the neighborhood as makes sense, so  
1875 that we don't have this conflict with construction traffic.  
1876

1877 I would submit that this is an important economic development initiative for Henrico  
1878 County. There are a lot of good things happening in that area of Quioccasin and  
1879 Parham with recent upgrades to older structures. Regency Square is looking for ways to  
1880 remain vibrant. We believe that the investment of millions of dollars by BJ's into this  
1881 area will only help that effort.  
1882



1883 Importantly, we believe that this request complies with all the legal requirements  
1884 applicable to POD consideration. We are in agreement with the conditions as have been  
1885 modified and amended. We would just like to clarify for the record that when you say,  
1886 “no outside storage,” that does not preclude cart storage. I’ve been assured by staff it  
1887 does not. We have designated cart storage areas on the plan that have been  
1888 discussed. I just wanted to make that part of the record. Of course, after discussions  
1889 on the architectural, which I’m sure we’ll discuss more, we are not in agreement with  
1890 staff’s annotations on the plans that we put up on the screen.

1891  
1892 With that, I would respectfully request your approval of the POD. I’d be happy to  
1893 answer any questions.

1894  
1895 Mr. Jernigan - Does anybody have any questions for Mr. Theobald?

1896  
1897 Mrs. Jones - I have a few. I thought maybe I’d let anyone else go first

1898  
1899 Mr. Branin - No ma’am, Mrs. Jones.

1900  
1901 Mrs. Jones - All right.

1902  
1903 Mr. Branin - You’re up.

1904  
1905 Mrs. Jones - All right. Well, I do have a few, simply because I think it’s  
1906 important to confirm understandings that have been hammered out over the last number  
1907 of weeks that this has been under discussion. Staff has spent a huge amount of time, as  
1908 well as myself. By the way, this plan that we have up now is not accurate as to the  
1909 fuel tanks, so it’s better to have this plan up. Yes. Okay? When BJ’s first came in—  
1910 And please understand, the questions I’m asking you are not relevant to the business  
1911 model of BJ’s. Those of us who patronize Costco and some folks who patronize Sam’s,  
1912 understand that these can be very helpful and beneficial stores and certainly have a  
1913 good corporate image. My specifics are trying to make this a good fit for this site. In  
1914 that vein, I just wanted to ask you some questions regarding things we talked about.

1915  
1916 One of the things from the neighborhood meeting was the impact of traffic. Certainly  
1917 we’ve heard that, hopefully, this will not be as impactful as some had feared. One of the  
1918 questions originally was, well gosh, if the store were slightly smaller and that gave a  
1919 little more room to maneuver through parking, and in and out, would that be a  
1920 possibility. The Hanover Store is 10,000 square feet less on acreage that’s larger. Is  
1921 there any reason why this store has to be the size that you are proposing?

1922  
1923 Mr. Theobald - Well, I’m not sure that, “it has to be,” would necessarily be  
1924 the way I’d phrase that, but this is the size of store that they desire, that fits their  
1925 prototype for acreage of this size. As you know, these stores, when you go into a  
1926 national chain store, they’re laid out to accomplish a similar look and feel really across  
1927 the country. Their storage is in the same place, their entrances are, hopefully, in the

1928 same place. This was the desired size and one that met the parking requirements,  
1929 which is the give and take, vis-à-vis the size of a store, so that would be their request.  
1930  
1931 Mrs. Jones - Would it be a point of discussion at all to consider any  
1932 smaller structure?  
1933  
1934 Mr. Theobald - No ma'am.  
1935  
1936 Mrs. Jones - We have construction hours that are certainly a point of  
1937 discussion among the neighbors. Could you confirm those?  
1938  
1939 Mr. Theobald - Yes. We had committed in a letter to the neighbors. There is  
1940 no requirement in the zoning case, but the commitment to them was that we would limit  
1941 the hours to between 7 a.m. and 7 p.m. Monday through Friday, and 8 a.m. to 7 p.m.  
1942 Saturday, with no construction on Sunday.  
1943  
1944 Mrs. Jones - Well, I think that's certainly something that's appropriate and  
1945 right next to a residential setting to have those. I appreciate that.  
1946  
1947 Mr. Theobald - I might also say for the benefit of Ms. Beale, who's in the  
1948 audience, and the Wellness Center, we have spent a lot of time in discussions with her,  
1949 and trying to make sure that we respect the activities that she's doing over there in  
1950 terms of meditation and massage and yoga that goes on in that facility. We are going to  
1951 try very hard to disturb her as little as possible during the construction.  
1952  
1953 Mrs. Jones - Not a good match with jackhammers.  
1954  
1955 Mr. Branin - Mr. Theobald, I didn't see Ms. Beale raise her hand in  
1956 opposition.  
1957  
1958 Mr. Theobald - She did not. I just wanted to make sure that, for the record,  
1959 she's been very kind in working with us and talking with us, and I just wanted to make  
1960 sure that I'd said that.  
1961  
1962 Mr. Branin - I think I may call Ms. Beale up.  
1963  
1964 Mrs. Jones - Have store hours and delivery hours been discussed and  
1965 decided?  
1966  
1967 Mr. Theobald - That is controlled by the proffered conditions. The proffered  
1968 conditions in the case limit the hours to, "No deliveries or other loading and unloading  
1969 shall be allowed before 6 a.m. nor after 11 p.m., and no trash pickup operations shall be  
1970 allowed before 9 a.m. or after 7 p.m." That's a proffered condition.  
1971  
1972 Mrs. Jones - Okay. Well, I know we're certainly bound by the proffers. I do  
1973 hope that there will be no great impacts on the neighborhoods from those kinds of

1974 things. You've heard Ms. Goggin go through the hoops for the buffering of noise and  
1975 lights and visual impacts on the neighbors through the use of the plantings and this 50-  
1976 foot buffer, and the planting heights for the 25 transitional. Your client is comfortable  
1977 with doing whatever it takes to make this be the kind of environment we hope it will be?  
1978

1979 Mr. Theobald - What I pledge to you, Mrs. Jones, is in addition to the 50  
1980 feet, which is primarily treed at this point as well as whatever vegetation exists in the  
1981 backyards of their homes, is that we're certainly no more interested in causing any  
1982 negative impacts on neighbors than anybody. We don't want those phone calls either  
1983 and we always strive to be a good neighbor. When we get around to landscape plan  
1984 review, what I pledge to you is we would do our very best to mitigate any holes to try to  
1985 screen it. That doesn't mean that a headlight beam isn't going to go through. It's not a  
1986 total blockage, which really can never be achieved. If we're going to be amenable to  
1987 make sure that we have protected those folks—I did also pledge to you if there's just a  
1988 place based on TOPO or screening, that if there's a section that the plantings just won't  
1989 help us, then we'd consider putting a section of a screening fence in there.  
1990

1991 Mrs. Jones - I appreciate your willingness to really look at that at  
1992 landscape review, because I think that's key to having this fit well on this site.  
1993

1994 Mr. Theobald - Right. Again, that was—as we all discovered I guess  
1995 yesterday or the day before—part of the proffered conditions and so people were  
1996 thinking about it even back in 1986 to make sure the neighborhood was protected.  
1997

1998 Mrs. Jones - We've talked a bit about fencing. Just to be clear, because I  
1999 think one of the letters that was sent to the neighbors indicated there would be fencing  
2000 within 10 feet of the curb line, you may want to just touch on the police concerns for that  
2001 and why we're not going to do that.  
2002

2003 Mr. Theobald - An idea early on was to place, essentially, a second fence  
2004 off the curb line. Upon reflection, I think we were—That process evolved in terms of  
2005 what we were trying to accomplish, whether it was screening or security of whatever. I  
2006 think we all became concerned that, in essence, a double fence creates a no-mans land  
2007 that has some maintenance issues, some safety issues, and probably didn't achieve  
2008 any purpose. As a matter of fact, the original zoning case has a zoning condition that  
2009 requires us to both leave the existing chain link fence and repair it when necessary.  
2010 That's what we'll do. That fence is essentially our fence. If segments need repair, we  
2011 will do that. We're certainly going to try to—As you mentioned to me yesterday, that  
2012 existing fence has a lot of ivy and whatnot grown up on it and helps act as an additional  
2013 screen. So, we're going to repair where we need to, but be judicious as to not remove  
2014 anymore vegetation than absolutely necessary.  
2015

2016 Mrs. Jones - Would you be in contact with the homeowners about each  
2017 section there?  
2018

2019 Mr. Theobald - If we need to get onto their property, we certainly would.  
2020 Sometimes, when people see workmen out back, they get a little concerned and  
2021 nervous, so we would certainly do our best to let those folks know we'd back in there  
2022 working. If there are areas that are in need of repair that anybody would like to bring  
2023 our attention, we'd be happy to hear it.  
2024

2025 Mrs. Jones - Communicating with the neighbors would certainly be  
2026 appreciated so that everyone's clear about what's happening, especially if something's  
2027 been there so long.  
2028

2029 Mr. Theobald - We do have all the names. In fact, the neighbors had asked  
2030 us to produce a drawing that clearly delineated whose lot was whose, and so we have  
2031 all that information available.  
2032

2033 Mrs. Jones - Okay. When I was thinking about this plan and its impact on  
2034 this area, I did have a thought occur to me that hadn't before. There are moveable  
2035 message signs that are sometimes used with operations like that. Does BJ's use those  
2036 normally?  
2037

2038 Mr. Theobald - No ma'am, they don't, other than there are some changeable  
2039 prices near the gasoline kiosks, which are needed. I don't think they necessarily come  
2040 under your changeable message ordinance. Mr. O'Kelly's agreeing with me.  
2041

2042 Mrs. Jones - Do you think your client would be agreeable to a condition  
2043 that would preclude use of the moveable message, attention-getting signage?  
2044

2045 Mr. Theobald - Yes ma'am. Consistent with your ordinance, that would not  
2046 be a problem. We really don't have the need to use that, again, other than for the gas.  
2047

2048 Mrs. Jones - That would be, as well, appreciated. Thank you.  
2049

2050 Mr. Theobald - Surely.  
2051

2052 Mrs. Jones - Okay. I have one more discussion point. It's kind of been a  
2053 sore spot and I don't want it to be. I simply want to ask the question because I think it's  
2054 important to the overall effect of this—This is a project that has big-box look, whether  
2055 they consider themselves a big-box retail or not. This is a store that conveys that  
2056 general look, which we see along Broad Street and in other more-intensely commercial  
2057 corridors. In that vein, I and staff had asked repeatedly to see if we couldn't break up  
2058 the mass of exposure on these sides. Up, back one. If you look at the buildings, the  
2059 entrance, obviously, has architectural features, and your clients have agreed on this  
2060 entrance wall here on the east elevation to add some added pilasters and some  
2061 delineations there. The staff's point about balance for the last feature I think is well  
2062 taken. Is your client inclined to agree to that?  
2063

2064 Mr. Theobald - We had a discussion about this this morning, because I  
2065 knew it had been brought up. Frankly, in their meetings with the architect, this is  
2066 obviously done on purpose. What they were trying to do is rather than just replicate  
2067 sections, they were trying to provide a little difference so that I just didn't look like it was  
2068 repeated every so many panels. This would be the front elevations they would prefer to  
2069 live with. I guess the architect finds it architectural pleasing.  
2070

2071 Mrs. Jones - Okay. Well, I guess I can understand that point. That might  
2072 leave us—If we go on to the south elevation, this is where we have the loading areas.  
2073

2074 Mr. Theobald - Yes ma'am.  
2075

2076 Mrs. Jones - You can see kind of the silhouette of the entrance feature  
2077 there to the right. How about we'll move a little delineation over to this side?  
2078

2079 Mr. Theobald - We would not be in a position to agree to do that. This side,  
2080 like the north side, is predominately brick, as required by the zoning conditions, so what  
2081 you see are essentially—other than perhaps a little EIFS band—is just different colors of  
2082 brick. This is a lot of brick. This, of course, is the area that as we saw along the plan is  
2083 along the 50-foot buffer and screened from the neighbors. I'm not sure that any  
2084 additional architectural relief would really be merited over there and we would  
2085 respectfully decline to provide any.  
2086

2087 Mrs. Jones - Well, let's keep going around the building.  
2088

2089 Mr. Theobald - Okay.  
2090

2091 Mrs. Jones - The west elevation, of course, is the elevation that is not  
2092 required by proffer to be predominantly brick.  
2093

2094 Mr. Theobald - Correct. This is required to be split face block.  
2095

2096 Mrs. Jones - The simple things that would give it a more pleasing  
2097 appearance, in my opinion, are things like recessed areas and perhaps a feature like  
2098 the medallions, rounded accents, those kinds of things, the trim, that are in other part of  
2099 the building would certainly be an asset here. Do you think your clients would consider  
2100 doing anything on this elevation?  
2101

2102 Mr. Theobald - Honestly, I guess my answer would be the same as on the  
2103 south elevation. We are showing a few little medallion features along the roof, but again,  
2104 this is along the back where all the screening and buffering is. There is some circulation  
2105 back in here, but it's not generally seen by anybody. So, my response would be the  
2106 same.  
2107

2108 Mrs. Jones - Well, that leaves us here with what's labeled, "South  
2109 Elevation," but I—

2110  
2111 Mr. Theobald - At the bottom.  
2112  
2113 Mrs. Jones - —think it's the north—  
2114  
2115 Mr. Theobald - That's correct.  
2116  
2117 Mrs. Jones - —elevation. You can see that entrance feature. Now, this is  
2118 the elevation that is visible to the Wellness Center and Disco?  
2119  
2120 Mr. Theobald - Yes ma'am.  
2121  
2122 Mrs. Jones - This is the entrance area right here. It seems like a long  
2123 mass of very un-delineated frontage. I'm trying to get a building that has a little more  
2124 architectural interest to it because I think this area deserves it.  
2125  
2126 Mr. Theobald - That would be this side.  
2127  
2128 Mrs. Jones - Yes.  
2129  
2130 Mr. Theobald - Facing the Wellness Center.  
2131  
2132 Mrs. Jones - Would your client consider taking the elements from the front  
2133 and repeating those on that side?  
2134  
2135 Mr. Theobald - I think, Mrs. Jones, what we would be prepared to do here is,  
2136 given its visibility from this entrance in the front here where we will have some traffic, is  
2137 to perhaps take, for instance, this element in here with a couple of these pilasters or  
2138 columns and perhaps—If you can follow the cursor here. You wouldn't do it right at the  
2139 very corner, but you would bring it down and maybe turn the corner so there's at least  
2140 one other architectural element, perhaps one of these lower ones so as not bring  
2141 additional attention to it. But one of these lower architectural elements with the pilasters  
2142 or column look, and the medallions over on this side where you first turn the corner. I  
2143 think we are prepared to do that. I think what that would accomplish is—Really, this is  
2144 mostly delivery traffic around the back. This is overflow parking over here and the  
2145 Wellness Center sits in here. So, if we, basically, have impacted the corner, I think we  
2146 will have enhanced that elevation. We would be prepared to do as I just stated.  
2147  
2148 Mrs. Jones - That would certainly be a plus.  
2149  
2150 Mr. Theobald - Happy to do it.  
2151  
2152 Mrs. Jones - Okay. Architecturals. I know it's very difficult for a company  
2153 to come in from maybe a different location and to know each jurisdiction's little way of  
2154 doing things. Architecturals are important to us here, especially as a redevelopment. I

2155 appreciate at least having a little bit of flexibility with those. That would be nice. All  
2156 right. I guess the citizens have some time.  
2157  
2158 Mr. Jernigan - Are there any other questions from the Commission for Mr.  
2159 Theobald? All right. Would you like to hear from the opposition now?  
2160  
2161 Mrs. Jones - I sure would.  
2162  
2163 Mr. Jernigan - Okay. Would you come up and state your name for the  
2164 record, please?  
2165  
2166 Ms. Patterson - I'm Loretta Patterson and my property backs up to BJ's.  
2167  
2168 Mr. Vanarsdall - I didn't catch your name.  
2169  
2170 Mr. Jernigan - Patterson.  
2171  
2172 Mrs. Jones - Ms. Patterson.  
2173  
2174 Ms. Patterson - Patterson.  
2175  
2176 Mr. Jernigan - Loretta Patterson.  
2177  
2178 Mr. Vanarsdall - Thank you.  
2179  
2180 Ms. Patterson - So, I'm not totally opposed to BJ's, but I do have some  
2181 concerns that I would like to voice. One of my first concerns was the traffic. I appreciate  
2182 the study that was done, but I don't think it's realistic about what really goes on, on  
2183 Starling Drive and Farmington. There have been many times that I have sat there and  
2184 almost gotten killed trying to cross over to the mall. You can't see. There's traffic  
2185 coming from one hill and it's coming around a bend on the other where there are trees.  
2186 It's a very dangerous intersection. I just think that something needs to be done. I think  
2187 you need a light there, and I'm very concerned somebody's going to get killed there.  
2188 Mrs. Jones - This is a light at the corner of Farmington and Starling?  
2189  
2190 Ms. Patterson - Farmington and Starling, yes.  
2191  
2192 Mrs. Jones - Thank you.  
2193  
2194 Ms. Patterson - Another thing that the study showed, the impact study, was  
2195 they didn't think there would be a lot of cut-through traffic on Blue Jay. If you ever sit on  
2196 my front porch one day about 4:00 in the afternoon, and you watch the traffic,  
2197 everybody's going to the mall. They don't want to take Starling. You can't make a right  
2198 turn on red on Starling, and they don't want to go that way; it takes longer. So, they cut  
2199 down Blue Jay. And I find it very hard to believe that they won't continue to do that,  
2200 maybe even more. That's another issue that I have.

2201  
2202 If you look at the building elevation, I would like to talk about that. This one is fine. The  
2203 third drawing down, that's what I get to look at. I have an issue with that. And I'm sorry.  
2204 I think there's going to be some landscaping; I think there's going to be a little bit of a  
2205 buffer, but I don't have a lot of trees in my yard. I had them all thinned out a couple  
2206 years ago. Had I known that this was going to happen, I wouldn't have done it. But they  
2207 are thinned out. So, the only thing that's going to prevent me from seeing BJ's is  
2208 something pretty tall and also the small brush that's there now. And I don't know that  
2209 that won't all come out. I don't feel confident about what it's going to look like back  
2210 there, and I certainly do not want to look at a building for the rest of my life. When I'm  
2211 sitting on my deck, I want to enjoy my deck and nature, like I do now. So, I do have a  
2212 concern.

2213  
2214 I think for me, those are the biggest issues that I have. I am really concerned about the  
2215 looks and I'm concerned about traffic.

2216  
2217 Mrs. Jones - Thank you, Ms. Patterson. After we've heard from anyone  
2218 else, I'm sure Mr. Theobald will talk to your points.

2219  
2220 Mr. Branin - Anyone else?

2221  
2222 Mrs. Jones - Would you like to come talk?

2223  
2224 Mr. Ritter - Good morning. My name is Fred Ritter. I'm a resident of the  
2225 Ridgecrest subdivision. That's one that's adjacent to Regency Square. Basically,  
2226 listening to all this, this is my first introduction to the whole thing. Got a little notice in  
2227 the mail. A shopping center is a shopping center is a shopping center. It's going have  
2228 effects and I'm concerned. You have three subdivisions that surround this thing. We  
2229 came to live here about 50 years ago when the subdivisions were developed. It's been  
2230 a very nice atmosphere that we lived in. But, you can see that the neighborhood is  
2231 changing. It's regressing. Something like this is going to add to the upset. Basically,  
2232 that's the main concern that I have, that you put this here and all the things that have  
2233 been discussed—the good, the bad—and the things you'll make changes for is fine, but  
2234 it's still going to have an affect on three neighborhoods. Of course, what we have here  
2235 now, I guess, where we live is affordable housing. Like everybody else, you've probably  
2236 read how scarce affordable housing is. This is an element that's involved. This is the  
2237 human side of all this. So, if it comes the way it's presented today, sure, it's another  
2238 shopping center. But it's going to have an adverse effect on those three  
2239 neighborhoods. That's basically the humanistic side of the whole thing. Thank you.

2240  
2241 Mrs. Jones - Thank you, Mr. Ritter.

2242  
2243 Mr. Vanarsdall - Thank you.

2244  
2245 Ms. Ritter - I'll make this very short. I'm Marge Ritter. I live in Ridgecrest.  
2246 I live about a block and a half stones-throw from the corner where this is going to be on



2247 Starling. I work in the garden a lot. Anytime I'm in the garden—bam—at least once or  
2248 twice a week the corner of Blue Jay and Regency and Starling—accidents all the time.  
2249 Mr. Jennings said that the traffic wouldn't make any difference if they changed those  
2250 lights. The traffic is so bad now, we can hardly get out of Ridgecrest. Parham Road and  
2251 Patterson Avenue. If you go there anywhere in the morning, it's bumper-to-bumper.  
2252 You can't turn into Starling and Starling people can't get out on Patterson already. And  
2253 it gets worse during the day. Quioccasin is loaded. Starling is loaded, and Starling has  
2254 got two lanes up to that point. They can't make it any wider unless they take all the  
2255 houses out. So, that's my concern is you can put the building there and there's nothing  
2256 wrong with having a store there, except the traffic is so bad. And they will cut through  
2257 Ridgecrest, because they do already. And they cut through Blue Jay and they cut  
2258 through Farmington. I think they better go back on the traffic study because I don't think  
2259 it's going to work the way they said. I've lived there long enough—we've lived there 52  
2260 years. I've seen it. And they assured us many times that it would not be too much  
2261 traffic here or there when they put in something. It's always, always too much traffic.  
2262 That's all. Thank you.

2263  
2264 Mr. Vanarsdall - Thank you.

2265  
2266 Mrs. Jones - Thank you, Ms. Ritter. Unless somebody else wants to say  
2267 something, Mr. Chairman, would it be all right for me to call up Mike Jennings before?

2268  
2269 Mr. Branin - If you hadn't, I was going to.

2270  
2271 Mrs. Jones - Okay.

2272  
2273 Mr. Branin - Mr. Jennings. And also, we have a representative from the  
2274 police department back there. I don't know if they can weigh in on this at all. Kim, can  
2275 you weigh in at all?

2276  
2277 Ms. Vann - [Off mike.] Are you talking about traffic?

2278  
2279 Mr. Branin - Yes.

2280 Ms. Vann - [Off mike ] No, I have nothing to add.

2281  
2282 Mr. Branin - Okay, thank you.

2283  
2284 Mrs. Jones - We'll let Mr. Jennings get us all straight on traffic.

2285  
2286 Mr. Jennings - All right, I'll try.

2287  
2288 Mrs. Jones - We have, obviously, people who are concerned. Can you  
2289 address the several points they raised, such as accident counts and about past  
2290 assessments that said things would be all right, but have led to a situation that many  
2291 perceive as not all right?

2292

2293 Mr. Jennings - I guess it's a perception of a.m./p.m. peak being a little bit  
2294 heavier, and not all right. It still works at acceptable levels of service. Obviously, when  
2295 it comes to getting out on Farmington and onto Starling, and out of her neighborhood,  
2296 we're going to have to look at that. I will have traffic signal studies done at those  
2297 intersections to see if one's warranted. Also, I'm going to look at the sight distance at  
2298 those intersections and make sure it's adequate. It sounds like that may be a concern.  
2299 And we'll do some speed studies on Starling to see if speeding is a problem also.  
2300  
2301 Mrs. Jones - I think that certainly would be a wise thing to do for  
2302 everyone's benefit.  
2303  
2304 Mr. Jennings - Yes ma'am.  
2305  
2306 Mrs. Jones - Certainly folks at BJ's don't want this to be a problem, nor do  
2307 we.  
2308  
2309 Mr. Jennings - Right. To address her concerns about cut-through traffic on  
2310 Blue Jay, since that's already in a Traffic Calming Program, Phase I is warranted. That'll  
2311 help with the cut-through traffic on Blue Jay once that gets into the system, and once we  
2312 get the signs installed.  
2313  
2314 Mr. Branin - So, Blue Jay is already being addressed.  
2315  
2316 Mr. Jennings - Yes sir. We've done the studies. Phase I of the program is  
2317 warranted. I'm about to send out the signatures to get it actually installed on the street.  
2318  
2319 Mr. Branin - And as for an accident every week at the corner, can you  
2320 call Henrico Police and get the reports on that?  
2321  
2322 Mr. Jennings - Actually, I don't need to because I do have access to that. I  
2323 was not aware of it being a problem, but I can do an accident update myself through  
2324 Traffic Engineering.  
2325  
2326 Mr. Branin - Would you send that one to me as well?  
2327  
2328 Mr. Jennings - Yes sir.  
2329  
2330 Mrs. Jones - As far as the study of whether a light is warranted, will that  
2331 be done sometime soon, or is that in the—  
2332  
2333 Mr. Jennings - I will request it, but with the amount of studies we're doing, it  
2334 normally takes six to eight weeks to get all that complete. We usually do traffic  
2335 volumes, we do accidents and everything to analyze the intersection.  
2336  
2337 Mrs. Jones - Okay. I think accident counts and the lights and initiating  
2338 traffic calming certainly will have an effect. Thank you.

2339  
2340 Mr. Jernigan - Mrs. Jones, I'll say one thing. In any area that has cut-  
2341 through traffic, it's everywhere. People are going to do that and we can't stop it because  
2342 it's a public road.  
2343  
2344 Mrs. Jones - Unless that's in Tuckahoe.  
2345  
2346 Mr. Jernigan - We have it in Varina, too, but people just cut through.  
2347 There's nothing you can do about it.  
2348  
2349 Mr. Vanarsdall - It's one of the worst problems we have and the only  
2350 language anyone understands is a barrier; they pay no attention to signs. Most of them.  
2351  
2352 [Off mike] - Can you make it a one-way street? Blue Jay. One-way  
2353 going from Starling to Quioccasin.  
2354  
2355 Mrs. Jones - Let me think that through. Mr. Chairman, should I bring her  
2356 forward?  
2357  
2358 Mr. Branin - I can't see where that's going to be a problem.  
2359  
2360 Mrs. Jones - Would you repeat the question for the record, because they  
2361 can't hear you in the back when you—  
2362  
2363 Mr. Branin - Ma'am, would you—  
2364  
2365 Mrs. Jones - Let Mr. Jennings—  
2366  
2367 Mr. Branin - —come up and state your name?  
2368  
2369 Mrs. Jones - —respond to you here.  
2370  
2371 Ms. Mitchell - I didn't come here for this reason, but I'm Diane Mills  
2372 Mitchell. I'm a realtor. I said why can't you make that a one-way street, Blue Jay a  
2373 one-way street, that you couldn't turn right off of Quioccasin onto Blue Jay.  
2374  
2375 [Off mike] - So I'd have to go around to get to my house?  
2376  
2377 Ms. Mitchell - It just means how important it is to you.  
2378  
2379 Mrs. Jones - Thank you for the suggestion. Mr. Jennings?  
2380  
2381 Mr. Jennings - The biggest problem with that is the way the street is  
2382 designed now to handle two-way traffic. Like Mr. Jernigan said, if you decided to try to  
2383 make it one way and you put, "Do Not Enter" signs on one end, are people going to  
2384 ignore the signs or not. It's just designed for a two-way street to handle two-way traffic.

2385  
2386 Mrs. Jones - Thank you. Okay. Mr. Theobald, would you like to address  
2387 the comments?  
2388  
2389 Mr. Theobald - Just briefly, Mrs. Jones. I would just, I guess, want to  
2390 reiterate that this site was zoned in 1981, some 26 years ago, for B-2 business  
2391 development. In fact, the proffers were then amended in 1986. So, citizens, I know for a  
2392 fact—as one of my partners did those re-zonings—were heavily involved in those  
2393 cases, which resulted in all of the proffered conditions that you saw before you. As you  
2394 know, there was a Mexican restaurant on this site. There were also pad sites for at least  
2395 one or two other restaurants there were never developed. I would suggest to you that  
2396 those might have been more of an impact than a single user with regular hours.  
2397  
2398 With regard to traffic, I think we have the dubious distinction in this case of being the  
2399 first site plan or POD in the Commonwealth of Virginia to go through the 527 procedure,  
2400 I'm told, which has been an interesting process with finally a good result in terms of their  
2401 advice. But this has been vetted not only by VHB, our transportation engineers, but  
2402 we've also survived the analysis by Mr. Jennings, as well as VDOT. It's been  
2403 thoroughly vetted. It doesn't take cars off the road, but I think there are as many  
2404 assurances as you can find as to whether the intersections and local roads have an  
2405 opportunity to handle the traffic.  
2406  
2407 Lastly, I would just like to reiterate that I believe this meets all the legal requirements for  
2408 approval, and I would respectfully request that you approve the request. I appreciate it.  
2409  
2410 Mr. Branin - Thank you, Mr. Theobald. Mrs. Jones?  
2411  
2412 Ms. Patterson - Loretta Patterson. I just have one comment.  
2413  
2414 Mr. Branin - Okay.  
2415  
2416 Ms. Patterson - It seems that Mr. Theobald is very willing to work with the  
2417 other businesses on the south side—or, I think that's where he was talking about—to  
2418 put some architectural elements. What is the difference between doing that for other  
2419 businesses and doing it for the residents that he's going to impact? Thank you.  
2420  
2421 Mrs. Jones - I think we have two elements here that need to be  
2422 considered. One is the depth of the buffer, which I made very sure that Mr. Theobald  
2423 did, on the record, promise to work with the buffering with landscaping—and, of course,  
2424 the County standards will help with that—but also with whatever supplemental means  
2425 are needed to make a real difference to the visual and noise and headlight impacts on  
2426 residents. He stated that clearly. I feel that BJ's will be good to its word and do what  
2427 they can to make all of this happen in a beneficial way for the residents. That's a 50-foot  
2428 buffer and there are a lot of things that we can do within that.  
2429  
2430 Did you want to hear from Ms. Beale?

2431  
2432 Mr. Branin - Sure. Ms. Beale?  
2433  
2434 Ms. Beale - Good morning. I'm Paige Beale.  
2435  
2436 Mrs. Jones - How are you, Paige?  
2437  
2438 Ms. Beale - I'm good, I'm good. Did you have some questions for me?  
2439  
2440 Mr. Branin - Ms. Beale, you are a new resident of this area as a  
2441 business?  
2442  
2443 Ms. Beale - Yes.  
2444  
2445 Mr. Branin - You have stood before us three or four months ago, I guess.  
2446  
2447 Ms. Beale - Yes. I didn't know I'd have to come back so soon.  
2448  
2449 Mr. Branin - You weren't in opposition. We do have opposition in the  
2450 room and because you weren't in opposition—This development will be impacting you  
2451 as a business owner, especially with the type of business you have. Why was there no  
2452 opposition?  
2453  
2454 Ms. Beale - Because I'm working with them. We're going to work  
2455 together and figure out the noise levels and any issues that are going to come about.  
2456 They are wonderful people so, so far, I haven't had an issue. So, I'm comfortable with  
2457 the fact that they're going to work with me throughout the process. I don't have an  
2458 issue. I also don't really have an issue with the elevations on my side. I would much  
2459 rather them spend money on landscaping than elevation issues. It does sit back further  
2460 where it really—we really can't see this, see the view at all. I think it's just the tiny little  
2461 corner area. But it pretty much faces where all that extra parking is, so I don't think it's  
2462 going to make much of an impact on us at all.  
2463  
2464 Mrs. Jones - Who is it that you've been working with, Paige?  
2465  
2466 Ms. Beale - I've been working with Ben Comen so far.  
2467  
2468 Mrs. Jones - Okay.  
2469  
2470 Ms. Beale - We're working on some different agreements for when their  
2471 construction is closer to beginning.  
2472  
2473 Mr. Branin - Okay. Well, that was it, Ms. Beale. I just thought that was  
2474 curious.  
2475  
2476 Ms. Beale - Nice to see everyone again.

2477  
2478 Mr. Branin - Thank you, Ms. Beale.  
2479  
2480 Mr. Vanarsdall - Hope business is good.  
2481  
2482 Ms. Beale - It's wonderful. Thank you.  
2483  
2484 Mr. Branin - Okay. I have no further questions. Does anybody else have  
2485 any other questions for staff? The applicant? No one? Anyone? All right. It is up to  
2486 you, Mrs. Jones.  
2487  
2488 Mrs. Jones - Okay. Well, for those folks who are here for the public  
2489 hearings, I apologize in taking a good amount of time with this case, but I think it  
2490 needed to be said, it needed to be said on the record. We have citizens who are going  
2491 to be certainly very interested in how this moves along and I think they needed to hear  
2492 this case in-depth. So, I appreciate the time that we have spent with this.  
2493  
2494 This is one of those situations where we are working with a zoning situation created  
2495 many, many years ago, over two decades ago when maybe families were a little  
2496 different and visions were a little different. As sites come up for redevelopment, it  
2497 becomes very, very important that we look at the appropriateness of the project to the  
2498 site, and within the legal limits which we have at our disposal to try to work with the  
2499 applicant to make their proposal as much of a benefit to this area as possible.  
2500 Certainly, it's for them to have a successful business; it's for us to have a project that fits  
2501 into the site well. That's the balance we try to strike. This site has been looked at for  
2502 many things over the years. This is the one that Taubman chooses to sell the property  
2503 to and to move forward with this project.  
2504  
2505 Before anything, I want to thank BJ's for several things which they did which were very  
2506 important to me. They made it a priority to work with Quioccasin Baptist Church, to  
2507 work with them on some arrangements for use of parking and for the adjacent area,  
2508 back and forth. They made an effort to be a good neighbor to them right from the start,  
2509 and I think that was very, very important to my assessment of how good they were  
2510 going to be to their word. Reverend Mosley appreciates this, as evidenced by his letter  
2511 of support, and the neighborhood meeting was hosted by Quioccasin Baptist. The  
2512 willingness to work with them was a big factor for me. Moving the gas pumps away from  
2513 that entrance to the north was a huge element. It necessitated redoing the site plan,  
2514 and I appreciated the willingness to do that because that added a tremendous amount  
2515 easier flow to the site. And I think aesthetically, it worked much, much better. So, for  
2516 that, it also took it away from the residents, but not too close to Ms. Beale, which was  
2517 also a concern. I think that's been a nice compromise.  
2518  
2519 I really do feel this could work in this site and hope through the landscaping and lighting  
2520 plans, which are coming back to the Commission, and obviously, working closely with  
2521 staff, a lot of the loose ends can be tied up in a very satisfactory way to protect the  
2522 neighbors, to enhance the look of the site, and to make it a real plus. I wish, in a perfect

2523 world, we could fine-tune a little more, but here we are. The zoning is in place, the  
2524 project meets all of Henrico's technical requirements, it meets the standards, it  
2525 addresses all the proffers of the original case. It is in order. This is a case that is in  
2526 order. It is not a case that could be denied on its face. We've tried very hard to push for  
2527 some things that would make it as good as it can be, and I think that's where we are.

2528  
2529 So, with my thanks to the neighbors for expressing their opinions and wanting to keep  
2530 them close to this process as we go through the landscaping and lighting plans, I will  
2531 move for approval of POD-64-07, BJ's Wholesale Club on Starling Drive. This is in  
2532 addition to standard conditions for developments of this type, following additional  
2533 conditions on the agenda, 24 through 36, with conditions 9, 11, amended, and 35 added  
2534 on the addendum.

2535  
2536 Mr. Vanarsdall - Second.  
2537  
2538 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Vanarsdall. All  
2539 in favor say aye. All opposed say no. The ayes have it, the motion carries.

2540  
2541 The Planning Commission approved POD-64-07, BJ's Wholesale Club, subject to the  
2542 annotations on the plans, the standard conditions attached to these minutes for  
2543 developments of this type, and the following additional conditions:

- 2544
- 2545 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
2546 Planning for review and Planning Commission approval prior to the issuance of  
2547 any occupancy permits.
  - 2548 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan  
2549 including depictions of light spread and intensity diagrams, and fixture and  
2550 specifications and mounting height details shall be submitted for Department of  
2551 Planning review and Planning Commission approval.
  - 2552 24. The easements for drainage and utilities as shown on approved plans shall be  
2553 granted to the County in a form acceptable to the County Attorney prior to any  
2554 occupancy permits being issued. The easement plats and any other required  
2555 information shall be submitted to the County Real Property Agent at least sixty  
2556 (60) days prior to requesting occupancy permits.
  - 2557 25. The developer shall provide fire hydrants as required by the Department of Public  
2558 Utilities and Division of Fire.
  - 2559 26. A concrete sidewalk meeting County standards shall be provided along W. Starling  
2560 Drive.
  - 2561 27. Outside storage shall not be permitted.
  - 2562 28. The proffers approved as a part of zoning case C-76C-86 shall be incorporated in  
2563 this approval.
  - 2564 29. Any necessary off-site drainage and/or water and sewer easements must be  
2565 obtained in a form acceptable to the County Attorney prior to final approval of the  
2566 construction plans.

- 2567 30. Deviations from County standards for pavement, curb or curb and gutter design  
2568 shall be approved by the County Engineer prior to final approval of the  
2569 construction plans by the Department of Public Works.  
2570 31. The loading areas shall be subject to the requirements of Chapter 24, Section  
2571 24-97(b) of the Henrico County Code.  
2572 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
2573 drainage plans.  
2574 33. Insurance Services Office (ISO) calculations must be included with the plans and  
2575 contracts and must be approved by the Department of Public Utilities prior to the  
2576 issuance of a building permit.  
2577 34. Approval of the construction plans by the Department of Public Works does not  
2578 establish the curb and gutter elevations along the Henrico County maintained  
2579 right-of-way. The elevations will be set by Henrico County.  
2580 35. The location of all existing and proposed utility and mechanical equipment  
2581 (including HVAC units, electric meters, junction and accessory boxes,  
2582 transformers, and generators) shall be identified on the landscape plans. All  
2583 equipment shall be screened by such measures as determined appropriate by  
2584 the Director of Planning. ~~or the Planning Commission at the time of plan~~  
2585 ~~approval.~~  
2586 36. Except for junction boxes, meters, and existing overhead utility lines, and for  
2587 technical or environmental reasons, all utility lines shall be underground.  
2588

2589 Mr. Branin - I had mentioned someone in the back room if, again, if any  
2590 Commissions have any questions—  
2591

2592 Mr. Vanarsdall - Can we take a five-minute break?  
2593

2594 Mr. Branin - Yes we will, Ernie, as soon as I finish saying this. If any of  
2595 the Commissioners need assistance with any of their projects dealing with safety and  
2596 security, don't forget Kim Vann is in the back of the room. We're going to take a 15-  
2597 minute break. That was a long one.

2598 **COMMISSION TAKES A 15-MINUTE BREAK**  
2599

## 2600 **MEETING RESUMES**

2601  
2602 Mr. Branin - Mr. Secretary, I believe our next case is on page 31.  
2603

## 2604 **Mr. Archer Returns During This case**

## 2605 **PLAN OF DEVELOPMENT**

2606  
2607  
POD-66-07 **Delta Engineers for Basilios Tsimbos:** Request for  
Basilis Restaurant approval of a plan of development as required by Chapter  
3223 Skipwith Road 24, Section 24-106 of the Henrico County Code, to  
(POD-62-02 Revised) construct a one-story, 5,150 square foot restaurant with  
outside dining. The .94-acre site is located on the east line



of Skipwith Road approximately 350 feet south of W. Broad Street (U.S. Route 250) on parcel 761-754-1383. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

2608  
2609 Mr. Branin - Anyone in opposition to POD-66-07, Basilis Restaurant  
2610 (POD-62-02 Revised)? No one? Okay.

2611  
2612 Ms. Goggin - Good afternoon, almost at this point. This one should be a  
2613 little bit shorter. The applicant, as Mr. O'Kelly mentioned, has applied for a restaurant  
2614 on this site that currently houses a dwelling.

2615  
2616 The main outstanding issue staff had is that his is the façade that faces Skipwith Road.  
2617 As you can tell by my amazing architectural rendering here, staff has requested three  
2618 additional faux windows to provide balance to the front of the building. The applicant has  
2619 agreed to do that. There is a proffer on the site that requires the new building to be in  
2620 substantial conformance with the existing building. The existing building is an old cape  
2621 that has been renovated to a hair salon. The brick has been painted a light yellow and  
2622 they put a terracotta roof on this building. With this kind of building, the size, the theme  
2623 of it, painting the brick yellow and adding a terracotta roof, even though it would meet  
2624 the proffers, the Commission does have an opportunity to approve something other than  
2625 yellow brick. So, the applicant has agreed not to paint the brick, to leave it red brick,  
2626 which would match the other buildings in the area such as the BB&T and the Shoney's  
2627 and the other existing dwellings on Skipwith Road, and to use charcoal shingles on the  
2628 roof versus terracotta tiles, which would not necessarily match brick that wonderfully.

2629  
2630 Staff is satisfied with the deviation from the proffered conditions. We feel that this  
2631 building will be more in line with the existing buildings in the area. When this restaurant  
2632 grows out of this building, it would be very easily converted into an office or some other  
2633 use. It has a very traditional look to it.

2634 Staff can recommend approval subject to the annotations on the plan, standard  
2635 conditions for developments of this type, and conditions 24 through 36 on the agenda.  
2636 The engineer, Michael Fotopoulos is here to answer questions the Commission may  
2637 have. Unfortunately, the applicant had an appointment this morning and was not able to  
2638 attend. I'll be happy to any questions the Commission may have of me.

2639  
2640 Mr. Branin - Thank you, Christina. Does anybody have any questions for  
2641 Ms. Goggin? No one? Okay. Would anyone like to hear from the applicant? I think for  
2642 an area that's being revitalized, I think it's a good and strong addition to the Three  
2643 Chopt District. With that, I'd like to move for approval of POD-66-07, Basilis Restaurant  
2644 (POD-62-02 Revised), subject to the annotations on the plans, standard conditions for  
2645 developments of this type, and the following conditions 24 through 36.

2646  
2647 Mr. Vanarsdall - Second.

2648

2649 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
2650 in favor say aye. All opposed say no. The ayes have it, the motion carries.

2651  
2652 The Planning Commission approved POD-66-07, Basilis Restaurant (POD-62-02  
2653 Revised), subject to the annotations on the plans, the standard conditions attached to  
2654 these minutes for developments of this type, and the following additional conditions:

- 2655
- 2656 24. The easements for drainage and utilities as shown on approved plans shall be  
2657 granted to the County in a form acceptable to the County Attorney prior to any  
2658 occupancy permits being issued. The easement plats and any other required  
2659 information shall be submitted to the County Real Property Agent at least sixty  
2660 (60) days prior to requesting occupancy permits.
- 2661 25. The developer shall provide fire hydrants as required by the Department of Public  
2662 Utilities and Division of Fire.
- 2663 26. A concrete sidewalk meeting County standards shall be provided along E.  
2664 Skipwith Road.
- 2665 27. The proffers approved as a part of zoning case C-23C-06 shall be incorporated in  
2666 this approval.
- 2667 28. Any necessary off-site drainage and/or water and sewer easements must be  
2668 obtained in a form acceptable to the County Attorney prior to final approval of the  
2669 construction plans.
- 2670 29. Deviations from County standards for pavement, curb or curb and gutter design  
2671 shall be approved by the County Engineer prior to final approval of the construction  
2672 plans by the Department of Public Works.
- 2673 30. The loading areas shall be subject to the requirements of Chapter 24, Section  
2674 24-97(b) of the Henrico County Code.
- 2675 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
2676 drainage plans.
- 2677 32. Insurance Services Office (ISO) calculations must be included with the plans and  
2678 contracts and must be approved by the Department of Public Utilities prior to the  
2679 issuance of a building permit.
- 2680 33. Approval of the construction plans by the Department of Public Works does not  
2681 establish the curb and gutter elevations along the Henrico County maintained right-  
2682 of-way. The elevations will be set by Henrico County.
- 2683 34. Evidence of a joint ingress/egress and maintenance agreement must be  
2684 submitted to the Department of Planning and approved prior to issuance of a  
2685 certificate of occupancy for this development.
- 2686 35. The location of all existing and proposed utility and mechanical equipment  
2687 (including HVAC units, electric meters, junction and accessory boxes,  
2688 transformers, and generators) shall be identified on the landscape plans. All  
2689 equipment shall be screened by such measures as determined appropriate by  
2690 the Director of Planning or the Planning Commission at the time of plan approval.
- 2691 36. Except for junction boxes, meters, and existing overhead utility lines, and for  
2692 technical or environmental reasons, all utility lines shall be underground.

2693  
2694 **PLAN OF DEVELOPMENT**

2695

POD-67-07  
S. B. Cox Recycling  
Center -  
5100 Williamsburg Avenue

**Joyce Engineering, Inc. for S. B. Cox, Inc.** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 12,000 square foot addition to an existing 45,000 square foot warehouse. The 9.486-acre site is located on the south line of Williamsburg Avenue at the intersection with Hatcher Street on parcel 799-712-1461. The zoning is M-2, General Industrial District. County water and sewer. **(Varina)**

2696

2697 Mr. Branin - Anyone in opposition to POD-67-07, S. B. Cox Recycling  
2698 Center? No one? Okay, Lee?

2699

2700 Mr. Pambid - Good morning again. This POD is a request for a 12,000-  
2701 square-foot addition. There are some drive aisles associated with this. Some of the  
2702 other site improvements feature a loop road with a weigh scale for tractor-trailers. As  
2703 1.77 acres of the approximately 9.486 acres of the site are in the City of Richmond, the  
2704 review of this POD was coordinated with the Land Use Administration Division of the  
2705 City's Department of Community Development. Also, significant landscaping along the  
2706 frontages of Williamsburg Avenue and Hatcher Street will be implemented. The  
2707 applicant has agreed to an eight-foot stained wood board-on-board fence with brick  
2708 piers at regular intervals to match the existing office structure, which is also brick. The  
2709 landscaping and fence will be located within the City limits.

2710

2711 Staff recommends approval of POD-67-07, S. B. Cox Recycling Center, subject to the  
2712 annotations on staff plans, and conditions 24 through 31 in the agenda. This concludes  
2713 my presentation, and I'd be happy to answer questions that you might have. Engineer  
2714 Jeff Fantell with Joyce Engineering, and Barbee Cox with S. B. Cox, the applicant, are  
2715 also here to address any questions that you might have.

2716 Mr. Branin - Thank you, Lee. Mr. Jernigan or any other Commissioners,  
2717 do you have any questions for Lee?

2718

2719 Mr. Jernigan - Just one thing that we discussed yesterday. Is the stain  
2720 going to be opaque or clear?

2721

2722 Mr. Pambid - I discussed that with Jeff and the response was they'll do  
2723 whatever we want them to do.

2724

2725 Mr. Jernigan - Okay.

2726

2727 Mr. Pambid - "Stained" was their initial response to that. Do you have a  
2728 preference?

2729

2730 Mr. Jernigan - No. We're fine. At least we're getting a finish on it. That's  
2731 the reason I discussed a vinyl fence before, because board fences look a little rough

2732 after about 10 years. But being as they're going to be treating it—And I'm sure Bobby  
2733 Cox is going to take care of his property; I do know that.

2734  
2735 Mr. Pambid - When I took this issue of vinyl versus wood to them, board  
2736 was preferred because vinyl would not be as easy to maintain. I think the main concern  
2737 was graffiti.

2738  
2739 Mr. Jernigan - Okay. All right. Yes, I'm fine with that. Thank you, Lee.

2740  
2741 Mr. Pambid - You're welcome.

2742  
2743 Mr. Branin - Would you like to hear from the applicant?

2744  
2745 Mr. Jernigan - No sir.

2746  
2747 Mr. Branin - Okay, then the ball's in your court.

2748  
2749 Mr. Jernigan - With that, I will move for approval of POD-67-07, S. B. Cox  
2750 Recycling Center on Williamsburg Road, subject to the annotations on the plans, the  
2751 standard conditions for developments of this type, and the following additional  
2752 conditions #24 through 31.

2753  
2754 Mr. Vanarsdall - Second.

2755  
2756 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
2757 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

2758  
2759 The Planning Commission approved POD-67-07, S. B. Cox Recycling Center, subject to  
2760 the annotations on the plans, the standard conditions attached to these minutes for  
2761 developments of this type, and the following additional conditions:

2762 24. The easements for drainage and utilities as shown on approved plans shall be  
2763 granted to the County in a form acceptable to the County Attorney prior to any  
2764 occupancy permits being issued. The easement plats and any other required  
2765 information shall be submitted to the County Real Property Agent at least sixty  
2766 (60) days prior to requesting occupancy permits.

2767 25. The developer shall provide fire hydrants as required by the Department of Public  
2768 Utilities and Division of Fire.

2769 26. All exterior lighting fixtures shall be designed and arranged so the source of light  
2770 is not visible from the roadways or adjacent residential properties. The lighting  
2771 shall be low intensity, residential in character, and the height or standards shall  
2772 not exceed 25 feet.

2773 27. Prior to issuance of a building permit, the developer must furnish a letter from  
2774 **Dominion Virginia Power** stating that this proposed development does not  
2775 conflict with their facilities.

- 2776 28. Any necessary off-site drainage and/or water and sewer easements must be  
 2777 obtained in a form acceptable to the County Attorney prior to final approval of the  
 2778 construction plans.  
 2779 29. Deviations from County standards for pavement, curb or curb and gutter design  
 2780 shall be approved by the County Engineer prior to final approval of the construction  
 2781 plans by the Department of Public Works.  
 2782 30. Insurance Services Office (ISO) calculations must be included with the plans and  
 2783 contracts and must be approved by the Department of Public Utilities prior to the  
 2784 issuance of a building permit.  
 2785 31. The location of all existing and proposed utility and mechanical equipment  
 2786 (including HVAC units, electric meters, junction and accessory boxes,  
 2787 transformers, and generators) shall be identified on the landscape plans. All  
 2788 equipment shall be screened by such measures as determined appropriate by  
 2789 the Director of Planning or the Planning Commission at the time of plan approval.  
 2790

2791 **PLAN OF DEVELOPMENT**  
 2792

POD-69-07  
 Mimi's Café @ West  
 Broad Village  
 (POD-42-06 Revised)

**Timmons Group for West Broad Village, LLC & West  
 Broad Village II, LLC and Foremark, Ltd.:** Request for  
 approval of a plan of development as required by Chapter  
 24, Section 24-106 of the Henrico County Code, to  
 construct a one-story, 6,567 square foot restaurant with  
 outdoor dining. The 0.63-acre site is located at the  
 southeast intersection of W. Broad Street (U.S. Route 250)  
 and Brownstone Boulevard, on part of parcel 742-760-  
 7866. The zoning is UMUC, Urban Mixed Use District  
 (Conditional) and WBSO, West Broad Street Overlay  
 District. County water and sewer. **(Three Chopt)**

2793  
 2794 Mr. Branin - Anyone in opposition to POD-69-07 Mimi's Café @ West  
 2795 Broad Village (POD-42-06 Revised)? No one? Mr. Wilhite.

2796 Mr. Wilhite – Thank you, Mr. Chairman. This site is located at the western  
 2797 most extent of the West Broad Street frontage at West Broad Village, and adjacent to  
 2798 Short Pump Station shopping center, which is under construction. Basically, the staff's  
 2799 primary comments that had to be addressed involved the architectural plans. We did get  
 2800 revised renderings on Monday. It will be necessary for you to waive the time limits in  
 2801 over to approve this. The basic changes were that for the faux windows on the upper  
 2802 level of the building, they've added sill and header details to make it look a little bit more  
 2803 realistic. They've also changed the color background behind where the Mimi's Café  
 2804 signs are. They've gone to a monochromatic color scheme so these areas would not be  
 2805 included within the square footage of the sign area.

2806  
 2807 With that, staff can recommend approval of this plan with the revised elevations.

2808  
 2809 Mr. Branin - Okay. Does anybody have any questions for Mr. Wilhite?  
 2810 Mr. Wilhite, staff feels that this will blend in to the West Broad Village nicely, don't they?

2811  
2812 Mr. Wilhite - Yes sir. We actually looked at the architectural plans prior to  
2813 their filing. We gave them comments at the time. They've done everything that we've  
2814 asked them to do.  
2815  
2816 Mr. Branin - Okay. Does anybody have any questions for Mr. Wilhite?  
2817 No one? Would anyone like to hear from the applicant? Okay. Well then, first I would  
2818 like to move to waive the time limits.  
2819  
2820 Mr. Vanarsdall - Second.  
2821  
2822 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
2823 in favor say aye. All opposed say no. The ayes have it, the motion carries.  
2824  
2825 The Planning Commission approved to the waiver of the time limits.  
2826  
2827 Mr. Branin - I'd like to move that POD-69-07 Mimi's Café @ West Broad  
2828 Village (POD-42-06 Revised) be approved with standard conditions for developments of  
2829 this type, the following additional conditions 24 through 30, and the architectural.  
2830  
2831 Mr. Vanarsdall - Second.  
2832  
2833 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
2834 in favor say aye. All opposed say no. The ayes have it, the motion carries.  
2835  
2836 The Planning Commission approved POD-69-07 Mimi's Café @ West Broad Village  
2837 (POD-42-06 Revised), subject to the annotations on the plans, the standard conditions  
2838 attached to this minutes for developments of this type, and the following additional  
2839 conditions:  
2840  
2841 24. The easements for drainage and utilities as shown on approved plans shall be  
2842 granted to the County in a form acceptable to the County Attorney prior to any  
2843 occupancy permits being issued. The easement plats and any other required  
2844 information shall be submitted to the County Real Property Agent at least sixty  
2845 (60) days prior to requesting occupancy permits.  
2846 25. The developer shall provide fire hydrants as required by the Department of Public  
2847 Utilities and Division of Fire.  
2848 26. Outside storage shall not be permitted.  
2849 27. The proffers approved as a part of zoning case C-12C-06 shall be incorporated in  
2850 this approval.  
2851 28. The developer shall install an adequate restaurant ventilating and exhaust  
2852 system to minimize smoke, odors, and grease vapors. The plans and  
2853 specifications shall be included with the building permit application for review and  
2854 approval. If, in the opinion of the County, the type system provided is not  
2855 effective, the Commission retains the rights to review and direct the type of  
2856 system to be used.

- 2857 29. Deviations from County standards for pavement, curb or curb and gutter design  
 2858 shall be approved by the County Engineer prior to final approval of the construction  
 2859 plans by the Department of Public Works.  
 2860 30. The location of all existing and proposed utility and mechanical equipment  
 2861 (including HVAC units, electric meters, junction and accessory boxes,  
 2862 transformers, and generators) shall be identified on the landscape plans. All  
 2863 equipment shall be screened by such measures as determined appropriate by  
 2864 the Director of Planning or the Planning Commission at the time of plan approval.  
 2865

2866 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**  
 2867

POD-72-07 **Kimley Horn & Associates for LTD Management  
 Hyatt Place (White Oak Village Shopping Center) Laburnum Avenue and I-64  
 Company, LLC:** Request for approval of a plan of development and special exception as required by Chapter 24, Sections 24-2, 24-63(c), 24-67(d) and 24-106 of the Henrico County Code, to construct a seven-story, 90,174 square foot, 151 room hotel with a height of 71 feet. The special exception would authorize a building exceeding a height of 45 feet. The 3.21-acre site is located at the **southeast corner** of the intersection of S. Laburnum Avenue and I-64, on part of parcel 814-718-2788 in **the White Oak Village Shopping Center**. The zoning is B-3C, Business District (Conditional) and **ASO, Airport Safety Overlay District**. County water and sewer. **(Varina)**

2868  
 2869 Mr. Branin - Is anybody in opposition to POD-72-07, Hyatt Place (White  
 2870 Oak Village Shopping Center)? No one? Mr. Strauss.  
 2871

2872 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission.  
 2873 This Commission is already familiar with the project site as it is the new shopping center  
 2874 currently under construction at the southeast corner of the intersection of south  
 2875 Laburnum Avenue and Interstate 64. The proposed hotel site is located in the  
 2876 northwest corner of the shopping center. It is the first of many outparcels, including a  
 2877 Red Lobster, that is going to be submitted for approval by this Commission over the  
 2878 next several months. The proposed Hyatt Place at the Shops at White Oak Village, is a  
 2879 150-room hotel with an indoor pool and one meeting room. This project is subject to the  
 2880 proffers of a rezoning case which include proffers relating to architectural treatments,  
 2881 specifically exposed portions of the exterior wall surfaces of any of the buildings  
 2882 constructed shall be similar in quality of construction and shall be compatible in  
 2883 architectural design, including color and style. Staff requested additional information  
 2884 regarding the exterior finishes and materials. We did receive a sample board, which we  
 2885 have over here at the document table, and we did receive color elevations and an  
 2886 architectural rendering of the project.  
 2887

2888 The hotel will be predominantly red brown brick on the lower level, with a beige EIFS on  
 2889 the upper level, with clear glass and a dark gray window framing system. This matches

2890 the colors and materials used throughout the shopping center, and therefore  
2891 demonstrates compliance with the proffers. Note that since the hotel exceeds the 45-  
2892 foot height limit in the B-3 district, it will require approval of a special exception by this  
2893 Commission.

2894  
2895 I will also note that Varina, once again, will be home to a prototype building. This is a  
2896 unique architecture for Hyatt. I understand from the applicant that they are doing some  
2897 100 of these hotels around the country by year 2008.

2898  
2899 I would also note that we have handed out an updated Master Plan this morning. We  
2900 are taking the opportunity at this time to update the Master Plan to show the current  
2901 configuration of outparcels and the revised anchors over the last several months.

2902  
2903 With that, staff and the various agencies are recommending approval. I'll be happy to  
2904 answer any questions you may have. We have representatives of the Hyatt Hotels, the  
2905 architect and the developer are in the back of the meeting room, although they drew  
2906 straws and elected Mr. Bill Axselle to speak for them today. Thank you.

2907  
2908 Mr. Branin - Does anybody have any questions for Mr. Strauss?  
2909

2910 Mr. Jernigan - Jim, in our discussions yesterday. The little glass where this  
2911 Hyatt sign is, is that their signature now?  
2912

2913 Mr. Strauss - That's my understanding. This is an architectural form, an  
2914 architectural component of their trademark. Well, they can say it's part of their  
2915 trademark style now. That sign is not proposed for this project. This is a rendering from  
2916 another project. You can see the other buildings in the back; that's certainly not the  
2917 shopping center. We do have other elevations that have been submitted.

2918 Mrs. Jones - I have a little question.  
2919

2920 Mr. Jernigan - But the ski slide is.  
2921

2922 Mr. Strauss - Yes. That's basically a glass—I wouldn't say a glass panel.  
2923 We could have the architect speak to that if need be. It's located up here and it's  
2924 transparent glass, of course.

2925  
2926 Mr. Jernigan - I wasn't saying that in a derogatory way.  
2927

2928 Mr. Branin - Okay. Anyone else have any questions for Mr. Strauss?  
2929

2930 Mr. Jernigan - If the engineer is here, I would like to find out. Do you know  
2931 Bill?  
2932

2933 Mr. Axselle - I do. Let me speak to the special exception because that is  
2934 the height, and then also have the engineer deal with that issue. When White Oak  
2935 Village was approved, it always envisioned that there'd be a hotel at this very site, so



2936 this is consistent with the proffers. As a matter of fact, the proffer said that anything  
2937 within 250 of Laburnum could not exceed 30 feet in height, except for the hotel. The  
2938 hotel requirement, of course, under your Code is 45 feet. This building is 72 feet. So,  
2939 therefore the request that an exception be granted for this. The engineers have been in  
2940 touch with FAA and we have reviewed the conditions recommended by the staff and  
2941 we're comfortable with that. FAA had no problem. This building is located right adjacent  
2942 to the interstate. It's consistent with what was tendered in the proffers as to what would  
2943 be there. So I don't think there's any problem there.

2944  
2945 The Hyatt entered the upscale business hotel market a couple years ago. They bought  
2946 AmeriSuites and they have about 120 places around the country. They are upgrading  
2947 and modifying those to be consistent with the Hyatt brand, which is very good. They are  
2948 also building, as Mr. Strauss said, a large number of new prototype, if you will. There  
2949 are about 30 of them going in this year and then the others will up in future years. All of  
2950 them do have this ski slope, a small rectangular architectural feature. All of them do  
2951 around the country that are being built now. It is not habitable, it's not useable. It's sort  
2952 of part of their design feature and it is clear and sort of a cloudy glass feature, is what it  
2953 amounts to. It's not part of the height, I believe, of the building because of that  
2954 architectural treatment.

2955  
2956 I'd be glad to answer, if you have any more questions.

2957  
2958 Mr. Jernigan - No. Actually, I think it adds to the building. But Jim and I had  
2959 discussed whether that was going to be kind of a signature.

2960  
2961 Mr. Axselle - It is now, yes.

2962  
2963 Mr. Jernigan - I guess for the rest of the Commission, because I'm sure  
2964 they'll have another hotel in this area before too long. So, we'll see that we'll have that.

2965  
2966 Mr. Axselle - There's one going up in Chesapeake now, I understand.

2967  
2968 Mr. Vanarsdall - When did they buy out AmeriSuites?

2969  
2970 Mr. Axselle - About two years ago.

2971  
2972 Mr. Vanarsdall - Recently? Oh, two years ago.

2973  
2974 Mr. Axselle - But the old buildings are just being retrofitted and not at this  
2975 prototype.

2976  
2977 Mr. Branin - Mr. Axselle, could you give me a definition of, "clear and  
2978 cloudy glass" (laughter)?

2979  
2980 Mr. Axselle - "Clear and transparent," was the terminology—  
2981

2982 Mr. Branin - Transparent and cloudy. Okay.  
2983  
2984 Mr. Axselle - In any event, it is glass and it varies on different sides.  
2985  
2986 Mr. Jernigan - Cloudy is on a 30-degree morning.  
2987  
2988 Mr. Branin - Just trying to figure out what “clear and cloudy” was.  
2989  
2990 Mr. Axselle - I will sit down. Thank you.  
2991  
2992 Mr. Jernigan - Jim, I just have one question. I notice #40, “No merchandise  
2993 shall be displayed or stored outside the building on the sidewalks.” I didn’t know we  
2994 normally had that in hotel proffers.  
2995  
2996 Mr. O’Kelly - It’s a shopping center.  
2997  
2998 Mr. Jernigan - Okay.  
2999  
3000 Mr. Branin - All right. Any other questions for Mr. Clear and Cloudy, or—  
3001  
3002 Mrs. Jones - No, for Mr. Strauss. Major Anchor A right next to it. How tall  
3003 might that be, do we know.  
3004  
3005 Mr. Strauss - Most of those are around 35 feet.  
3006  
3007 Mrs. Jones - So, this will be, in essence, twice as tall as that. Okay.  
3008  
3009 [Off Mike] - Mrs. Jones, the outparcels will be fairly typical in that  
3010 respect. This is taller, but it actually provides a very important component of the White  
3011 Oak Village. It is taller, but it is right next to the interstate.  
3012  
3013 Mrs. Jones - All right. Okay.  
3014  
3015 Mr. Jernigan - Mr. Chairman, I’m ready to make a motion.  
3016  
3017 Mr. Branin - And I’m ready to hear it.  
3018  
3019 Mr. Jernigan - With that, I will move for approval of POD-72-07, Hyatt Place  
3020 (White Oak Village Shopping Center), for the plan of development and special exception  
3021 for height, subject to the standard conditions for developments of this type, and the  
3022 following additional conditions #24 through 43.  
3023  
3024 Mr. Vanarsdall - Second.  
3025  
3026 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
3027 All in favor say aye. All opposed say no. The ayes have it, that motion carries.

3028  
3029 The Planning Commission approved POD-72-07, Hyatt Place (White Oak Village  
3030 Shopping Center), subject to the annotations on the plans, the standard conditions  
3031 attached to these minutes for developments of this type, and the following additional  
3032 conditions:

- 3033  
3034 24. The easements for drainage and utilities as shown on approved plans shall be  
3035 granted to the County in a form acceptable to the County Attorney prior to any  
3036 occupancy permits being issued. The easement plats and any other required  
3037 information shall be submitted to the County Real Property Agent at least sixty  
3038 (60) days prior to requesting occupancy permits.
- 3039 25. The loading areas shall be subject to the requirements of Chapter 24, Section  
3040 24-97(b) of the Henrico County Code.
- 3041 26. The developer shall provide fire hydrants as required by the Department of Public  
3042 Utilities and Division of Fire.
- 3043 27. Only retail business establishments permitted in a B-3 zone may be located in  
3044 this center.
- 3045 28. The conceptual master plan, as submitted with this application, is for planning  
3046 and information purposes only.
- 3047 29. Outside storage shall not be permitted.
- 3048 30. The proffers approved as a part of zoning case C-29C-06 shall be incorporated in  
3049 this approval.
- 3050 31. Any necessary off-site drainage and/or water and sewer easements must be  
3051 obtained in a form acceptable to the County Attorney prior to final approval of the  
3052 construction plans.
- 3053 32. Deviations from County standards for pavement, curb or curb and gutter design  
3054 shall be approved by the County Engineer prior to final approval of the  
3055 construction plans by the Department of Public Works.
- 3056 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
3057 drainage plans.
- 3058 34. Insurance Services Office (ISO) calculations must be included with the plans and  
3059 contracts and must be approved by the Department of Public Utilities prior to the  
3060 issuance of a building permit.
- 3061 35. Approval of the construction plans by the Department of Public Works does not  
3062 establish the curb and gutter elevations along the Henrico County maintained  
3063 right-of-way. The elevations will be set by Henrico County.
- 3064 36. Approval of the construction plans by the Department of Public Works does not  
3065 establish the curb and gutter elevations along the Virginia Department of  
3066 Transportation maintained right-of-way. The elevations will be set by the  
3067 contractor and approved by the Virginia Department of Transportation.
- 3068 37. Evidence of a joint ingress/egress and maintenance agreement must be  
3069 submitted to the Department of Planning and approved prior to issuance of a  
3070 certificate of occupancy for this development.
- 3071 38. The location of all existing and proposed utility and mechanical equipment  
3072 (including HVAC units, electric meters, junction and accessory boxes,  
3073 transformers, and generators) shall be identified on the landscape plans. All

- 3074 equipment shall be screened by such measures as determined appropriate by  
3075 the Director of Planning or the Planning Commission at the time of plan approval.  
3076 39. The ground area covered by all the buildings shall not exceed in the aggregate 25  
3077 percent of the total site area.  
3078 40. No merchandise shall be displayed or stored outside of the building(s) or on  
3079 sidewalk(s).  
3080 41. In order to maintain the effectiveness of the County's public safety radio  
3081 communications system within buildings, the owner will install radio equipment  
3082 that will allow for adequate radio coverage within the building, unless waived by  
3083 the Director of Planning. Compliance with the County's emergency  
3084 communication system shall be certified to the County by a communications  
3085 consultant within ninety (90) days of obtaining a certificate of occupancy. The  
3086 County will be permitted to perform communications testing in the building at  
3087 anytime.  
3088 42. Federal Aviation Administration (FAA), Form 7460-1 shall be submitted to the  
3089 FAA and proof of such approval shall be provided to the Planning Department  
3090 prior to approval of any building permit application.  
3091 43. Evidence that an engineer has certified the height of the building shall be  
3092 provided to the Director of Planning prior to the issuance of a Certificate of  
3093 Occupancy.  
3094

3095 **SUBDIVISION RECONSIDERATION**

3096 SUB-28-07 **Balzer & Associates, Inc. and Milestone Development Services for Tingley Construction Company and Emerald Land Development, LLC:** The 17.87-acre site proposed for a subdivision of 38 single-family homes is located at 212 Cedar Fork Road and 146 Cedar Fork Road on parcels 812-726-0522 and 811-725-7591. The zoning is R-4AC, One-Family Residence District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield) 38 Lots.**

3097  
3098 Mr. Branin - Is anyone in opposition to SUB-28-07, Parkwood Chase  
3099 (April 2007 Plan)? No one?

3100  
3101 Mr. Vanarsdall - I'll tell you one thing, Mr. Chairman and fellow  
3102 Commissioners, we ought to send Michael Kennedy more often to take care of the  
3103 situation. He cleared the room out.

3104  
3105 Mr. Branin - Mr. Kennedy.

3106  
3107 Mr. Vanarsdall - They were standing up it was so crowded, and they're gone  
3108 now.

3109  
3110 Mr. Kennedy - I appreciate the compliment.

3111  
3112 [Off mike] - Not everybody.

3113  
3114 Mr. Kennedy - This plan was originally approved by the Planning  
3115 Commission at their April 25<sup>th</sup> meeting. At that time, the Planning Commission approved  
3116 an exception to subdivision design standards to permit three through lots on both  
3117 Cedarfork Road and Cedar Park Lane Road. Those lots fronted on two streets and that  
3118 was because of the cul-de-sac here and the power easement that went through it. They  
3119 really didn't have two functional frontages, so there was an exception there. And there  
3120 was also an exception for a thin lot that actually had a thin portion that extended back,  
3121 which was not buildable. So the three lots had exceptions previously. They're now  
3122 coming back and asking for a fourth exception lot. That would be to change the  
3123 configuration. What's on the display right now is the currently-approved plan. These  
3124 two lots here have a floodplain on them and wetlands on them. What happened is,  
3125 Public Works, since they've had these wetlands delineated, they determined that the  
3126 developer would need to impact those wetlands because they're in side yards, given  
3127 that they could build into those side yards. This lot would have to impact all the  
3128 wetlands and all this wetland on this lot would have to be impacted. Public Works  
3129 requires wetlands in front yards and side yards to be impacted.

3130

3131 The developer is requesting an alternative plan and this plan here is what we're  
3132 considering today. These two lots would no longer have wetlands in them. This lot  
3133 would now have the wetland excluded from it, and be excluded from this lot. It would be  
3134 in the rear yard of one of the other lots. Wetlands in a rear yard don't have to be  
3135 impacted because there's a rear yard setback and it's not intended to be impacted.  
3136 This wetland would be associated with another lot. This lot here, that contains mostly  
3137 wetlands in the back, would not be reconfigured. However, it would have frontage on  
3138 two streets. It would require an exception as well because there's frontage on two  
3139 streets.

3140  
3141 In reality, no one's going to be able to build in the back of this lot, no more than they  
3142 would have been able to build on the original lot in the first place because of the  
3143 wetlands. They wouldn't be putting a building in front of somebody, like an accessory  
3144 structure next to a main building. There would just be a no ingress/egress easement  
3145 along this portion of the road. That's what we're recommending.

3146  
3147 So, basically, they needed to come back for reconfiguration and approval of an  
3148 additional exception. Staff cannot approve the exception administratively. With that,  
3149 staff does recommend approval. We have no objection to the request, provided they  
3150 have the no ingress/egress easement. We don't find it's going to change the  
3151 configuration of the lots in any fashion otherwise. We recommend approval subject to  
3152 the original conditions that were approved by the Commission at the April 25, 2007  
3153 meeting. With that, I can answer any questions.

3154  
3155 Mr. Branin - Does anybody have any questions for Mr. Kennedy?

3156  
3157 Mr. Archer - Well, I did, but he explained it all to me yesterday, much like  
3158 he did just now.

3159  
3160 Mr. Branin - All right. Would you like to hear from the applicant?

3161  
3162 Mr. Archer - I don't think it's necessary. I think the overall conclusion is  
3163 that this is a better project than it was before. It's not something that anybody is crazy  
3164 about, but it works better than the previous one, so I don't have a problem with it. Do I  
3165 need to make a separate motion or can I include it all in one motion?

3166  
3167 Mr. O'Kelly - All in one motion, sir.

3168  
3169 Mr. Archer - Okay.

3170  
3171 Mr. Branin - Put it all in one.

3172  
3173 Mr. Archer - Well, in that case, then, I will move for approval of SUB-28-  
3174 07, Parkwood Chase (April 2007 Plan), subject to the annotations on the plan, the  
3175 standard conditions for subdivisions served by public utilities, and the original additional  
3176 conditions approved in our April 25, 2007 meeting.

3177 Mr. Vanarsdall - Second.  
3178  
3179 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All  
3180 in favor say aye. All opposed say no. The ayes have it, the motion carries.  
3181  
3182 The Planning Commission granted reconsideration of the conditional approval to SUB-  
3183 28-07, Parkwood Chase (April 2007 Plan), subject to the standard conditions attached  
3184 to these minutes for subdivisions served by public utilities, the annotations on the plans,  
3185 and the original additional conditions.  
3186  
3187 Mr. Branin - That concludes....  
3188  
3189 **POD-71-07, FROM PAGE 14 IS BROUGHT UP AGAIN AT THIS POINT**  
3190  
3191 Mr. Vanarsdall - Mr. Chairman, if you go back to page 14, I had this case,  
3192 Elam Office Building, and I intended to say 9 amended and 11 amended, and I may  
3193 have. I don't know if I did or not.  
3194  
3195 Mr. Branin - So, within your motion of POD-71-07?  
3196  
3197 Mr. Vanarsdall - It was in the motion?  
3198  
3199 Mr. Archer - It was on the expedited agenda, I believe.  
3200  
3201 Mr. Vanarsdall - It was POD-71-07 and I had 36, 24 to 36, and I wanted 9  
3202 amended and 11 amended.  
3203  
3204 Mrs. Jones - Was that on the addendum?  
3205  
3206 Mr. Vanarsdall - No, it wasn't on the addendum.  
3207  
3208 Mr. Branin - Okay. That has been so noted.  
3209  
3210 Mr. O'Kelly - We need to reconsider the case.  
3211  
3212 Mr. Vanarsdall - They picked it up by now. They can put it on—They picked it  
3213 up in the back by now, did they, when I said that.  
3214  
3215 Mr. Branin - Okay. If we are adding conditions, then Ms. News, can you  
3216 come back up and reread POD-71-07, so we can make a new motion. Page 14.  
3217  
3218 Ms. News - This case is on page 14 of your agenda, and on the  
3219 expedited agenda. This is POD-71-07 (POD-7-80 and POD-51-81 Revised), Elam  
3220 Office Building in the Brookland District.  
3221

3222 **PLAN OF DEVELOPMENT**

3223

POD-71-07 **Balzer & Associates, Inc. for DBE Investments, LLC:**  
Elam Office Building – Request for approval of a plan of development as required  
5711 Staples Mill Road by Chapter 24, Section 24-106 of the Henrico County  
(POD-7-80 and POD-51- Code, to construct a 7,214 square foot, two-story, building  
81 Revised) addition to a 15,170 square foot existing three-story office.  
The 1.47-acre site is located on the east line of Staples  
Mill Road (U.S. Route 33) approximately 200 feet north of  
Northside Avenue on parcel 774-745-5455. The zoning is  
O-2, Office District. County water and sewer. **(Brookland)**

3224

Mr. Branin - Okay. And it's being recommended for?

3225

Ms. News - It was recommended for approval. There was an addendum  
item on page 6 indicating that the medical office uses will expire in June 2008, and there  
will be no further medical uses. Therefore, there is sufficient parking on that site.

3226

Mr. Branin - All right. And there is no opposition in the room, so Mr.  
Vanarsdall, would you like to make a motion.

3227

Mr. Vanarsdall - I move POD-71-07 (POD-7-80 and POD-51-81 Revised),  
Elam Office Building, be approved on the expedited with annotations on the plan,  
standard conditions for developments of this type, added conditions 24 through 36, and  
then a notation from the addendum, and then I'd like to add #9 amended and #11  
amended.

3228

Mr. Jernigan - Second.

3229

Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan.  
All in favor say aye. All opposed say no. The ayes have it, the motion carries.

3230

The Planning Commission approved POD-71-07 Elam Office Building (POD-7-80 and  
POD-51-81 Revised), subject to the annotations on the plans, the standard conditions  
attached to these minutes for developments of this type, and the following additional  
conditions:

3231

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

3232

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

3233

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

3234



- 3259 occupancy permits being issued. The easement plats and any other required  
 3260 information shall be submitted to the County Real Property Agent at least sixty  
 3261 (60) days prior to requesting occupancy permits.
- 3262 25. The entrances and drainage facilities on (State Route) shall be approved by the  
 3263 Virginia Department of Transportation and the County.
  - 3264 26. A notice of completion form, certifying that the requirements of the Virginia  
 3265 Department of Transportation entrances permit have been completed, shall be  
 3266 submitted to the Department of Planning prior to any occupancy permits being  
 3267 issued.
  - 3268 27. The developer shall provide fire hydrants as required by the Department of Public  
 3269 Utilities and Division of Fire.
  - 3270 28. Outside storage shall not be permitted.
  - 3271 29. The certification of building permits, occupancy permits and change of  
 3272 occupancy permits for individual units shall be based on the number of parking  
 3273 spaces required for the proposed uses and the amount of parking available  
 3274 according to approved plans.
  - 3275 30. Any necessary off-site drainage and/or water and sewer easements must be  
 3276 obtained in a form acceptable to the County Attorney prior to final approval of the  
 3277 construction plans.
  - 3278 31. Deviations from County standards for pavement, curb or curb and gutter design  
 3279 shall be approved by the County Engineer prior to final approval of the  
 3280 construction plans by the Department of Public Works.
  - 3281 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
 3282 drainage plans.
  - 3283 33. Insurance Services Office (ISO) calculations must be included with the plans and  
 3284 contracts and must be approved by the Department of Public Utilities prior to the  
 3285 issuance of a building permit.
  - 3286 34. Approval of the construction plans by the Department of Public Works does not  
 3287 establish the curb and gutter elevations along the Virginia Department of  
 3288 Transportation maintained right-of-way. The elevations will be set by the  
 3289 contractor and approved by the Virginia Department of Transportation.
  - 3290 35. The location of all existing and proposed utility and mechanical equipment  
 3291 (including HVAC units, electric meters, junction and accessory boxes,  
 3292 transformers, and generators) shall be identified on the landscape plans. All  
 3293 equipment shall be screened by such measures as determined appropriate by  
 3294 the Director of Planning or the Planning Commission at the time of plan approval.
  - 3295 36. Except for junction boxes, meters, and existing overhead utility lines, and for  
 3296 technical or environmental reasons, all utility lines shall be underground.

3297  
 3298 Thank you, Mr. Vanarsdall, for bringing that up.

3299  
 3300 Mr. Vanarsdall - Thank you all for going along with it.

3301  
 3302 Mr. Archer - Mr. Chairman, may I suggest that we approve the minutes  
 3303 before we have the public hearing?

3304 Mr. Branin - Oh, absolutely. Before we move into that.

3305  
3306 Mr. Archer - It's just last on the agenda.  
3307

3308 **APPROVAL OF MINUTES: September 26, 2007**

3309  
3310 Mr. Branin - Does anyone have any changes to the minutes from  
3311 September 26?

3312  
3313 Mr. Vanarsdall - If not, I move we approve the minutes as printed.  
3314

3315 Mr. Branin - None? Okay.

3316  
3317 Mr. Jernigan - Second.  
3318

3319 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan.  
3320 All in favor say aye. All opposed say no. The ayes have it, the motion carries.  
3321

3322 The Planning Commission approved the September 26, 2007 minutes.  
3323

3324 Mr. Branin - That concludes, Mr. Secretary, our Subdivisions and Plan of  
3325 Development meeting. We are now moving into the ordinance amendment public  
3326 hearing.  
3327

3328 **PUBLIC HEARING: Zoning Ordinance Amendment to the Zoning and Subdivision**  
3329 **Ordinance Pertaining to the Floodplain**

3330  
3331 Mr. O'Kelly - That's correct, Mr. Chairman. The next item is a public  
3332 hearing to consider three amendments to the zoning ordinance and also an amendment  
3333 to the subdivision ordinance. The first public hearing item is an amendment to the  
3334 Zoning and Subdivision Ordinance provisions pertaining to the floodplain. County  
3335 Attorney, Mr. Tom Tokarz, will be making the presentation to the Planning Commission.  
3336 I'd like to thank the citizens and property owners for their patience in the delay of the  
3337 public hearing. We have no way to know how long our agendas are going to be, but we  
3338 do have to advertise these cases in the newspaper and we have to have the time for a  
3339 public hearing.  
3340

3341 Mr. Branin - We'd much rather get you early, than you come in late and  
3342 say it was advertised late.  
3343

3344 Mr. O'Kelly - I'd also like to mention, this is the first step in the process.  
3345 The Planning Commission will have this public hearing and they will vote to make a  
3346 recommendation to the Board of Supervisors. The Board of Supervisors will consider  
3347 this case. I believe it's tentatively scheduled for the Board meeting November 27<sup>th</sup>, and  
3348 that would begin at 7:00 p.m.  
3349

3350 Mr. Tokarz - Mr. Chairman, members of the Commission. My name is  
3351 Tom Tokarz and I'm in the County Attorney's Office. I've been working for an extended  
3352 period of time with the Department of Public Works, the Department of Planning, and  
3353 other departments in preparation of a Floodplain Ordinance that is required in order for  
3354 the County to remain a part of the Federal Flood Insurance Program. The Federal  
3355 Emergency Management Agency has approved revised floodplain maps that become  
3356 effective December 18, 2007, and in conjunction with the approval of those maps, we  
3357 are required to enact ordinance amendments that comply with the minimum standards  
3358 in the Federal regulations for the flood insurance program.  
3359

3360 The last time that our Floodplain Ordinance was amended was back, I believe, in 1979.  
3361 Since that time, there have been changes to the regulations. In addition, of course, the  
3362 County is different, given the level of development that's occurred since that time. So,  
3363 we've taken the opportunity to prepare a new draft, which is before you. Now, I need to  
3364 hasten to say that this is truly just a draft. We are hoping to get public comment on the  
3365 draft and to incorporate comments from the public today, as well as any comments we  
3366 get from Commission members. I can tell you already that there will be further changes  
3367 to the draft. The reason for those changes is that as part of the process of ensuring  
3368 continued compliance with the Federal Flood Insurance Program, we are required to  
3369 have the ordinance reviewed by the State and Federal officials, and the Department of  
3370 Conservation and Recreation has done so. David Gunn, who is with the State is here  
3371 somewhere. Back there. He's been helpful in reviewing the drafts. We received some  
3372 additional comments from FEMA yesterday. All of the comments and changes that I  
3373 anticipate needing to be made are technical in nature. I don't believe they substantively  
3374 affect the draft that is before you, but I certainly am prepared to address those technical  
3375 changes that you'd like to. They are really related to terminology and where things are  
3376 in the draft, and clarification.  
3377

3378 What I would say to you in terms of trying to explain what's being done with the  
3379 ordinance, I'll just tell you what the major changes are. The first one is that we have  
3380 adopted new terminology in the draft and that's to conform to the language that's on the  
3381 Federal Insurance Rate Map, and the Federal Regulations. The second is a change in  
3382 the definitions for damaged buildings and substantial improvements. I suppose for  
3383 some people, this may be a significant change because what we have done is to  
3384 change the language to conform to the federal regulation. The current ordinance  
3385 provides that changes that exceed more than 50% of square footage will qualify as  
3386 substantial improvements or damaged buildings. The federal regulations changed that  
3387 standard from square footage to market value. So, if you take a look at the definition in  
3388 the draft, you'll see that that change has been made.  
3389

3390 The third change is that there is now an explicit requirement in the ordinance that the  
3391 new construction has to comply with specific standards that are incorporated in the  
3392 Uniform Statewide Building Code. There are specific public standards. I believe it's  
3393 ASCE 24-98 - publication. I believe that's the correct publication number. It provides  
3394 specific floodplain standards for new construction. So, there is a requirement now in the  
3395 ordinance that requires compliance with them.

3396 The fourth is there a prohibition on encroachments in the floodways without FEMA  
3397 approval. There are now floodways that are designated on the maps that if you go to  
3398 the GIS layers, the federal maps show floodways. We are prohibiting, in this ordinance  
3399 explicitly, encroachments in the floodways. There is no change in something that has  
3400 been part of the ordinance for an extended period of time, and that is the requirement  
3401 that any development will not cause a rise in the base flood elevation. That's currently  
3402 part of the ordinance. That continues in the ordinance. The idea, as I understand it—  
3403 and I'm not an engineer—is that we're trying to make sure that development does not  
3404 have an adverse affect when we have flooding. So, there are standards being put into  
3405 place with these ordinances and the engineering requirements that are imposed in  
3406 conjunction with them.

3407  
3408 Finally, the fifth major change is that there are new requirements that are mandated by  
3409 the federal regulations for recreational vehicles that are parked in floodplains. It doesn't  
3410 prohibit them from being there, but it does have some language, which you'll see at the  
3411 very end of the draft, which deals with the recreational vehicles in the floodplains.

3412  
3413 Finally, the last point I'll make is that under the current ordinance, there is prohibition on  
3414 the construction of new residential dwellings in base flood hazard areas. That will  
3415 continue unchanged. For non-residential construction in the floodplain, a permit from  
3416 the Director of Public Works will continue to be required.

3417  
3418 So, that would be my overview of the ordinance. I'm certainly prepared to try and  
3419 answer any questions. And certainly I would need to consult, either the engineers or  
3420 planners, on things that are outside by bailiwick. I hope that what we'll have is some  
3421 comments from the public that might give you and the staff some sense of concerns that  
3422 we need to look at in the ordinance draft. As Mr. O'Kelly said, this will be a subject of  
3423 your consideration and the recommendation to the Board of Supervisors. What we  
3424 anticipate is that the technical changes that I discussed a minute ago would be made to  
3425 the draft, along with any other comments made by either Commission members or the  
3426 public. It would be incorporated in a new draft that would be considered by the Board of  
3427 Supervisors in a work session that would occur in the first meeting in November. I'm  
3428 not sure of the date. I think it's the 13<sup>th</sup>. And then a public hearing, which is at this point  
3429 scheduled, I think, for the 27<sup>th</sup> of November. We've built in enough time so that if there  
3430 is a need for further consideration of the ordinance, we do have the availability of  
3431 another meeting by the Board of Supervisors at the first meeting in December and still  
3432 meet the December 18<sup>th</sup> effective date.

3433  
3434 So, with that, I'll sit down, unless you have questions at this point, and listen to  
3435 comments from members of the public.

3436  
3437 Mr. Branin - First, Mr. Tokarz, does anybody have any questions for Mr.  
3438 Tokarz?

3439  
3440 Mrs. Jones - One quick one. May I?  
3441

3442 Mr. Branin - Sure.  
3443  
3444 Mrs. Jones - I may have missed this in your presentation, but you  
3445 mentioned that this was the first reconsideration of this since 1979?  
3446  
3447 Mr. Vanarsdall - 79.  
3448  
3449 Mr. Tokarz - I believe that's correct.  
3450  
3451 Mrs. Jones - Okay. Is this mandated to be looked at on a federal level  
3452 every X number of years, or have we just gotten some new technology that further  
3453 delineates the lines? Why are we doing this now?  
3454  
3455 Mr. Tokarz - We are doing it because the new maps that will become  
3456 effective December 18<sup>th</sup>, as part of the approval process by FEMA, they look not only at  
3457 the maps, but also at the regulations we have in place. So, when the new maps  
3458 become effective, we have to have the new ordinance in place as well.  
3459  
3460 Mrs. Jones - I didn't state my question—What I meant was, what led them  
3461 to new maps? Do they do new maps every decade, every—Just give me a little  
3462 background.  
3463  
3464 Mr. Tokarz - The Director of Public Works can tell you about that.  
3465  
3466 Mrs. Jones - Just wondering.  
3467  
3468 Mr. Tokarz - Pardon me?  
3469  
3470 Mrs. Jones - Just wondering why we were here at this point.  
3471  
3472 Mr. Branin - Mr. Tokarz, you can sit down now, but don't go anywhere,  
3473 because we're going to bring you right back up.  
3474  
3475 Mr. Tokarz - Yes sir.  
3476  
3477 Mr. Priestas - My name is Lee Priestas with Public Works. I'm not aware  
3478 of any specific increments of time that FEMA does update their mapping, but back in  
3479 2001 was when this study first was initiated, and we received an indication from them  
3480 that they were updating the maps. We took it upon ourselves to become more involved  
3481 so that we could have more up-to-date, accurate, and detailed mapping than what they  
3482 probably would have otherwise provided.  
3483  
3484 Mrs. Jones - Well, I do think, obviously, it's something that needs to be  
3485 updated, as our ability to determine these things also increases, I would imagine, with  
3486 the technology available to us, and our record keeping, and all of those kinds of things.  
3487

3488 Mr. Priestas - Yes. The mapping and the studies that were done were  
3489 based on state-of-the-art information and modeling that we have now, as opposed to  
3490 what was state-of-the-art 25, 30 years ago. Things, of course, change..

3491  
3492 Mrs. Jones - Okay. Thank you.

3493  
3494 Mr. Jernigan - Lee, I can ask either you or Tom this. We had a new  
3495 terminology, the "floodway." Before, we had just "floodplain," and now that's a special  
3496 hazard area. What distinguishes a floodway from the special hazard area?

3497  
3498 Mr. Priestas - A floodway is within the floodplain. I'd like to ask Sam Amos  
3499 to come up and answer that question in more detail for you.

3500  
3501 Mr. Amos - The floodway is actually the area of the channel that's left.  
3502 Once you build in the floodplain, you have a restricted area. If that channel becomes  
3503 restricted sufficiently to cause a one-foot increase in the flood level, that's the minimum  
3504 floodway that's defined. We never had that detail before, you're correct. With the new  
3505 mapping, it's actually shown on the maps and that is the area that FEMA basically says  
3506 there's no development in unless we authorize it.

3507  
3508 Mr. Jernigan - Did you say, "fill a floodplain"? Is that what you said?

3509  
3510 Mr. Amos - The flood fringe is the area beyond the floodway, and that  
3511 area can have development in it, commercial buildings, parking lots, things like that.  
3512 The floodway is restricted to development. That's the major difference.

3513  
3514 Mr. Jernigan - Okay.

3515  
3516 Mr. Priestas - I will add that the term, "floodway," was added to the  
3517 ordinance because that is a specific requirement in the federal regulations, so we  
3518 picked that up. I believe they're show in areas A and AE. AE on the map. What we've  
3519 got, and you may remember from the work session we had a couple weeks ago, on the  
3520 GIS layers, we now have the federal maps that we can show the federal areas as well  
3521 as the County areas. And the floodway was in that center part. The concept that's in the  
3522 regulations that we've now incorporated in the ordinance, is that you can't put anything  
3523 that will encroach into that floodway and then cause the elevation to rise. This is  
3524 something that is probably the most important new aspect, from my standpoint, in terms  
3525 of adding new regulatory language to what we did, as opposed to the other changes,  
3526 which I regard somewhat as technical. Terminology changes, for example, and things  
3527 like that. Other questions for you?

3528  
3529 Mr. Branin - No, but don't go anywhere. Okay. We also have a  
3530 PowerPoint presentation that Sylvia Wright's going to do, which illustrates it. Before you  
3531 come down Sylvia, I'd like to get some of the comments or questions from the citizens  
3532 so we may be able to address those in your PowerPoint. I think that would go

3533 smoother. So, if you could all, one by one—Please, when you come down, state your  
3534 name for the record and then ask the questions that you may have.

3535  
3536 Mr. Harned - First of all, thank you for the opportunity to speak here today.  
3537 I think it's great. I learned a lot about the County I didn't know, especially about BJ's,  
3538 and I'm impressed with the thoroughness with which you hear and understand the  
3539 issues.

3540 Mr. Vanarsdall - What you're saying, you got a pretty good education for  
3541 having to wait so long.

3542  
3543 Mr. Harned - I did, I did. It was really great. Living here so long, I got a  
3544 great education. My name's David and here on behalf of the Board of Directors.

3545  
3546 Mr. Branin - Your name again?

3547  
3548 Mr. Harned - Dave Harned. David Harned. I'd like to read a statement  
3549 into the record and I will give you a copy of that statement so you can have it for your  
3550 records. With me here today is Laura Smith, who is a member of the Board of Gayton  
3551 Forest, and Diane Mills Mitchell, who's a realtor in case we get in any real estate  
3552 backup issues.

3553  
3554 Okay. My name is David A. Harned. My wife, Judith P. Harned and I live at 1705  
3555 Windingridge Drive, Richmond, Virginia, 23238-4134 in the Gayton Forest subdivision in  
3556 western Henrico County. The September 6, 2007 letter received from Edward L.  
3557 Priestas, PE, Director of Public Works for Henrico County, is of great concern to me, as  
3558 well to others in Gayton Forest who received this letter, and to the Gayton Forest  
3559 Association Board, which represents all homeowners in the Gayton Forest subdivision.  
3560 With me today representing the Gayton Forest Association Board is Board member  
3561 Laura Smith.

3562  
3563 The purpose of our attendance here today is to advise Henrico County that both the  
3564 Gayton Forest Association and the individual homeowners who have received the  
3565 above-referenced letter of September 6, 2007 are opposed to the proposed boundaries  
3566 of the floodplain as it pertains to Gayton Forest. Specifically, we request Henrico  
3567 County to conduct a comprehensive engineering study for the purpose of improving the  
3568 drainage in the floodplain area, thus reducing the statistical likelihood of flooding in  
3569 Gayton Forest and further reducing the footprint of the floodplain in an area equal to or  
3570 small than the original floodplain delineation.

3571  
3572 On October 10, 2007, I shared our concerns with Mr. Priestas. To his credit, he  
3573 appeared to be empathetic to our situation and he seemed to be in agreement that an  
3574 engineering study would be in order and further, that if sufficient engineering and  
3575 construction measures could be implemented, that such drainage improvement  
3576 measures might conceivably mitigate the risk of flooding.

3577

3578 Additionally and in subsequent discussion with Mr. Donny Johnson and Mr. Sam Amos,  
3579 also Henrico County engineers, there appeared to be an understanding of the issues  
3580 and circumstances involved, as well as a willingness to take a firsthand examination of  
3581 the floodplain area, along with the upstream and downstream areas connected to the  
3582 Gayton Forest area. We appreciate the cooperation shown thus far by the engineers in  
3583 the Public Works Department. It might be helpful to summarize some of the point made  
3584 thus far to the engineers.

3585  
3586 When we brought our property nearly 33 years ago from Summers Wilton, the  
3587 developer of Gayton Forest subdivision, Mr. Wilton represented to us that there was an  
3588 area called a common area behind our property. He indicated that the common area  
3589 extended throughout Gayton Forest to be designated as an area for the common use of  
3590 all residents of Gayton Forest. And further, out past the common area, there was an  
3591 area between the common area and the Raintree subdivision that Henrico County  
3592 would consider to be in a floodplain.

3593  
3594 The purpose of Mr. Wilton pointing out the common area and the floodplain area was to  
3595 alleviate any concerns that Gayton Forest homeowners might have about future  
3596 construction in those areas. To the best of my knowledge, Mr. Wilton explained the  
3597 common area and the floodplain area to others whose properties adjoined the common  
3598 area. We purchased our property on reliance on the statement and representation that  
3599 the floodplain boundary was beyond the common area, and thus there would be  
3600 encroachment of the floodplain into the common area of Gayton Forest. So,  
3601 homeowners in Gayton Forest relied upon the statements of the developer, which  
3602 appeared to be honest, accurate and made in good faith.

3603  
3604 Since 1975, I have periodically walked the common area. And further, I have also  
3605 walked the referenced floodplain area. My most recent walk and examination of these  
3606 areas was on October 17, 2007. I walked both the main floodplain drainage ditch,  
3607 which runs adjacent to Raintree, and the secondary or overflow ditch which runs  
3608 between the main ditch and the Gayton Forest common area. I walked these drainage  
3609 ditches and the tributary ditches from the bridge at Gayton Road to the bridge at Falcon  
3610 Bridge. All the draining ditches have significant blockages, which would tend to impede  
3611 the property flow or evacuation of water from the area. The blockages were attributable  
3612 to substantial amounts of debris, junk, tires, etcetera, fallen trees, dirt, silt, and sand.  
3613 Huge amounts of sand were observed in the main ditch upstream from the bridge at  
3614 Gayton Road. It appeared to me that the large number of fallen trees and the large  
3615 volume of sand were the main contributors to the blockage. There was very little sand  
3616 observed under the Gayton Road bridge, which seemed to confirm that the main  
3617 drainage blockage points were upstream from the bridge. Also, the secondary or  
3618 overflow ditch west of the main ditch did not appear to have a good exit path to the  
3619 Gayton Road bridge. If these blockages could be alleviated, it appears to me that the  
3620 drainage for this area could be significantly improved, thus resulting in a corresponding  
3621 reduction in the footprint of the floodplain to the size that existed in 1975 or perhaps  
3622 even better.

3623



3624 As one might expect in an era of heightened sensitivity to the environment, all the  
3625 engineers indicated that there may be potential environmental issues regarding any  
3626 excavation. This is certainly an understandable concern. In this day and age, most of  
3627 us, I suspect, are environmentally conscious and want to do what is prudent in  
3628 protecting our environment. Also, most of us understand that protecting the safety of  
3629 the citizens is the very highest priority of government. From a practical perspective, I  
3630 suppose to that of a professional environmentalist, it would appear that there may be  
3631 few, if any, significant wetlands issues in this area. To the extent that any such issues  
3632 might surface, however, it would appear that those issues would have to be weighed  
3633 against the health and safety of homeowners in this area. Since the charters of both  
3634 Henrico County and FEMA specify the safety of property owners is a top priority, it  
3635 would appear that both Henrico County and FEMA should take the necessary steps to  
3636 make certain that citizens' safety receives top priority.

3637  
3638 In addition to the safety issue, there is also a potentially significant economic issue that  
3639 stems from the impact on property values. Any required floodplain disclosures could  
3640 have a significant negative effect on the sale of Gayton Forest homes, in terms of both  
3641 time on the market and reduced sales prices. Since comparable market analysis, CMA,  
3642 is commonly used in real estate listings, the negative impact could well extend beyond  
3643 the homes within the homes, within the property actually in the floodplain, to those  
3644 outside the floodplain. Therefore, it is in the economic interest of all Gayton Forest  
3645 homeowners to have this issue satisfactorily resolved. Also to the extent that reduced  
3646 home sales prices would result in lower real estate assessments, it would also be in the  
3647 best economic interest of Henrico County to support those actions that would tend to  
3648 maintain or improve real estate values. Since the mid 1970's, property owners in  
3649 Gayton Forest have paid substantial taxes towards the maintenance of County  
3650 infrastructure, which include roads, bridges, and drainage systems. We believe it is  
3651 reasonable to expect the County to carry out its responsibilities in this regard. And  
3652 further, we believe it is in the best mutual interest of both the homeowners in Gayton  
3653 Forest and the County to work together achieve a fair a proper resolution in the matter.

3654  
3655 Again, we sincerely appreciate the cooperation shown thus far by Henrico County, and  
3656 particularly by the engineers in the Public Works Department. Thank you very much for  
3657 your consideration in this important matter.

3658  
3659 Again, with me today is Laura Smith, who is on the Board. I reviewed this statement  
3660 with Bob Reardon, who's the president and also an engineer, but could not be here  
3661 today due to conflicting engagements. In any event, I'll be glad to pick up on anything  
3662 the Board would have. We would just like you to consider those comments that I gave  
3663 to you, and have as part of the record so this can be reassessed from a fresh  
3664 perspective.

3665  
3666 I am glad to hear, for the first time, that it is still somewhat flexible in draft mode and that  
3667 changes can be made to this. I think that is important.

3668

3669 Mr. Branin - To start with, we're going to address some of those  
3670 questions. I'm also going to ask your Commissioner—Gayton Forest is Tuckahoe?—to  
3671 get with your Supervisor and possibly have a community meeting to address these.  
3672

3673 Mrs. Jones - I think a lot of this is getting information that's accurate and  
3674 thorough out to everybody. And I think we can certainly facilitate this.  
3675

3676 Mr. Harned - Right. And I would point out again, the engineers have been  
3677 very understanding. I don't have any complaints for any of them. It's just that, you  
3678 know, we want the total scope of circumstances reviewed. I would say that if you  
3679 reviewed it as well as you did with BJ's, I don't—  
3680

3681 Mrs. Jones - We could be here for weeks.  
3682

3683 Mr. Harned - I don't doubt that you'll get into it very thoroughly. Thank you  
3684 very much.  
3685

3686 Mr. Branin - Mr. Harned, I truly appreciate you coming in and bringing  
3687 light. We will start to look at it and get with Gayton Forest right away.  
3688

3689 Mr. Harned - Thank you very much.  
3690

3691 Mr. Branin - Do any of the staff have any comments to any of the  
3692 concerns or shall we bring those up at a future meeting with Gayton Forest. Mr.  
3693 Priestas?  
3694

3695 Mr. Priestas - Yes sir I did talk with Mr. Harned on the phone. I indicated  
3696 to him at the time that we will review the information, or review the creeks in the area  
3697 that he's concerned with to see if there's anything that can be done. The studies that  
3698 were done as a part of the floodplain study were very detailed in nature and very  
3699 specific. This area was actually part of the detailed analysis for the floodplain study. So,  
3700 the extent on the floodplains in the area will likely not change significantly, even if we  
3701 were to find a problem, unless it was a gross, gross error. We did have citizen meetings  
3702 back in the March timeframe of '06 and, of course, spoke with large numbers of citizens  
3703 at that time. The purpose of those meetings was, of course, to inform the citizens and  
3704 also give them an opportunity to provide detailed information if they thought our data  
3705 was incorrect.  
3706

3707 Mr. Branin - Well, with the light of this coming forward now, and an outcry  
3708 from a particular neighborhood that does have a substantial creek that runs through the  
3709 back of it in their common area, I would hope that—  
3710

3711 Mrs. Jones - We can certainly respond to that.  
3712

3713 Mr. Branin - Your supervisor is Mrs. O'Bannon, which I'm sure you're  
3714 aware of.

3715  
3716 Mrs. Jones - I'd like to just ask a clarifying question here. And Lee, since  
3717 you're at the podium, you get it. I think there may be a little bit of a problem  
3718 understanding exactly what the issue is. It is my understanding, and I'd like you to  
3719 correct me if I'm wrong, that the federal maps are being adopted by Henrico because  
3720 not to do so would put us at risk with the insurance program. Obviously, we have to  
3721 have those delineations dovetail with our delineations in order to be in sync with the  
3722 federal guidelines.

3723  
3724 Mr. Priestas - Right.

3725  
3726 Mrs. Jones - Right. If we do not, if our Board of Supervisors does not  
3727 adopt these new FEMA maps, what then?

3728  
3729 Mr. Priestas - Well, the County risks losing basically being in compliance  
3730 with the Federal Flood Insurance Program and the citizens risk the loss of any sort of  
3731 subsidized mortgages.

3732  
3733 Mrs. Jones - It seems to me that we do not have—In the best interest of  
3734 the public, there's probably going to be very few effective arguments not to come into  
3735 compliance with the federal guidelines.

3736  
3737 Mr. Priestas - That would be my opinion, yes ma'am.

3738  
3739 Mrs. Jones - Okay. So, what we're talking about, I think, with Gayton  
3740 Forest, is the fact that whatever impacts, and I haven't seen that specific overlay of old  
3741 maps versus new maps. Whatever impacts that has on properties, the notice that you  
3742 sent to the homeowners was to give them ample time to pursue this with their insurance  
3743 carrier so that they would be covered as to whatever the difference was when  
3744 December 18<sup>th</sup> came around. Am I correct in that?

3745  
3746 Mr. Priestas - Yes, you're correct. When I say that you're correct, I'm  
3747 referencing the most recent notification that we sent to the citizens. We also sent to  
3748 citizens a notification of the informational meetings that we held last year prior to that to  
3749 give them an opportunity to view the maps and determine whatever issues they may  
3750 have.

3751  
3752 Mrs. Jones - So, if someone got a letter, it doesn't mean that they are  
3753 having a big change in their property. They could have no change at all.

3754  
3755 Mr. Priestas - In some cases, the citizens who got the letters had floodplain  
3756 on their property and now will not. It doesn't always go one way. I would also point out  
3757 that when Gayton Forest was developed, I'm sure the floodplain delineation was done in  
3758 conformance with the requirements at the time and probably was the best information  
3759 that was available at the time. As I mentioned earlier the floodplain mapping that was  
3760 done most recently is based on more detailed better modeling, better information that

3761 was available. It also considered existing conditions in the field, which the previous  
3762 ones considered existing conditions at that time. What the Gayton Forest residents got  
3763 from Mr. Wilton was probably accurate at that point in time.  
3764

3765 What is also a consideration in terms of what was presented to you a minute ago was  
3766 the issue about cleaning creeks, which become an environmental consideration, and  
3767 depending up the situation, may or may not be even permitted by the environmental  
3768 agencies. That's something that would have to be reviewed at the time.  
3769

3770 Mr. Branin - We have a representative from the environmental  
3771 department here. Would you like to come down and make a comment?  
3772

3773 Mr. Perry - Actually I think we [unintelligible]. Any kind of channel work,  
3774 anything that would be proposed to be a drainage improvement type project would  
3775 require permits from the Army Corps of Engineers and DEQ. Certainly, they're sensitive  
3776 to safety - if somebody's home was going to be flooded or something like that and a  
3777 drainage project would alleviate that. But as far as—Just my experience in the past, lets  
3778 say reducing the floodplain line from a common area or from someone's backyard,  
3779 that's certainly something they really don't entertain. I mean, their purview is really to  
3780 look at the importance of the wetlands as far as water quality. And if we were, let's say,  
3781 draining those wetlands, we'd really have to have a good justification other than we're  
3782 trying to reduce a floodplain line from someone's yard, let's say.  
3783

3784 Mrs. Jones - Well, all this can be looked at. Mr. Harned and Ms. Smith,  
3785 make sure we take this to the next level and get a discussion going.  
3786

3787 Mr. Branin - Will you state your name for the record?  
3788

3789 Mr. Perry - I'm sorry. I'm Jeff Perry and I'm with the Department of  
3790 Public Works.  
3791

3792 Mr. Branin - Thank you.  
3793

3794 [Off mike] - [Unintelligible.]  
3795

3796 Mr. Branin - Absolutely sir, come on back down.  
3797

3798 Mr. Harned - I appreciate that statement from the EPA (sic), but we're not  
3799 looking at going into wetlands. This is not a new proposition. We're simply requesting  
3800 the sensitivity of what was there in 1975 and putting it back in order. There's probably  
3801 enough sand on there to redo Virginia Beach. I mean, there are huge volumes of sand.  
3802 This is not a wetlands issue, it really isn't. There's nothing going in disturbing anything.  
3803 They're not going in and upsetting frogs or anything. This is just a matter of going in and  
3804 doing what the County's charter is supposed to do: clean out the drainage ditches,  
3805 evacuate water. We believe that if that's done, and it's done properly, that there won't  
3806 be an issue and that the floodplain go back behind the common area where it was

3807 represented properly in 1975 by Mr. Wilton. It's that simple. And it's the safety of the  
3808 citizens, I believe, and—The president of the Board met with me on this and he believes  
3809 as well, you have to look at the safety of the citizens as the number one priority. The  
3810 economic impact is significant, too, but that's really a secondary priority, as spelled out  
3811 in my letter there. We really do need to have that cleaned out. I talked with Mr. Amos  
3812 here as recently as yesterday, and these guys have been very cooperative. I have no  
3813 problem with them. I'm willing to walk, and the president, who's also an engineer, we're  
3814 going to walk all the drainage ditches with field engineers and work with them. We want  
3815 to work with the County. We don't want to be adversary. I don't want there to be any  
3816 misconception. We want to work with the field engineers. We want to work out a  
3817 reasonable solution. We feel if those ditches are excavated to where they should be,  
3818 that that floodplain can actually be reduced. We feel strongly that that's the case.  
3819 Anyway, I just wanted to clarify it for the record. We're not looking at going in and  
3820 tampering with new stuff that's for environmental issues. We're really not looking to go  
3821 there.

3822  
3823 Mr. Branin - Mr. Harned, we're not claiming that you were—

3824  
3825 Mr. Harned - Oh, I know you're not.

3826  
3827 Mr. Branin - I wish most of the people that come in front of us were as  
3828 polite as you are.

3829  
3830 Mr. Harned - I appreciate that.

3831  
3832 Mr. Branin - I am going to ask my fellow Commissioner to get with her  
3833 Supervisor and put something together with your community.

3834  
3835 Mr. Harned - That's great. That's all we ask.

3836  
3837 Mr. Branin - So you can get the attention that you need. Yes ma'am,  
3838 come on down and state your name for the record please.

3839  
3840 Mrs. Jones - While she's coming down, may I say, people who are here to  
3841 discuss this, should have their contact information with the County. With whom should  
3842 they leave that?

3843  
3844 Mr. Branin - That's the other thing I was going to say. On your letter, it  
3845 gives everything but your phone number so we can get with you. If you could give it  
3846 to.... Mr. Kennedy would be perfect.

3847  
3848 Mrs. Jones - Mr. Kennedy, thank you.

3849  
3850 Ms. Rivers - My name is Gail Rivers and I am on the Civic Association on  
3851 the Board with West End Manor. I have gone through a flood and I know about FEMA, I  
3852 know about flood insurance. I was lucky enough to get flood insurance prior to being

3853 put in a floodplain. Afterwards, the rates go up tremendously. When you go to sell your  
3854 home, they have to have insurance to buy it because mortgage companies won't loan it.  
3855 The County, the assessment doesn't go up as fast. You have a chance whether or not  
3856 people want to buy it or not. But I was on fresh water and had waterfront property so I  
3857 was lucky enough to have buyers for my property.

3858  
3859 Some of the questions I have here, when you all are talking about County insurance,  
3860 and the County being eligible for insurance with the Federal Flood Plan, what exactly  
3861 are—This is not to the benefit of the citizens or me as a homeowner, that I'm not going  
3862 to benefit from that, that I can see. How does the County benefit or what insurance are  
3863 you talking about when you say the insurance, when you talk about being eligible for the  
3864 Federal Flood Insurance Program? You don't have to be in a floodplain to get flood  
3865 insurance. Anybody in Henrico County can get flood insurance. If you're in a floodplain  
3866 you pay more for flood insurance. But what is the benefit to me, a citizen, for you, the  
3867 County, to get insurance? What does the insurance cover? I don't want to sound  
3868 stupid here, but I have to know. I want to know on a resident's point-of-view, what  
3869 insurance are you talking about.

3870  
3871 Mr. Branin - Me, too.

3872  
3873 Ms. Rivers - What does it cover?

3874  
3875 Mr. Branin - Mr. Tokarz, you're going to answer that one.

3876  
3877 Mr. Tokarz - Yes, yes. It is not insurance for the County that the County  
3878 purchases. It is the ability of County citizens to obtain Federal Flood Insurance. In order  
3879 for County citizens to obtain the Federal Flood Insurance, the flood areas have to be  
3880 mapped so that the risk can be assessed, and then the County has to have regulations  
3881 in place in order for the federal government to understand how the risk is being  
3882 minimized in compliance with the federal regulations. So, the benefit to you as a citizen  
3883 is—You're right, every citizen, whether they're in a floodplain or not can get federal flood  
3884 insurance. You pay more, depending on your risk, but even if you're not in the  
3885 floodplain, you still have the ability to get flood insurance and our adoption of the new  
3886 maps and of the new ordinance regulations gives you the right to participate by buying  
3887 that insurance.

3888  
3889 Ms. Rivers - [Off mike,] But it's going to cost me more when  
3890 [unintelligible]. And my changes of flooding are the same, right? I mean, what is putting  
3891 me in a floodplain going to do to benefit my chances of not flooding or flooding? If my  
3892 property's going to flood, God knows it's going to flood, and the buildings that are going  
3893 up can impact it, but how is it going to benefit me actually putting me on a piece of  
3894 paper and saying you are now in a floodplain? We will now pay more. Your property  
3895 value's going down, your resale is going down. But whether it floods or not—That's all I  
3896 want to know. How is it going to benefit me?

3897

3898 Mr. Tokarz - You're absolutely right in a sense that being put on the map  
3899 as being in the floodplain or not in the floodplain is not going to benefit you in the sense  
3900 of preventing you from being flooded or keeping you from being flooded. The reality is,  
3901 your situation in terms of susceptibility for flooding is what it is, regardless of what the  
3902 maps say. The significance of the maps is that, number one, it helps the insurance  
3903 rating to be done accurately so that based on the latest engineering information, the  
3904 insurance rating is correct and that your premium, you're not paying more than you  
3905 should be, or you're paying in accordance with what your risk is. As Mr. Priestas  
3906 explained, the revised maps are designed to give an overall basis, the benefit of the  
3907 state-of-the-art modeling and engineering analysis, so that if you are, indeed, prone to  
3908 flooding now and you are not identified as being prone to flooding before, you have the  
3909 benefit of that knowledge, even though you have to pay a premium. And vice versa. If  
3910 you were in a floodplain under the previous maps and now have been found, based on  
3911 the modeling, not to be in the floodplain, you have the benefit of reduced premium in  
3912 recognition of the reduced risk.

3913  
3914 I would just say as a public policy matter, it's a matter of, generally I believe, more  
3915 information is better. I mean, knowledge is power, and to the extent that people now  
3916 know more about the current engineering, I think there's a public policy benefit to that.  
3917 That's the best explanation I can give you.

3918  
3919 Mr. Branin - I have a couple more comments in regards to what you just  
3920 said.

3921  
3922 Mr. Archer - Mr. Chairman, can I interject something?

3923  
3924 Mr. Branin - You can do whatever you want.

3925  
3926 Mr. Archer - Well good. I'd like, first of all, to compliment Mr. Harned for  
3927 his due diligence as a citizen in inspecting areas around his property that need to be  
3928 walked, because I don't think as a matter of course.... the County doesn't just send  
3929 people out to walk around and look at ditches to see whether or not they may need to  
3930 be cleaned. And also, from what Ms. Rivers said, and I'm just speaking to this point  
3931 because I'm an independent insurance agent and know a little bit about flood insurance.  
3932 At one point in time—and if anybody knows better than me, they can correct me—all  
3933 flood insurance was sponsored by the National Flood Insurance Program. It went  
3934 through a system of having to find out from whoever had the maps, that were probably  
3935 pretty decrepit back in the old days, whether or not you existed in a floodplain, and if  
3936 you did, you were eligible to get flood insurance from the National Flood Insurance  
3937 Program. With the new technology that's come along and the new way of looking at  
3938 flood insurance, you're right, anybody can get flood insurance now, whether or not  
3939 they're in a floodplain. From an insurance standpoint, any water that enters your  
3940 dwelling that is considered surface water, whether it's from rain or from whatever it's  
3941 from, is not covered by a standard homeowner's insurance policy. If you think you're in  
3942 a position where you might get surface water in your house, then you need to have a  
3943 flood policy, which now is readily available. Practically all the insurance companies will

3944 sell them because they're subsidized by the government and they sort of get a few for  
3945 handling them.

3946 I think it's probably going to take some time, as we go through this new process, to meld  
3947 the old process into the new one, and work out all the quirks that might exist. As Mr.  
3948 Tokarz was saying, the benefit of having the type of mapping that we have now that  
3949 comes from the new technology and the new GIS programs, you're able to determine  
3950 how much risk is involved in the area that you live. The map will delineate that and that,  
3951 of course, has an effect on what rate you're charged for the flood insurance. So, I  
3952 guess the thing that sort of makes this meander across the map now, is the fact that  
3953 before, you had to live in a floodplain to get flood insurance. Now you can get it  
3954 regardless of being in the floodplain. I think it's going to take some time for those two  
3955 things to meld together so that it won't make you uncomfortable for being in a floodplain,  
3956 whereas you might not think you are. At least now you don't have to be in a designated  
3957 floodplain to get flood insurance. And depending on where you are, your flood  
3958 insurance might be almost nothing, or if you're right by the river, then it could be a lot.  
3959 So, that's what the mapping system does for the insurance company.

3960  
3961 Ms. Rivers - [Off mike.] And I understand that. I think residents don't  
3962 understand that. I think [unintelligible]. A lot of people don't understand you can get  
3963 flood insurance and you don't have to be in a floodplain. Anything from surface water,  
3964 be it from a ditch or from water where the backyard got flooded out a little bit because  
3965 the rain came down. If it comes from the ground up, it has to be covered under a flood  
3966 plan. If it's coming from sky down, it's covered under your homeowners.

3967  
3968 Mr. Branin - Ma'am?

3969  
3970 Ms. Rivers - [Off mike.] I don't think people are aware of that and I think  
3971 we need to educate the County.

3972  
3973 Mr. Branin - I don't mean to interrupt you, but our sessions are taped and  
3974 the guy in the box in the back is saying we're not getting, your comments. So, if you can  
3975 move closer to the microphone. I'm sorry.

3976  
3977 Ms. Rivers - I'm sorry.

3978  
3979 Mr. Branin - He's back there going like this, she needs to be closer, so.

3980  
3981 Ms. Rivers - And I usually talk so loud everybody hears me. I'm just  
3982 saying that everyone in the County can get flood insurance. Water, like you said, from  
3983 the ground up is covered under flood insurance. From the sky down, is homeowners.  
3984 People need to be educated. People need to understand all of this. When I looked at  
3985 this thing about County insurance, I'm like—And we even had one of the ladies ask, say  
3986 something about FEMA, that FEMA had helped her out. FEMA's going to help out for  
3987 lodging, for food, for things like that, for emergency, for the emergency part. FEMA's not  
3988 going to reconstruct their house, unless they're really of very low income and can apply  
3989 and get a grant or get a loan. It's up to the individual person to have the flood insurance.



3990 When the County talks about a flood insurance program, the first thing I did when I  
3991 looked at that is thought - and is the County going to bear any cost here, how is it  
3992 benefiting me, I guess that's what I meant, you know, what my [unintelligible]. And I  
3993 understand to put people in a floodplain for the insurance purposes so they can charge  
3994 higher rates and so forth, and so that people know before they buy something, they  
3995 know that there's a possibility it will flood. I can understand all of that. But I guess I  
3996 don't understand some, how it's going to benefit me, the citizen, to put me in it. If  
3997 people are educated and know to get flood insurance, it would benefit them, but I don't  
3998 think this was education enough, I guess is what I'm saying.

4000 Mr. Archer - Ma'am, can I correct one thing that you're saying? Water  
4001 that comes from the sky down is not necessarily covered by a homeowner's insurance  
4002 policy. Once it hits the ground and becomes surface water, the flood policy will take  
4003 effect. But now, if the wind blows your roof off and then the water goes in your house,  
4004 it'll be covered. Or if your window gets knocked out by a tree and it rains in the house,  
4005 you're covered. But not if it's just rain.

4007 Ms. Rivers - I guess I was just trying to simplify it. I realize if a tree falls  
4008 on your house and the water comes in, it's covered. But if it comes from the ground up  
4009 because a ditch flooded over or because a stream flooded over or because there's a lot  
4010 of construction going up and they've got a lot of driveways around and trees are being  
4011 cut down and the water just rolls into your house or up underneath it, it's not covered.

4012 Mr. Archer - That's correct.

4015 Ms. Rivers - And I'll be honest, I think some of it is the County's fault  
4016 because of the construction, because of paved driveways. I live in an area that when I  
4017 first moved out there, or many years ago when I was looking out in that area, with the  
4018 little lake that we have, we didn't have paved driveways. There were people out there in  
4019 that area that had gravel driveways and stuff like that. I see people paving their  
4020 driveways all day long. I don't know if they're going through the County, if you have to  
4021 have a permit or whatever. But whether or not they realize it, that's causing the water to  
4022 drain, not to sink in the ground. Every time we put a paved driveway up in a  
4023 neighborhood, it causes stuff like that. I think the County needs to be a little more  
4024 enforceful as to when they're issuing permits to build buildings, to put driveways up, to  
4025 do stuff like this, they need to think about what the impact's going to be 20 years down  
4026 the road. My yard. I've noticed it in my yard. I'm seeing water stand when we've got  
4027 dry seasons. And I've called the County. I will say I've called them and called them,  
4028 because I wanted to knock a hole in my sidewalk, the curbing. I was told I can't knock a  
4029 hole in it to let it drain to the street. It's like, okay, I can't knock a hole in it, the County  
4030 won't knock a hole in it, so it sits on my yard. And this is when it's not raining. There's  
4031 something wrong with this. But anyway, I have other gripes and we can move on. But,  
4032 you know.

4033

4034 Mr. Branin - Thank you Ms. Rivers. There was one comment that was  
4035 made—and I will get you, so you're next—by Mr. Tokarz, you wanted to make a  
4036 comment on.

4037  
4038 Mr. Gunn - Yes. My name is David Gunn. I am an engineer with the  
4039 Virginia DCR. I work in the Floodplain Management Program. Our program is a liaison  
4040 between FEMA and local communities. I've assisted 16 other communities with the  
4041 map adoption process in the 4<sup>th</sup> quarter of 2007. We have 18 more that are going  
4042 through this process. So, I'm fairly familiar with the maps, I'm familiar with flood  
4043 insurance.

4044  
4045 One of the things that is very important is the citizen knowledge about flood insurance.  
4046 One of the things that has not been brought up, and is very important, is FEMA's  
4047 grandfather rules, the flood insurance grandfather rules. When you buy a flood  
4048 insurance policy, you are rated on those maps, the maps that are in affect when you  
4049 buy the policy. Your rating continues to be based on the maps that were in existence  
4050 when you bought the policy. It doesn't matter what happens to the maps. If you are out  
4051 of a floodplain now and you get put into a floodplain, if you have bought insurance while  
4052 you are out of a floodplain, you will maintain that low rate as long as you keep that  
4053 policy active. That's one of the very important things about having the public  
4054 information right now. If people wait until the new maps come into effect—They need to  
4055 evaluate what effect the new maps have on them. If they're out now and are going to be  
4056 in, it can save them hundreds and hundreds of dollars a year for as long as they keep  
4057 that policy active. The policy can be transferred to the next owners. If you wait, if you're  
4058 in the situation where you're not in the floodplain now, you will be later, and you wait,  
4059 you'll pay hundreds of dollars more. The average for a hundred thousand polices in  
4060 Virginia is a little over \$500 a year. If you're not in the floodplain, it should be in the  
4061 \$200 or \$300, maybe \$400. If you wait and you're in the floodplain and you have a  
4062 house that was constructed low or outside of the requirements that would be in effect  
4063 with now, you may pay a thousand dollars or more.

4064  
4065 So, it's very important for people to evaluate the effects of the new maps and get in on  
4066 the grandfather clause. If they don't—Like I say, that's the biggest reason for the public  
4067 notice. That's the reason we want to make sure people understand that they can save  
4068 hundreds of dollars a year for as long as they own their house, as long as they keep  
4069 that policy active. If you let the policy lapse and buy a new policy, it's based on the new  
4070 maps, it's based on the maps that are in effect when they start. So, the grandfather  
4071 rules are very important. You need to find out the effects. If you are going to be  
4072 required to buy flood insurance, if you have a house in a the floodplain with a mortgage,  
4073 you will be required to buy flood insurance. If you buy it before you get put in the  
4074 floodplain, you can save a lot of money, and that's the biggest reason that people want  
4075 to go ahead and do this evaluation right now. You've got until December 18<sup>th</sup>, but it's  
4076 probably worthwhile to go ahead and start thinking about it and get as much information  
4077 as you possibly can right now.

4078

4079 Mr. Jernigan - Mr. Gunn, I have a question for you. And, of course, Chris,  
4080 I'm sure you know this, but for the benefit of everybody else, I know that when you have  
4081 flood insurance, they encourage you to keep that at the same level that you have your  
4082 homeowner's insurance for. I also know with insurance, if you have a home that's worth  
4083 \$200,000 and you only have a \$100,000 policy on it, in regular insurance, it only pays  
4084 half. So, you'd end up getting \$50,000. Does the flood insurance work that way or does  
4085 it pay face value of what you have it insured for, for replacement.  
4086

4087 Mr. Gunn - It pays up to the value of the policy. It is not any type of  
4088 percentage. The limit on insurance is \$250,000 right now. That's as much flood  
4089 insurance as you can buy from the National Flood Insurance Program. If you have a  
4090 \$100,000 loss, and you've got coverage higher than that, you'll get to \$100,000.  
4091

4092 Mr. Branin - Okay.  
4093

4094 Mr. Gunn - There's also some other riders within the policy that if you  
4095 have over 50% damage to your structure, there's an "increase cost of compliance" rider  
4096 which will pay up to \$30,000 to bring your house into compliance when you rebuild.  
4097 That is in the ordinance. We are taking advantage, the Henrico County ordinance takes  
4098 advantage of the FEMA rules where it can. Where there are advantages to be taken,  
4099 you're taking those advantages. I'd certainly support the ordinance and support the  
4100 new maps. You do want to make sure, though, that people understand the grandfather  
4101 rules and that they can save money for a long time. It can add up to a lot of money. If  
4102 there's anybody that's concerned about flooding, concerned about the new maps, you  
4103 really need to find out your situation. Flood insurance is for the structure. If your land is  
4104 in the floodplain, that's not—it's the structure. The structure has got to be in the  
4105 floodplain. So, it's not just the—  
4106

4107 [Off mike] - [Unintelligible] enclosed garages.  
4108

4109 Mr. Gunn - Enclosed garages, accessory structures can be covered by  
4110 the flood insurance, up to the limit of the policy. They've got to be included within the—  
4111 When you go out and say this is what I'm insuring, that's part of it. There is a  
4112 requirement, certainly, for if it is a low structure and it's an enclosure, it needs to be  
4113 vented. You need to make sure that the potential for flood damages are reduced as  
4114 much as you can. One of the things is flood vents, making sure that the water can go in  
4115 and come out easily. You've got to use flood-resistant materials on any place below the  
4116 flood, the base flood elevation.  
4117

4118 [Off mike] - That was helpful to me because I found that out  
4119 [unintelligible]. But I also found out—  
4120

4121 Mr. Branin - Ma'am? Ma'am? We can't hear you. You have to come up  
4122 front if you're going to say something. Okay. Thank you, Mr. Gunn.  
4123

4124 Mr. Archer - Mr. Jernigan, while he's coming down, what you were talking  
4125 about is the coinsurance clause. It does exist on the homeowner's policy, but on the  
4126 flood policy, like Mr. Gunn says, it's the maximum amount you can buy anyway, so  
4127 you're insured up to the amount that you do purchase it. Under the coinsurance clause,  
4128 it's the amount of coverage that you have, it's specific and relevant to the amount of  
4129 value of your house. So, you can't have a \$500,000 house and try to save some money  
4130 by insuring it for \$100,000. If you do, then you'll probably collect a maximum of one-fifth  
4131 of your loss.

4132  
4133 Mr. Jernigan - 20,000.

4134  
4135 Mr. Archer - Mmm-hmm.

4136  
4137 Mr. Jernigan - I just cleared that up. I thought it would pay face value on a  
4138 flood.

4139  
4140 Mr. Schermerhorn - Good morning, gentlemen and lady. Sorry. My name is T.  
4141 Porter Schermerhorn. I was out at 2802 Battery Avenue, ZIP code 23228. Your  
4142 mailings didn't catch up to me, I supposed because I had moved. I thought that the  
4143 thing about the floodplain concerned where I live, which is in Battery Park, but it's not.  
4144 That's not floodplain. I have a piece of land that is impacted by this study, the proposal.  
4145 It's almost directly between the new proposed Sweet Bay Hill subdivision, which will be  
4146 going in soon, and Magnolia Ridge. There is a gully on the property at the bottom of a  
4147 hill. I've never seen standing water on it and sometimes water runs through that. It's  
4148 much farther away from the Chickahominy River, which I know does flood, than some of  
4149 these other areas that are not in the floodplain. I have a question, and I'm sorry that I  
4150 haven't done more homework, but I just found out about the hearing and I just got the  
4151 first mail. Actually, I had one more mailing before and I didn't think it mattered, but I was  
4152 wrong.

4153  
4154 Is this the floodplain, the Henrico County floodplain as it exists now? I can show you  
4155 the piece of my land that's impacted, if you all would like to see it. It's this triangular  
4156 piece.

4157  
4158 Mrs. Jones - He can put it on the monitor for you.

4159  
4160 Mr. Schermerhorn - It's the triangular shaped piece right there.

4161  
4162 Mrs. Jones - There we go.

4163  
4164 Mr. Schermerhorn - The triangular shaped piece that—Looks like it's folded.  
4165 Okay. I can see it now. It's sort of to the middle top right. It's that little triangular  
4166 shaped piece. You can see that the small tip of that triangle touches the proposed  
4167 Woodman Road. I was actually wondering if that floodplain is as it exists now or as it  
4168 will be with runoff from the new development, because I know some water has come  
4169 across it in the gully at the bottom of the hill, but I have never seen it have standing

4170 water or be flooded. My property assessments keep going up, but this is going to make  
4171 my land a lot less valuable. I'm actually kind of suspicious and I need more information.  
4172 Is that as it exists now a floodplain according to the engineers, or is it as it will exist  
4173 when flooding or water is run off into it from the proposed development? That's one  
4174 question. That's one question.

4175  
4176 Mr. Jernigan - Mr. Amos is standing behind you.

4177  
4178 Mr. Amos - I'm Sam Amos, the chief design engineer. The area that  
4179 he's referring to right there in the center is County floodplain. That is based on current  
4180 conditions. That's not future development. I hope that answers your question.

4181  
4182 Mr. Schermerhorn - It answers it. Thank you. Okay.

4183  
4184 Mrs. Jones - I think it should be noted for his benefit, though, that  
4185 developments are not approved and don't move through the process unless the runoff is  
4186 taken care of responsibly on site and will not produce extra problems from runoff for  
4187 adjacent owners.

4188  
4189 Mr. Schermerhorn - In the West End near Lauderdale, I know that years and  
4190 years ago, that swamp wasn't nearly as big until the development was put in. I'm sure  
4191 that the policies changed towards that. I doubt if it was looked at as strongly at that  
4192 time, maybe as it is now.

4193  
4194 Also, I have another question. That road, Woodman Road, those lines that go across it,  
4195 can that still be built across that Henrico County floodplain?

4196  
4197 Mrs. Jones - Mmm-hmm.

4198  
4199 Mr. Schermerhorn - That can?

4200  
4201 Mr. Jernigan - Can you put a road through it?

4202  
4203 Mr. Schermerhorn - Yes sir. There's a proposed road.

4204  
4205 Mr. Jernigan - Yeah, you can put a road through a floodplain, yes.

4206  
4207 Mr. Schermerhorn - But that area that's designated floodplain, it cannot be built  
4208 on, right? The Henrico County floodplain cannot be built on except on stilts or some sort  
4209 of what I would call heroic measures, right?

4210  
4211 Mrs. Jones - Mr. Amos can address that as well.

4212  
4213 Mr. Amos - As far as the question to the roadway through the floodplain,  
4214 we would have to have provisions to pass the drainage through. We have roads across  
4215 floodplains all over the County. It's an engineering problem and it's a construction

4216 issue, but it's not a problem to be accomplished. I'm not sure I understood your other  
4217 question. By building on your property? Is that what you were referring to?  
4218

4219 Mr. Jernigan - He said something about building in a floodplain on stilts.  
4220

4221 Mr. Amos - Yes. I didn't understand what you said.  
4222 Mr. Schermerhorn - Oh. Can you build on it with stilts?  
4223

4224 Mr. Amos - You mean with commercial development, or what are you  
4225 referring to? There are things you can do within the floodplain, parking lots. They are all  
4226 detailed in the ordinance. When you get into buildings, that creates some different  
4227 issues, like provisions for it. Sometimes you can build in floodplain as long as you meet  
4228 other areas of requirements, compensating channels, so that you don't raise the  
4229 elevation of the flood level. That's commercial. You can't actually build a dwelling in the  
4230 floodplains. That is prohibited.

4231 Mr. Schermerhorn - How close to the floodplain can one build?  
4232

4233 Mr. Amos - Well, with dwellings, you have to meet the minimum setback,  
4234 and that's really something that the Planning staff could address. There are provisions  
4235 for that.  
4236

4237 Mr. Schermerhorn - I believe I heard Mr. Amos say—Yeah, I believe I heard you  
4238 say, Mr. Amos, that it is possible, or it might possibly be allowed to move, in building or  
4239 developing, some sort of another, to move the floodplain, as long as it meets certain  
4240 standards. Is that right?  
4241

4242 Mr. Amos - Development in the floodplain is detailed in the County  
4243 Code, so as long as you meet those requirements, there are things that can be done.  
4244 I'll be glad to meet with you and discuss that with you, if you like.  
4245

4246 Mr. Branin - Any other—In the actual buildings, you can meet.  
4247

4248 Mr. Schermerhorn - I would actually be interested to find out in the future if the  
4249 County has plans for my piece of land other than for development already. I'd just be  
4250 looking forward to finding that out.  
4251

4252 Mr. Branin - Thank you, sir.  
4253

4254 Mr. Tokarz - Mr. Chairman, can I make a couple comments—  
4255

4256 Mr. Branin - Absolutely,  
4257

4258 Mr. Tokarz - —for the benefit of the remaining citizens. Number one,  
4259 citizens who are interested in finding out about their individual property, because of the  
4260 County's GIS mapping system, we have the ability to tell individual property owners who

4261 is in the floodplain and who is not based on the mapping. So, if they wish to find that out  
4262 for their own particular property, that information is available from Public Works.

4263  
4264 Second thing I'd mention, and I believe in *Reader's Digest* explanations when you have  
4265 complicated things like this, is as David Gunn said, because of the FEMA grandfather  
4266 rules, it's important to know where you are in the floodplain at this particular moment  
4267 because we have this period between now and December 18<sup>th</sup> for homeowners to make  
4268 decisions. And my simple *Reader's Digest* rule is if you are currently not in the  
4269 floodplain and you are going to be in the floodplain on December 18<sup>th</sup> based on the new  
4270 maps, you ought to be getting flood insurance. Conversely, if you are currently in the  
4271 floodplain under the existing maps and will be outside of the floodplain on December  
4272 18<sup>th</sup>, you ought to think about getting a new policy after that date because your rate may  
4273 be different. That would be my simple *Reader's Digest* suggestion on whether you  
4274 purchase insurance now or on December 19<sup>th</sup>.

4275  
4276 Mr. Branin - Okay, thank you.

4277 Mr. Jernigan - Tom, one other thing I'd like to add to that. For somebody  
4278 that's going to buy flood insurance, don't wait until the 18<sup>th</sup> because there is a waiting  
4279 period. Normally is it seven days, Chris?

4280  
4281 Mr. Archer - I'm not sure, but I think your application date is considered  
4282 when you apply for flood insurance.

4283  
4284 [Off mike] - It's a 30-day waiting period.

4285  
4286 Mr. Jernigan - Is it 30? Okay. I knew there was a wait, I just didn't know  
4287 how much. What happens a lot of times—I've seen this in Nags Head. There's a storm  
4288 coming and everybody wants to upgrade their flood insurance, but they don't do it that  
4289 way. You have to wait a while.

4290  
4291 Mr. Tokarz - And that was one of the reasons that the notice was sent. I  
4292 think there were 11,000, 12,000 notices sent. It was really pursuant to a state law that  
4293 became effective July 1<sup>st</sup>, which said that all changes in a floodplain map have to be  
4294 communicated to persons who are going to be affected by those changes. So, the County  
4295 had identified everyone who was currently in a floodplain that will not be in a floodplain,  
4296 and vice versa, and they all got notices. The reason is to give them the opportunity to  
4297 buy the floodplain insurance, if they need it, at the reduced rate.

4298  
4299 Mr. Branin - We've got two more. Whichever one of you wants to come  
4300 down first.

4301  
4302 Mr. Hall - My name is Steven Hall and I live at 10504 Red Maple Lane.  
4303 My wife and I moved here back in April and I'm quickly learning about floods and what is  
4304 involved in that. We live in the Gayton Forest community and I want to lend our  
4305 support. I'm on the Board of Autumn Glen Association, which is part of 101 residences.  
4306 I would like to give my support to the gentleman from Gayton Forest in terms of

4307 floodplain issues, which could be addressed by removal of debris and all. My wife and I  
4308 were fortunate to receive the notice, the September 6 notice from the Department of  
4309 Public Works and our property is one of those that, fortunately, is now out of the  
4310 floodplain. According to the old maps, the red dotted lines, in 1981, one half of our  
4311 house would be under water, and it looks like it's probably 20 feet a way at this point in  
4312 time.

4313  
4314 I'm glad for these letters that did come out from Public Works, because we had no idea  
4315 that floodplain would be an issue to us. There was no information on the Townhouse  
4316 Association's Disclosure Agreement. We got a survey of the property and there was no  
4317 notification on that survey that we would have been in the floodplain. We also bought  
4318 the property from a real estate agent, who, when I asked her about that kind of thing,  
4319 obviously, didn't mention it, said it wasn't a problem. So, it doesn't seem like anybody  
4320 knows.

4321  
4322 I want to put a plug in to Stacy Moore, who is a draftsman in the Department of Public  
4323 Works, for taking the time to give my wife and I detailed maps of the area showing  
4324 where the floodplain was in the '81 cycle versus what it is now in 2007. Thank you very  
4325 much.

4326  
4327 Mrs. Jones - That's nice to hear.

4328  
4329 Mr. Branin - We have two more.

4330  
4331 Mr. Hall - I'd like to add one thing. If I could become part of this  
4332 process here, in terms of information or meetings—

4333  
4334 Mrs. Jones - Would you give your contact information to Mr. Kennedy,  
4335 please?

4336  
4337 Mr. Hall - Yes, absolutely.

4338  
4339 Mrs. Jones - Thank you.

4340  
4341 Mr. Branin - Two more. Come on down, sir.

4342  
4343 Mr. Atkinson - My name is Sam Atkinson and I live in Henrico County at 1  
4344 Lorraine Station Road, and that's in the 100-year floodplain of the James River. I  
4345 appreciate the opportunity to learn about the new ordinance and the problems it  
4346 addresses. However, I object to some items on page 5. It's unclear whether those  
4347 items are part of paragraph 24.95, but it certainly precedes 24 point—I'm sorry—24-  
4348 106.1. These items prohibit a new dwelling in the flood hazard area. FEMA does not  
4349 require this prohibition. FEMA accepts elevation above the 100-year floodplain as  
4350 qualifying for flood insurance. The Virginia State Code sets standards for construction of  
4351 dwellings in the flood hazard area. Although the current Henrico Code also prohibits  
4352 new dwellings, other Virginia localities do qualify for flood insurance without this



4353 prohibition about new dwellings in the 100-year floodplain. This prohibition  
4354 unnecessarily restricts Henrico County property owners and homeowners affected by  
4355 the ordinance from building dwellings that are elevated or otherwise flood-proof. I urge  
4356 you to amend the ordinance to permit construction of dwellings that are elevated and  
4357 safe from flood hazards. Such an amendment would alleviate to hardship to citizens  
4358 who own property, and would also enhance the tax base for the County.

4359  
4360 I also would like, perhaps, to get more information from David Gunn. He mentioned in  
4361 his testimony here today the FEMA requirements for garages or other accessory  
4362 dwellings, as I believe they have been during the time that I've been familiar with the  
4363 Henrico County Code. That basically required that they be constructed of flood-  
4364 resistant materials and be vented in such a way that they would not suffer damage from  
4365 static or dynamic hydraulic forces of the floodwaters. He mentioned that venting was  
4366 the common solution there so that water could flow freely in and out of such a structure  
4367 and thus not cause any structural damage. I would certainly hope it's possible to have  
4368 him come back up and briefly comment about this so that we have a clearer  
4369 understanding. I certainly have benefited a lot today from the opportunity to meet with  
4370 these great folks that have so generously shared information with me. But these  
4371 questions still seem unanswered in a satisfactory way, and it's difficult for me to  
4372 understand why this Commission or the Board of Supervisors would approve an  
4373 ordinance that would affect homeowners and property owners in Henrico County more  
4374 severely than counterparts in other areas of the state.

4375  
4376 Thank you very much for you consideration.

4377  
4378 Mr. Branin - Mr. Gunn, I'm going to let Mr. Tokarz go first, please.

4379  
4380 Mr. Tokarz - The gentleman is correct. Mr. Atkinson is correct. The  
4381 current ordinance does prohibit construction of new dwellings in a floodplain area and  
4382 the draft ordinance carries forward that provision. It is not a requirement of the federal  
4383 regulation. It is an addition to the minimum standards that the County has enacted. The  
4384 reason, as I understand it from those who were involved in the initial enactment, is that  
4385 the County has been concerned about the protection of people who build houses in the  
4386 floodplain and then get flooded out. I, for example, worked on a case that took us about  
4387 nine months, that the Planning Office and other departments in the last two years, of a  
4388 gentleman who was on the Chickahominy River and had his house flooded out and  
4389 there was a question about what we were going to do about trying to allow him to get  
4390 back into the house. I think the public policy question—And this is a question for the  
4391 Board of Supervisors and for you to make recommendations on, is how far does the  
4392 Board wish to go in terms of protecting people from the damage from flooding. The  
4393 reality is that floods do occur. Do we want to allow people to build in the floodplain and  
4394 be subject to that damage, or do we want to prevent that from happening in the first  
4395 instance? I guess there is a parallel. In the current news right now, we see the homes  
4396 in California being built in the National Forest or forested areas. They're great to live in  
4397 until you have the fire, and then when the fire comes, you have to evacuate and you  
4398 lose your house. So, I think that's the public policy consideration. But he is correct, it is

4399 not a requirement of the federal regulations, and the Board of Supervisors would have  
4400 the ability to eliminate that. We'd have to look at making other changes to the  
4401 ordinance to put in the necessary protections to satisfy minimum federal standards if the  
4402 Board were to decide to allow the construction of residential dwellings in the floodplain.  
4403 We do not have them in there now because of the prohibition.  
4404

4405 Mr. Gunn - I'm David Gunn. There are quite a few communities in  
4406 Virginia that do not allow dwellings in the floodplain. Many communities in the Hampton  
4407 Roads area can't prevent it, and that's basically the only reason. They can't prevent it  
4408 because there's too much floodplain. We really don't have that much floodplain in  
4409 Henrico. Certainly, individual lots may be affected, but the National Flood Insurance  
4410 Program has been working by elevating structures and pulling people out of the  
4411 floodplain. I would hope that we can continue to make improvements on the dwellings,  
4412 make sure that they don't get damaged. One of the other considerations is emergency  
4413 response. The people down in Hampton and Virginia Beach have a lot more problems  
4414 than we have up here. Most of our stuff is out of the floodplain. When they flood down  
4415 there, it's boats. Right now, we've still got roads that are out of the floodplain and we  
4416 can get to people.  
4417

4418 I'm not quite certain what the question was as far as accessory structures. They are  
4419 allowed, but they do have to be protected against potential damages. Perhaps you  
4420 could clarify the question.  
4421

4422 Mr. Hall - Thank you for giving me that opportunity. This issue has  
4423 come up with several different folks that have offered information, and all of the  
4424 information has not been consistent. I came to this meeting believing that it would be  
4425 fine to construct an accessory structure in the 100-year floodplain, as long as it met the  
4426 requirements that I previously discussed, that it be essentially flood-resistant and  
4427 protected from damage by the motion of the pressure buildup of floodwater. Today,  
4428 somebody told me that we couldn't have any enclosed structure in the floodplain, or any  
4429 part of the structure, including the floor. If this were a garage, the concrete floor itself of  
4430 the garage would have to be elevated above the 100-year floodplain level. Most people  
4431 concurred with that interpretation of the ordinance that's in front of us now and the  
4432 current regulations. On the other hand, many people seem to think that an elevated  
4433 structure was satisfactory. My idea of an elevated structure would be anything that was  
4434 subject to damage by flooding be elevated. And certainly we might envision a garage  
4435 that has the rafters above the floodplain elevation, but the walls and the garage doors  
4436 and things like that would be down at the ground. The vehicles, of course, would be  
4437 easily removed from the property, that the flood-resistant materials wouldn't be  
4438 damaged by the flood. Why not give our homeowners that have property in the  
4439 floodplain the opportunity to have a flood-proof garage to park their vehicles in? I think  
4440 this is something that needs further research.  
4441

4442 Mr. Branin - Thank you, Mr. Atkinson. Sir? Last one.  
4443

4444 Mr. Reed - My name is Charles Reed and I live at 8603 River Road. I've  
4445 got several different questions. One is on this same idea of building in the floodplain.  
4446 I'm hoping that the ordinance will not stop you from being able to put in a boat ramp or a  
4447 recreational building in the floodplain. Does it or does it not?  
4448

4449 Mr. Tokarz - That's an excellent question. One of the remaining issues  
4450 that we have identified, and staff, for consideration in the draft to the Board of  
4451 Supervisors is what to do about water-dependent facilities such as a boat ramp or  
4452 something like that. Actually, Michael Kennedy in the Planning Office had sent me  
4453 language for consideration in the draft. That's something that I've talked today with Mr.  
4454 Gunn about. We've had some discussion about what's going to be permitted by the  
4455 State and the Feds. We're going to take a look at that in the next two weeks and that  
4456 will be answered in the draft that we will present to the Board of Supervisors in the work  
4457 session. I don't know the answer right today. But that certainly is an issue we've  
4458 identified for consideration in the next draft.  
4459

4460 Mr. Reed - One of the reasons is, is that the County should have a park  
4461 on the river. Henrico County does not have a park in the West End. Conceivably, down  
4462 the line they may want to have one. You don't want to prohibit it before it even gets  
4463 started.  
4464

4465 Another thing is, on the flooding, for the last nine years the City of Richmond has done  
4466 an excellent job in lowering the canal. I generally call them up when there's going to be  
4467 a flood, and call up a number of different people. And the canal has been lowered down,  
4468 which has prevented flooding on our property. If it isn't lowered, it creates a lot of  
4469 backup.  
4470

4471 There's been a lot of talk about blockage of trees in the streams. We have a stream that  
4472 goes from River Road down into the canal. When we moved there, the creek was  
4473 probably about as wide as this, and now it's about 20-feet wide. Trees fall in it right and  
4474 left after we have a major storm. A lot of that comes from the fact—Like when they built  
4475 the Windsor on the James, they didn't require them to put any holding ponds in and  
4476 things of that type, and also, way back up the creek. And it's really presented a real  
4477 problem. The County says that they're not allowed to come onto private property;  
4478 however, the County of Henrico comes onto our property every time there's going to be  
4479 a storm or when they think there's going to be a storm. They bring that 20,000-or-more-  
4480 pound truck up our driveway and park it up there as though they were going to pump a  
4481 sewer out, which is no way they can possibly do it, because they can't get to it. But the  
4482 problem is, is that they have a sewer back of our house that's broken and it hasn't been  
4483 fixed. When we have a major flood, it has pumped thousands upon thousands upon  
4484 thousand of gallons of raw sewage into the canal. They're trying to alleviate it by these  
4485 stopgap measures of having the man come down and look at it. And really, the sewer  
4486 cap is broken. That particular problem doesn't come from blockage of trees. But they  
4487 also send people down to pull trees out of the creek so that they won't break the four-  
4488 foot sewer main that goes across the creek.  
4489

4490 These are all things that I think need to be addressed. This is one of the reasons—I've  
4491 got a copy of the flood plan on our property and it's increased substantially. I'm not  
4492 quite sure why it's increased so much. But I have a feeling that part of it is the new road,  
4493 because they're straightening out River Road. They're going to be dumping—All the  
4494 water that's on the north side of the road is going to go directly into the creek on the  
4495 south of the bridge. This is going to create substantially more flow into our creek and  
4496 create more problems. It seems to me that some of these problems should be  
4497 addressed and the County should be working with us instead of saying all the time that,  
4498 "We have no right to go on your property." Well, they do come on our property and we  
4499 don't ask them. But we don't tell them not to. They are very serious problems and  
4500 particularly the sewer that dumps thousands of gallons into the canal. As a matter of  
4501 fact, the only reason I got some attention and they sent these trucks is I told them the  
4502 next time it happens, I'm going to call the newspaper and have them take a picture of it.  
4503 But, I don't believe in doing things like that, really.

4504  
4505 Mr. O'Kelly - Mr. Reed, what is your address?

4506  
4507 Mr. Reed - I live at 8603 River Road. It's at the bottom of the hill  
4508 between Ridge Road and Parham Road.

4509  
4510 Mr. Tokarz - Would you like to respond, Mr. Priestas, to any of those  
4511 comments or comment on them.

4512  
4513 Mr. Priestas - I can respond to a couple of Mr. Reed's comments. What  
4514 he's referring to with respect to the sewer, I believe, is sanitary sewer. It sounds like our  
4515 Department of Public Utilities is aware of it, but we'll certainly bring that to their attention  
4516 again, in light of his comments. There are many creeks and streams, many, many  
4517 throughout the County that exist and we have no easements or rights to go on private  
4518 property to do anything on them for many reasons, including the issues with respect to  
4519 the environmental regulations. If a tree does fall and is blocking the flow of water in the  
4520 creek, we do go and remove that portion of the tree that's blocking the flow and put that  
4521 portion of the tree, if it's cut, on the side or on the embankment.

4522  
4523 I would like to add one other comment that I meant to say earlier that assuming the  
4524 mapping is adopted in December, those maps are not cast in stone and are not  
4525 unfixable until they're readopted at some time in the future. There are letters of Map  
4526 Amendment and Revision, which are available. For example, if a community or a  
4527 homeowner employs an engineer to prove that a change is warranted and valid, and it's  
4528 approved by the County and the State, the Federal government, then a revision or  
4529 amendment is possible on these maps. So, it's not necessarily 100% cast in stone in  
4530 December, assuming the Board adopts these. In addition, if you have a situation where  
4531 you own a piece of property and the floodplain encroaches on your property to a point,  
4532 but does not encompass your home or your structure, there are means of getting your  
4533 structure out of the floodplain or confirming that your structure is out of the floodplain by  
4534 doing an Elevation Certificate and thereby not requiring floodplain insurance, or flood

4535 insurance. Of course, the decision as to whether you get flood insurance still remains  
4536 yours and you may want to consider it anyway. But that's the individual's decision.  
4537

4538 Mr. Branin - Mr. Reed, if you'd give your information to Mr. Kennedy.  
4539 Again, I turn to Mrs. Jones. Mrs. Jones, if you could also look into Mr. Reed's. Mr.  
4540 Tokarz, do you have further comments before I bring down Ms. Wright?  
4541

4542 Mr. Tokarz - Yes sir. Just one last thing. I know that I've been asking  
4543 you, in a certain sense, to buy a pig in a poke by telling you that some of the changes  
4544 that are going to be made between this meeting and the Board's work session are  
4545 technical. And I do believe that that's the case. But I do want to read to you so that you  
4546 would have this to consider in making your recommendation to the Board, the water-  
4547 related structures that we would consider for inclusion so that you can make a  
4548 recommendation pro or con as to that. The other policy question that I think is  
4549 appropriate for the Planning Commission to consider, in addition to the ordinance as a  
4550 whole, is a question that Mr. Atkinson has raised as to whether the Planning  
4551 Commission would recommend the elimination of the prohibition on new dwellings in the  
4552 floodplain. That is certainly a policy question. A lot of what's in the ordinance, as I told  
4553 you earlier, is a minimum standard required by the federal regulations, but you do have  
4554 some policy choice. The policy choices are related to the area that Mr. Reed just  
4555 discussed. What's been proposed—and I emphasize, "been proposed"—for inclusion  
4556 would be the ability to place in the 100-year floodplain, as long as there is no increase in  
4557 the base flood elevation, outdoor recreational uses, such as park areas, golf courses,  
4558 tennis courts, basketball courts, and swimming pools. In addition, water-related  
4559 structures such as docks, piers and wharfs, access roads and parking areas, and  
4560 portable buildings. In talking to Mr. Gunn prior to the meeting, he said that those may  
4561 be permitted as long as they're temporary. Now, we'd want a good clarification on that,  
4562 but those would be additions to the ordinance that aren't technical. They would be  
4563 actual additions that would be for consideration of the Board. I bring those to your  
4564 attention because if you have a reaction one way or the other to those, it might be  
4565 germane to your consideration of what your recommendation will be.  
4566

4567 Mrs. Jones - A portable structure?  
4568

4569 Mr. Tokarz - A portable structure. And Michael, you might want to talk  
4570 about this, if you'd like.  
4571

4572 Mr. Kennedy - Portable structures permit future development of parkland  
4573 along the James River. We've got Tree Hill Farms, we've got Rocketts Landing, we've  
4574 got Wilton Farm. We can't put new structures at flood elevation, but if you put a  
4575 portable structure like a trailer, you could put in bathroom facilities or maybe a  
4576 concession stand in the marina, or in the parks. We have 145 acres on Tree Hill Farm,  
4577 which is going to be at flood elevation, 15 feet below. If you put a permanent building  
4578 and you have to have a bathroom, it would have to be 15 feet up in the air. Kind of like  
4579 a house at the river. Not very conducive for views. Putting in a portable structure, you'd  
4580 be able to put in a trailer facility. Kind of like a trailer with skirting. In case of flooding it,

4581 could be removed. This way, we'd be able to remove it and not have the damage, suffer  
4582 damage, but at the same time, provide services on a temporary basis.

4583  
4584 Mr. Branin - Sir, would you state your name for the record?

4585  
4586 Mr. Kennedy - Sure. Mike Kennedy.

4587  
4588 Mr. Branin - Thank you, sir.

4589  
4590 Mr. Kennedy - We did want to anticipate those uses, but make sure that  
4591 they were permitted, similar to recreational vehicles. They would be hook-ups, but  
4592 they'd be removable.

4593  
4594 Mr. Branin - Mr. Atkinson.

4595  
4596 Mr. Atkinson - I've had some experience living in the floodplain and there's  
4597 something that I've experienced that probably most people wouldn't anticipate. The  
4598 most troublesome issue about living in the floodplain and being exposed to flooding, is  
4599 we very often get a flood forecast from the National Weather Service that shows a flood  
4600 warning. In the James River floodplain, my elevation is never affected by any sort of  
4601 flash flooding. However, when we have a hurricane type event, have a lot of rainfall in  
4602 the James River basin, particularly around Lynchburg and west of Lynchburg, we often  
4603 have flooding two days later. So, we have plenty of time to react and we often do.  
4604 Consequences is, we often have to prepare for a flood that never comes. The idea of  
4605 using something that's temporary or portable has the drawback of having not only a lot  
4606 of reaction time, a lot of wasted time related to relocating it temporarily during a flood  
4607 event, but also a lot of this will end up being time that was truly wasted because no  
4608 flood event comes. But you can't wait until the river has risen up beside the affected  
4609 portable building to relocate it. Just something that you might not anticipate.

4610  
4611 I'd also like to point out that having some sort of—You can design a structure so that  
4612 you have some useful space—If we have to elevate the building 10 or 15 feet to get the  
4613 part of the structure that could be damaged by flooding above the floodplain level, that  
4614 doesn't mean that what's below it would be completely useless. The idea of having a  
4615 nice, permanent pavilion with bathrooms on the upper floor sounds like a really good  
4616 idea. The type of structure that you might expect to have in a recreational park would  
4617 typically be a covered dining area with perhaps some seating and things like that, which  
4618 could all be flood-resistant. This would then serve as the base for an elevated structure  
4619 above it that could be damaged by flooding if it were not above the 100-year floodplain.

4620  
4621 These are the issues that I consider related to my own home in the floodplain. Some of  
4622 the provisions of the ordinance that's in front of us and the ordinance that we live under  
4623 today, actually inhibit my opportunities to mitigate flood damage on my property. My  
4624 hands are tied. And to the extent that they're tied because that's what FEMA requires,  
4625 we all accept that. But I ask you today to consider options when the ordinance that  
4626 we're now considering restricts us in ways that are not required by FEMA.

4627  
4628 I'd like to have more time to discuss these matters with you. This kind of came to me  
4629 suddenly. I thought about it for a long time, but I can't express all my thoughts in this  
4630 short time. If anybody wants to contact me and get further input, I'm eager to hear from  
4631 you. And that, of course, includes the County staff. Once again, I benefit so much by  
4632 their guidance.

4633  
4634 Mr. Branin - Thank you again, sir. Okay. Any further comments? Any  
4635 further questions? That's right. I forgot Ms. Wright. We've been here so long and I'm  
4636 sure you're feeling the same way. Ms. Wright's prepared for the Commission a  
4637 PowerPoint.

4638  
4639 Ms. Wright - Mike, can you show me how to advance this?

4640  
4641 Mr. Kennedy - You can point to the slide, or you can do "Slide Show." What  
4642 would you rather do?

4643  
4644 Ms. Wright - Okay. All right. Pardon me while we got the technology  
4645 worked out here. For those of you who are not familiar with my area, I'm Sylvia Hoehns  
4646 Wright. I'm presently the fifth generation on this site, so my family has been here in the  
4647 area since 1838. What I can do is bring in a generational perspective as sort of a bird's  
4648 eye view.

4649  
4650 I also want to clarify that we have six family homes in this complex, none of which are  
4651 actually in the floodplain. So, I'm not speaking about this in terms of an impact on the  
4652 house, the structure itself, but the impact on the property that's there, what's going on  
4653 with the property.

4654  
4655 Oh, good. Okay, here we go.

4656  
4657 As I mentioned, we've been here since 1838. First of all, the bulk of the property that I  
4658 own is primarily wetland. This wetland served to support the agriculture that was there  
4659 first with my family—

4660  
4661 Mr. Branin - Ms. Wright. Mr. Atkins (talking to audience)?

4662  
4663 Mr. Vanarsdall - We can't hear the speaker.

4664  
4665 Mr. Branin - Mr. Atkins? Mr. Atkins?

4666  
4667 Mr. Vanarsdall - We can't hear the speaker.

4668  
4669 Mr. Branin - Please give the speaker respect.

4670  
4671 Ms. Wright - Then it became used for active recreation. Actually, the  
4672 County police have been there for a picnic, the fire department has been there for water

4673 safety. Over the years, it has been used for a number of active recreation areas, but  
4674 basically what has gone is because of the urban/suburban development that's going on  
4675 around it, both the quantity of water and the quality of water that's there in that area has  
4676 been significantly impacted, and we really can no longer use it any longer as anything  
4677 but a habitat. The other thing that has become—There was a question about this map.  
4678 When go out to the State and Federal legislation, what they do is they actually call it a  
4679 reservoir. It has become a reservoir for the County's storm water system. It's a recipient  
4680 wetland, is what it is.

4681  
4682 Now, when it's stable, it can be beautiful. In fact, a couple years ago, I solicited the  
4683 Habitat Designation for it, and I also, last year, placed it under the State Open Space  
4684 Easement, preservation easements that they have to try to stabilize this green corridor.  
4685 It's become a habitat of everything from fox to even American Eagle. Come in to visit  
4686 me.

4687  
4688 There's really one thing that I want to emphasize. What you see right here in front of  
4689 you, as little as five years ago would have been a 100-year storm. This is a 10-year  
4690 storm. There have been a number of comments about how construction keeps water  
4691 on site? Not when it hits the wetland. When it hits the wetland, it's compounding at a  
4692 rate to two to three times the quantity of what it was five years ago. Bringing with it is silt  
4693 and debris. This is actually a pipe that comes out of West End Manor. There was  
4694 somebody here from West End Manor. The water is just channeled from these areas.  
4695 It's an open culvert. There's little or no riprap. There's nothing to stop the velocity, the  
4696 quantity. Yeah, it's undermining trees. And it's bringing in all kind of soil. As you can  
4697 see right here, this feeder area into my lake. It's an example of the sand that somebody  
4698 was talking about. I've got both the quantity of water, the sand that's coming in. And  
4699 then with that is pollution.

4700  
4701 This photograph I took in early August. We had a 10-year storm on a Friday and one on  
4702 a Sunday night. You can see in the background the trash and debris that came in with  
4703 the storm. With it, came in a road construction barrel, an oversized tired from  
4704 somebody's piece of equipment, and a discarded attic fan. You would be amazed at  
4705 what can ride on the strength of the water that comes through that wetland. I've even  
4706 seen a cage come in that could have housed a bear cub. I'm just amazed. It's like  
4707 sailboats when it comes down through there.

4708  
4709 What could we do different? We had somebody use the expression of an eco footprint,  
4710 how we need to be making this footprint differently. We need, as a community, to focus  
4711 on green development. This is green roof development. It's the Library of Congress in  
4712 Culpeper. This type of technology cuts the water that's discarded from the site by 50%  
4713 and purifies the other 50%.

4714  
4715 We need to do what's called "pondscaping." This is not just a water retention pond.  
4716 This is pondscaping. This is Northern Virginia. It actually retains the water on site,  
4717 purifies the water, and then releases the water at a slower rate in a cleaner form into the  
4718 actual wetland.



4719  
4720 We need to educate the public. There were some comments here today about people  
4721 using non-permeated materials in their yards. The general public needs to become  
4722 more aware of how individual choice affects wetland.

4723  
4724 We are at a pivotable point right now. I think it's a good idea from a wetland perspective  
4725 that we label these areas a hazard because it's kind of like our awakening time, a time  
4726 to actually look at this area and what's going on. But we basically have a choice right  
4727 now where we can either look at how we develop our land and create eco health, or we  
4728 can create this. That's where we are right now.

4729  
4730 That was the point that I wanted to make. Anybody have any questions?

4731  
4732 Mrs. Jones - Excuse me. Your land is in the West End Manor area?

4733  
4734 Ms. Wright - I am located halfway between Hungary Road, Broad Street.  
4735 West End Manor's above me and Laurel Lakes is below me. It's my understanding that  
4736 during one of the last really horrific storms that we had, that 30-some units were flooded  
4737 down at Laurel Lakes. And you saw that quantity of water that's coming through there.

4738  
4739 Mr. Vanarsdall - Were you affected much with it, Sylvia?

4740  
4741 Ms. Wright - I'm affected in that—

4742  
4743 Mr. Vanarsdall - At that time. You said that 30 units were flooded. Were you  
4744 affected then?

4745  
4746 Ms. Wright - In the cleanup. We literally bought a dump trailer a year ago  
4747 and I've even had the County dump think that we're commercial coming in. I've had to  
4748 tell them that no, I'm resident so-and-so, because of the quantity of what we haul away  
4749 from here. It's just unreal. Anybody else have a question?

4750  
4751 Mr. Branin - I have some questions, but not for you.

4752  
4753 Ms. Wright - Okay. Thank you.

4754  
4755 Mr. Branin - But don't go anywhere.

4756  
4757 Ms. Wright - Okay. Thank you. You know, I mentioned this to the staff  
4758 and I thought - the visual. We talk. You see it on a piece of paper. It doesn't really get  
4759 you. But when you see this and you actually see what's coming in and the quantity  
4760 that's coming, and the trees are being undermined, it's going to take resident  
4761 awareness. It's going to take building doing something different. And it's going to take  
4762 regulation making changes. It's going to take all of that.

4763

4764 Mr. Branin - Ms. Wright, do you think that the new wetland regulations  
4765 will—I can't say that the new regulations will be able to affect or—  
4766

4767 Ms. Wright- The only comment that I heard was the thing about the  
4768 parks. Most of these green corridors are becoming our parks. I would hate to think that  
4769 we're putting something in that would prohibit the development of these green corridors.  
4770 I wasn't quite aware of that until I sat here listening to this today. But from my own  
4771 perspective, it's been more of an erosion issue and a cleanup issue.  
4772

4773 Mr. Branin - I have just the man in the room to address it.  
4774

4775 Ms. Wright - Okay.  
4776

4777 Mr. Branin - Mr. Perry?  
4778

4779 Mr. Vanarsdall - Thank you, Sylvia.  
4780

4781 Ms. Wright - You're welcome.  
4782

4783 Mr. Perry - I'm Jeff Perry. I work for the Department of Public Works.  
4784 As far as ongoing—  
4785

4786 Mr. Branin - Trash racks and filtration....  
4787

4788 Mr. Perry - Yes. I was just going get into some of the programs that are  
4789 ongoing in the County. Certainly, Sylvia's concerns are shared by a lot of citizens,  
4790 especially people who live on lakes. I can tell you this, five years ago, we walked 440  
4791 miles of stream within the County, basically taking inventories. At that time, we had 72  
4792 dumpsites. And when I say dumpsites, we're talking dumpsites: tires, refrigerators,  
4793 everything that you can imagine. Through Community Maintenance and their program  
4794 where people get time that they have to work off, they get community service time, we  
4795 were able to eliminate over 50 dumpsites. These are dumpsites along streams. So,  
4796 when floodwaters get up, all that moves downstream. So, we do have programs that try  
4797 to remove the trash the best they can, but certainly we've all seen people throwing cans  
4798 out their window and cigarette butts. During a storm event, unfortunately they go down  
4799 storm drains and into streams. And what happens where streams hit lakes, that's where  
4800 the energy dissipates and that's where things settle out, including sediment, including  
4801 trash and debris. We do have trash racks we've put on shopping centers and we've put  
4802 on areas that generate bags, trash, cans. What trash racks are, they are basically  
4803 grates that go in front of the inlets that catch the storm water. We can't put those on  
4804 roads because any kind of backup would cause flooding of the roads and therefore  
4805 become a safety issue. But certainly internal parking or if someone doesn't clean up  
4806 their site, let's say in a shopping center, and water starts to back up, well then their  
4807 customers start to complain to them and then they're out there cleaning them up and  
4808 disposing properly.  
4809

4810 In addition to all that, there are new state storm water regs. I have the good fortune of  
4811 sitting on the technical advisory committee for the state storm water regs that are being  
4812 revisited for the entire state. We are looking at things called low-impact development,  
4813 ways to reduce the amount of storm water that's actually generated. I'm pleased to say  
4814 we're ahead of the curve in a lot of this. For instance, the current regulations,  
4815 Chesapeake Bay regulations require a hundred-foot buffer on streams that are  
4816 perennial. That's about 220 miles in the County. We have extended that to streams all  
4817 the way up to 100 acres in drainage, putting a 50-foot buffer on those. So, basically, we  
4818 have doubled the amount of streams in the County that have buffers along them. In  
4819 addition to that, the old regs actually required—You could actually take storm sewer and  
4820 go through the buffers and discharge it directly at the creek. We have numerous what  
4821 we now call level spreaders, where we actually take that storm water and spread it out  
4822 through the buffers to go ahead and infiltrate that water and clean that water before it  
4823 gets into the streams. That's something a lot of people have taken notice of throughout  
4824 the state and you're going to see it come out in the new storm regulations as part of a  
4825 low-impact development.

4826  
4827 I guess the point I'm getting at is that we are very sensitive to some of the concerns that  
4828 Sylvia brought up. I've seen Sylvia at many of the conferences. And I think that's great  
4829 that we have citizens getting involved. We're ramping up our program, have been.  
4830 Have actually tried to be out on the cutting edge. Our stream restoration program I think  
4831 is wonderful. We just completed a stream restoration down at the Jamestown  
4832 Apartment complex and we've got two miles of stream restoration coming up. What I  
4833 mean by, "stream restoration," that's where the banks of these streams fall in and are  
4834 eroding the trees. You go back in a storm and mimic the floodplain in a natural  
4835 condition. Very, very successful programs.

4836  
4837 So, we are trying to address many of those concerns across many different avenues  
4838 and strategies. We will continue to do so.

4839  
4840 Mr. Vanarsdall - [Unintelligible.]

4841  
4842 Mr. Perry - Excuse me?

4843  
4844 Mr. Vanarsdall - Can she go any further than she has today with this?

4845  
4846 Mr. Perry - As far as her stream and the cleanup, I know we've gone  
4847 out. Sylvia has contacted us. We've gone out and checked storm sewers to see if any  
4848 illegal dumping is occurring and getting into a stream. We actually walked her stream.  
4849 About I'd say six weeks ago, three of us walked her stream to look for—

4850  
4851 Ms. Wright - To give Jeff credit—And one thing I probably should have  
4852 mentioned when I was talking about the citizen awareness, we haven't had it recently  
4853 because of the drought. But about once a month, deliberate dumping occurs on a Friday  
4854 afternoon at 3 or 3:30. I call Jeff and he comes out and we've never been able to catch  
4855 whomever yet. But it's everything from red clay that looks like pudding to gray clay to

4856 oily chemical substances. And whoever's doing this, I mean, this is really not  
4857 ignorance. They're waiting until you guys go home, or think you're going home, you  
4858 know, and they're doing something like that. But so far, we've not been able to catch  
4859 whoever is deliberately dumping.

4860  
4861 Mr. Vanarsdall - How are they getting down to it?  
4862 Ms. Wright - I would imagine that it's coming through the storm sewer  
4863 system. Typically, we go back to a certain pipe and then we can't locate from there. I'll  
4864 give Jeff's department A+ in trying to do something about it. It's just a larger problem for  
4865 just his department or me. It's going to take a huge consolidated effort within our  
4866 County to bring about an awareness and an education as to what is happening here in  
4867 this area. If we ever do catch the person, fine him big time.

4868  
4869 Mr. Vanarsdall - Thank you.

4870  
4871 Mr. Perry - We're working on that. And just for instance, we've got a  
4872 new program I've been working with Lee and Bob Pinkerton on, on fats, oil, and grease,  
4873 which we call FOG, with restaurants. The amount of grease that can actually get into  
4874 our storm sewer and end up in folks' lakes and folks' drains, and trying to eliminate that  
4875 as well. I'm getting some of those. You're going to see some requirements where  
4876 maybe they have barrels where they actually have the grease and it's actually outside  
4877 their building. And we're looking maybe to get covers over those. So, when it rains—  
4878 Because the folks who take the grease out of the fryers and they take it out and dump it  
4879 in the barrels, don't do such a good job to make sure the lids are on and make sure  
4880 they're not full. And it's the middle of the night. And next thing you know, that runs down  
4881 and gets into the storm sewers sometimes. We've been sensitive to things like that,  
4882 where we're actually trying to go ahead and eliminate any kind of contamination,  
4883 because it really does end up in people's ponds and lakes. We get complaints all the  
4884 time from people who live on lakes and ponds, and I can sympathize with them, I really  
4885 can.

4886  
4887 Mr. Vanarsdall - My wife Effie and I found out by coming to you about the  
4888 Staples Mill pond that there are no funds for that. The dam is 100 years old and the  
4889 bricks are falling out and nobody cares, and it's stopped up and polluted. We just kind  
4890 of gave up.

4891  
4892 Mr. Perry - It's expensive. You're right. I know I met with you and your  
4893 wife, Ernie, and it is expensive to go ahead and dredge a lake, especially if it's one  
4894 owner or just two or three owners.

4895  
4896 Mr. Vanarsdall - Very expensive.

4897  
4898 Mr. Perry - Very, very expensive undertaking.

4899  
4900 Mrs. Jones - Mr. Perry, I haven't had a chance to work with you, but I'll be  
4901 the first to admit we have a lot of things we can and should and hopefully will be doing

4902 on this discussion point. But for purposes of the draft floodplain ordinance before us  
4903 today, given your area of expertise, have you had a chance to look this over and do you  
4904 have points that you feel should be addressed from your particular perspective?  
4905

4906 Mr. Perry - No, not really, Mrs. Jones. To me, it's a situation where—  
4907 And I think Mr. Gunn made an excellent comment. Really, we're here to let people  
4908 know whether they're going to be in a floodplain or not, so they can get insurance. Mr.  
4909 Priestas made a really great comment that I know there are some people that are in the  
4910 floodplain or found out that they were in and may think that they shouldn't be, and  
4911 maybe the County could do something. Well, there's an opportunity to go ahead and  
4912 amend the floodplain and do a map amendment, I think they call it. So, I think with those  
4913 safeguards in there, I think it's pretty straightforward and I don't really have anything to  
4914 add.  
4915

4916 Mrs. Jones - As to—  
4917 Mr. Vanarsdall - How can you be in it and not know it?  
4918

4919 Mr. Perry - Well, I guess the map can change. Folks that haven't been  
4920 in it for years, let's say in '78, and maybe they didn't experience a big storm. I realize  
4921 that we had a hurricane, but there are some areas that received 14 inches of rain and  
4922 there are other areas in the County, believe it or not, that received 5 inches of rain. So,  
4923 for some folks, it was catastrophic and for some folks, believe it or not, it just wasn't as  
4924 bad.  
4925

4926 Mr. Vanarsdall - You find out by living there.  
4927

4928 Mr. Jernigan - Ernie, when we had the workshop, I think the example they  
4929 showed on the screen that night, there were about nine houses there that were not in  
4930 the floodplain until FEMA changed it and then they were in the floodplain.  
4931

4932 Mr. Branin - Thank you, Mr. Perry.  
4933

4934 Mr. Perry - Sure.  
4935

4936 Mr. Branin - All right. I'm going to close the questions and answers, and  
4937 open it back to the Commissioners if you have any other questions or comments.  
4938 None? Then Mr. Archer, I'll give you the honor.  
4939

4940 Mr. Archer - You're such a gentleman, Mr. Chairman. This has been an  
4941 educational process for those of us who are here, and we appreciate those from the  
4942 public who came out to express their sentiments. I think given that we're looking at  
4943 FEMA's data of December 18<sup>th</sup>, I think it's incumbent upon us to move this along to the  
4944 Board so they can make a decision on it. Regardless of which way they go, they won't  
4945 be running dead up against a deadline of the 18<sup>th</sup> and the public can have a chance to  
4946 make more comments, if they want to do so. My motion would be to move this along to  
4947 the Board of Supervisors with a recommendation for approval

4948  
4949 Mr. Vanarsdall - Second.  
4950  
4951 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All  
4952 in favor say aye. All opposed say no. The ayes have it, the motion carries.  
4953  
4954 Mr. Archer - Mr. Chairman, perhaps we should mention when this hearing  
4955 would be held with the Board, unless they decide to move it to another date. I would  
4956 think the sooner the better. Does anybody know when their meeting will be?  
4957  
4958 Mr. O'Kelly - The tentative schedule, Mr. Archer, and I think we mentioned  
4959 this at the beginning of the public hearing, was for the Board to consider this ordinance  
4960 at their second meeting in November, which is November 27<sup>th</sup> at 7 p.m. in this room.  
4961  
4962 Mr. Branin - Okay. Thank you.  
4963  
4964 Mrs. Jones - I hope that all the comments from the public, the minutes of  
4965 this particular proceeding, will be certainly taken into consideration—  
4966  
4967 Mr. Branin - Provided to the Board.  
4968  
4969 Mrs. Jones - Provided to the Board and make sure that this is really  
4970 comprehensively looked at based on what was said here today.  
4971  
4972 Mr. Branin - And I would also recommend to each Commissioner to  
4973 further discuss what was heard today with their supervisor.  
4974  
4975 The Commission voted to approve the zoning ordinance amendment pertaining to the  
4976 zoning and subdivision floodplains and to move on to the Board of Supervisors.  
4977  
4978 **Mr. Archer Leaves For The day.**  
4979  
4980 **PUBLIC HEARING: Amendment to the Urban Mixed Use District regulations of**  
4981 **the Zoning Ordinance to permit residential uses within a floodplain**  
4982  
4983 Mr. Branin - Okay the next amendment to Urban Mixed Use District  
4984 regulations of the Zoning Ordinance to permit residential uses within a floodplain. Mr  
4985 Kennedy?  
4986  
4987 Mr. Kennedy - Yes sir.  
4988  
4989 Mr. Branin - Are you doing this presentation?  
4990  
4991 Mr. Kennedy - I'm doing this presentation.  
4992  
4993 Mr. Branin - All right. Hit it, buddy.

4994  
4995 Mr. Kennedy - This is a public hearing on the proposed amendment to the  
4996 Urban Mixed Use District to permit residential use within the floodplain. This  
4997 amendment was proposed for the UMU district only and would have no impact on  
4998 development of residential properties in other districts.

4999 Section 24-95 of the Zoning code, as we've discussed before, does not for both the  
5000 current and the proposed versions of the ordinance, specifically prohibit the construction  
5001 of new dwellings within the floodplain hazard area, which I'll call the 100-year floodplain,  
5002 for the purpose of this presentation.

5003  
5004 With all the new development proposals on the James River, particularly Rocketts  
5005 Landing and Wilton Farms UMU and the proposed Tree Hill UMU, there has been a  
5006 renewed interest in new construction of mixed-use buildings containing dwellings along  
5007 the James River. Mixed-use buildings containing dwellings in the UMU district appear to  
5008 have similar characteristics to hotels, which are permitted already by right in a  
5009 floodplain. Because of viewsheds in the 100-year floodplain, mixed-use buildings with  
5010 dwellings in the UMU district offer a unique opportunity. You have better views if you're  
5011 in a floodplain. So, we're comparing this to a hotel, which would be permitted above the  
5012 floodplain, it would be permitted by right. But in this case, it would be a mixed-use  
5013 building with residential uses.

5014  
5015 Staff has prepared a draft ordinance for the Commissions' consideration, and held a  
5016 workshop at your October 11<sup>th</sup> meeting. The UMU floodplain ordinance would be a  
5017 separate revision to the proposed floodplain ordinance, which would adopt FEMA  
5018 floodplain maps and those regulations. The proposed amendments would permit  
5019 mixed-use buildings with dwellings in the UMU district in the 100-year floodplain, that  
5020 can be approved by FEMA, as an exception.

5021  
5022 Instead of amending 24-95, a new provision would be added to 24-34 of the zoning  
5023 code regarding UMU development. So, we would put it specifically in the UMU section;  
5024 it would be outside of the floodplain ordinance itself. That section would have very  
5025 specific requirements. The Code amendment would contain the following requirements  
5026 that I'll summarize. It would be limited to the UMU district zoning required. It would be  
5027 limited to within 300 feet of the James River, as we can predict flooding. That was  
5028 something that somebody else raised previously. We require dwellings to be  
5029 constructed in accordance with the state building code, and that's for flood-proofing,  
5030 hydrodynamic, and hydrostatic pressures. We wouldn't worry about them, that in flood  
5031 hazards that would wash away. They would have to have adequate vehicular access  
5032 during a 100-year storm. And that there's always access to the building. So, the  
5033 provision would be under very exceptional circumstances where they would have to  
5034 meet these requirements. We would prohibit parking, enclosed parking below the  
5035 building, so they couldn't have a parking garage, per se, that would fill with water. We  
5036 would locate the dwellings one story above the 100-year floodplain. It would be a mixed-  
5037 use building. The first story would be commercial uses or offices or some other use.  
5038 Then the residential use would be above that. That would limit impact on personal  
5039 property, because not only during a 100-year storm, but even in an extreme 500-year

5040 event, they would be a full story above anything. Their personal property would be that  
5041 much more secure. It would be another story above that. And then also we would  
5042 require buildings to have sufficient size to share cost within a homeowners' association,  
5043 with professional 24-hour management. During a flood event, if the person wasn't there  
5044 and their car was parked underneath the building, it would be evacuated. They would  
5045 be able to take care of the facility during the case of a flood. And also to share costs.  
5046 There is a restriction on the minimum number of units, which is 40, and a minimum  
5047 height of 45 feet.

5048  
5049 Mr. Vanarsdall - Let me ask you, who should this be, shared cost and have  
5050 around the clock professional management, like in Rocketts Landing?  
5051

5052 Mr. Kennedy - In Rocketts Landing, it would be the building. If it was a  
5053 structure that was permitted in Rocketts Landing, it would be say a 40-unit building. The  
5054 building itself, the residential dwellings would be above the floodplain. They'd be a full  
5055 story above it. There would be commercial use on the first floor. Between the  
5056 commercial uses and those residents, they would share the cost of the floodplain  
5057 insurance.

5058  
5059 Mr. Vanarsdall - They would share the cost.  
5060

5061 Mr. Kennedy - They would share the cost. And all that would in parking,  
5062 would be an open parking deck. So, we don't really see it as being an impact on—There  
5063 wouldn't be anything to replace or repair. But the object would be is, given those river  
5064 views, looking to have the river views that a hotel would normally have.  
5065

5066 Mr. Vanarsdall - Thank you.  
5067

5068 Mr. Kennedy - This gets kind of different because we're not building as an  
5069 island. So, it wouldn't be like—You couldn't build a building as an island and have these  
5070 residents stranded in the building. They would be attached on one side on high enough  
5071 ground that they would have access. It's kind of like more of a projection into the  
5072 floodplain than actually building in a floodplain. There are only a very few unique  
5073 opportunities for this. It would be limited to places where we would have access. You  
5074 could look at the circulation and make sure there is good access, make sure utilities are  
5075 available, fire protection is available to the building as well.  
5076

5077 That concludes my presentation. At this point, the County Attorney has indicated that  
5078 they have to make a couple corrections to comply with the state terminology. With that,  
5079 staff believes that the degree of flood protection provided in this revision is reasonable  
5080 and provides adequate protection for life and property. We recommend approval.  
5081

5082 Mr. Jernigan - Mike, the important thing on this is even if there is a 100-  
5083 year flood, you still have total access from the residential area back to the ground.  
5084



5085 Mr. Kennedy - That's right. Twenty-four hour access. The buildings would  
5086 be built above it. And actually, a story above it. Actual added protection.  
5087  
5088 Mrs. Jones - Say that again. If it's in the floodplain, if there is a problem,  
5089 how do the residents above have the assurance of being able to—  
5090  
5091 Mr. Jernigan - The only thing that's actually in the floodplain is the parking  
5092 lot, a third deck down.  
5093  
5094 Mrs. Jones - Right. But that's what stands between them and—  
5095  
5096 Mr. Kennedy - Just like you have in Virginia Beach. You have houses that  
5097 are up on stilts. It would be like that except that one end of that property, the front end of  
5098 that property, or some portion of that property would have to have vehicular access  
5099 outside the floodplain.  
5100  
5101 Mrs. Jones - Ah. I thought you meant from down in the parking deck.  
5102  
5103 Mr. Kennedy - No, no. There would be very limited circumstances. You  
5104 couldn't be ....  
5105  
5106 Mrs. Jones - Mr. Axelle will make this perfectly clear.  
5107  
5108 Mr. Branin - They're fine until they come down and then they're right in  
5109 the flood.  
5110  
5111 Mrs. Jones - Okay.  
5112  
5113 Mr. Kennedy - Basically, it's up on stilts. You'd have parking decks  
5114 underneath it, but there would be access on at least one level.  
5115  
5116 Mrs. Jones - I understand.  
5117  
5118 Mr. Kennedy - And then actually, that would be the commercial  
5119 development and the residential would be above that. We want to be sure there's very  
5120 little chance for personal property loss for individuals. That's our concern. And to make  
5121 sure there's 24-hour public safety access.  
5122  
5123 Mrs. Jones - Mr. Kennedy, how many of our Wilton and Tree Hill and  
5124 Rocketts Landing—How many of our projects are anticipated in those three to be at  
5125 least 45 feet in height and having more than 40 residential units and are within 300 feet  
5126 of the James?  
5127  
5128 Mr. Kennedy - Right now, there isn't anything proposed in Wilton or Tree  
5129 Hill. Tree Hill hasn't been approved. So, we have to wait and see how those master  
5130 plans are. Rocketts Landing right now is one building. They may have some future

5131 buildings because they have a lot of land along the floodplain that kind of overhangs the  
5132 flood elevation.  
5133  
5134 Mr. Vanarsdall - Two now, then.  
5135  
5136 Mr. Kennedy - They have two buildings now that are actually out of the  
5137 floodplain.  
5138  
5139 Mr. Vanarsdall - What's she's saying is Wilton on the James—  
5140  
5141 Mr. Kennedy - Wilton on the James and—  
5142  
5143 Mr. Vanarsdall - —Rocketts Landing would be the only two we have.  
5144  
5145 Mr. Kennedy - All we have at this time. Tree Hill could be a potential and  
5146 there may be others as they develop along, as we develop it. Given the master plan,  
5147 the need for a master plan of actually having that overall look, view, and because we  
5148 want to limit it to floodplains that have predictable floods. There are limited  
5149 opportunities for those, but the opportunity is just unique. If it was a hotel, you could  
5150 build the hotel. But if you want to have someone live there permanently, they couldn't.  
5151 It's only in the mixed-use district that you would have this kind of exception.  
5152  
5153 Mrs. Jones - Thanks.  
5154  
5155 Mr. Jernigan - I think you know this already, but the Virginia Eye Clinic, the  
5156 parking lot is in a floodplain.  
5157  
5158 Mr. Branin - Okay. Does anybody else have any other questions for Mr.  
5159 Kennedy? All right. Would you like to get some clarification from Mr. Axselle?  
5160  
5161 Mr. Jernigan - Yes sir, please.  
5162  
5163 Mr. Branin - Mr. Axselle.  
5164  
5165 Mr. Axselle - Mr. Chairman, ladies and gentleman of the Commission, Bill  
5166 Axselle, here on behalf of Rocketts Landing. Richard Souter of Rocketts Landing is with  
5167 me. In light of the extended activities you've had today, I'll be fairly quick, but there are a  
5168 couple of points that probably need to be made.  
5169  
5170 I'm going to give you a little bit of background and then show you the particular  
5171 illustration. And as Mr. Kennedy said, this is not limited to Rocketts Landing, but  
5172 fortunately, we were further along so it's at least an illustration of what is the problem.  
5173 We originally were told that it wasn't a problem. Turns out there probably is, and this is  
5174 the way they're trying to solve it. Here is the existing Rocketts Landing Master Plan. As  
5175 you can see, blocks 12, 13, 14, and 15 of the Master Plan are under construction and  
5176 out of the floodplain, as almost everything is. Block 17, which was on the far right of

5177 that, is, in fact, on the far lower right of this particular slide. That's the building we'll refer  
5178 to as the Waterford Building. Everything else is out of the floodplain completely. This  
5179 one is partially in the floodplain.

5180  
5181 This is the Waterford Building. How do I get rid of that little thing there, Mike? I'm sorry.  
5182 This is the building immediately adjacent to the waterfront building. This is called Fall  
5183 Line. It is on the right side if you're looking at the screen of the smokestack, and  
5184 Waterford will be on the left side. This building is attached to the ground on all sides, on  
5185 two sides very much like what the Waterford building would be, and it is permitted. This  
5186 is another view of Fall Line, taken from the riverside, if you will. As you can see, the  
5187 building is complete and partially occupied. Just like this Waterford building, it's  
5188 attached to high ground on two sides. So, that is a point of comparison.

5189  
5190 Now, this is the floodplain. This is the elevations. Keep in mind the little things in the  
5191 blue. The floodplain elevation is at elevation 33. In other words, that is the 100-year  
5192 floodplain, it's elevation 33. As you can see on what's referred to on the left side of the  
5193 screen, the alley side, the elevation is 52. On Old Main Street, south of the screen, it's  
5194 52. On the right side, 52 to 55, due to a little topography change. The James River side  
5195 is at elevation 25. Thus, the situation that needs to be addressed.

5196  
5197 Here is a look of the Waterford building. I'm going to go through this very briefly  
5198 because the next one is even better. This is looking from the south side, which is  
5199 actually what I usually refer to as the east side, if you will. But it's actually the south  
5200 side. This will be looking from the east side / south side. As you can see, there are  
5201 three levels. The lower level is partially, as you will see in a moment, in the floodplain.  
5202 The next level is not in the floodplain. The next level is not in the floodplain. And then  
5203 there are the residential units above.

5204  
5205 This is probably the best illustration to you. The blue line is where the floodplain is.  
5206 That's 33. And the area at the very bottom, the bottom level, if you will, as you can see  
5207 is partially in the floodplain, thus the problem. P2 right above it is a parking garage. And  
5208 these are open parking garages, not enclosed. It runs from 37.7 feet up to 52. The P1  
5209 garage and the retail, which is the lobby, the entrance and everything, is between 52  
5210 and 64. Then the residential units start above that. So, the point that I would like to  
5211 stress to you is that while the floodplain here is at 33, the first residential unit is at  
5212 elevation 64. That's almost twice what the floodplain level is. So, it is a considerable,  
5213 considerable distance above the floodplain.

5214  
5215 We did a survey of a number of urban jurisdictions, cities and counties, prior to starting  
5216 all of this. The City of Richmond had a fairly more flexible requirement. This building  
5217 would be allowed in the City without any question. As has been mentioned here, if this  
5218 building were all office, all in a commercial, it would be allowed exactly as it's proposed  
5219 here. But what we found in most of the jurisdictions along the James River, they had a  
5220 requirement that you cannot have residential in the floodplain unless. And they had a  
5221 number of conditions which were in vast variety tightly or loosely.

5222

5223 This ordinance that the County staff has come up with is tighter than any of those. So, it  
5224 is more restriction. Thus, it is an exception for the reason that Mr. Kennedy said, but it is  
5225 a very, very, very narrow exception. As you can see with this particular building,  
5226 floodplain 33, the first residence is 64. So, it's almost twice above the level. You say  
5227 well why don't you get rid of the parking at the bottom. This parking at the bottom that's  
5228 in the floodplain area, it's not parking for this building. This is the parking where people  
5229 would be coming to the community center, the town hall—it's one building, which is right  
5230 next to it, which is commercial. It's in the floodplain as an existing building. But it's not  
5231 residential. This does not add any density or capacity of residential density that we  
5232 could have. The problem is, even if you put nothing down there, the building is still in the  
5233 floodplain. Part of the building is still in the floodplain. So, in other words, that building,  
5234 even if you had nothing down there except open space, it would still not be permitted  
5235 under the County ordinance.

5236  
5237 This is another illustration of the building. This is from the front of the building, if you will.  
5238 The left side of the screen is facing the front. The James River would be at the back.  
5239 But you can see how it's open for the parking area. I recognize that in some respects, it  
5240 maybe counterintuitive to say we're going to allow residential use in a floodplain area.  
5241 What you're really doing, though, is allowing a residential use for a building that's  
5242 partially in the floodplain, but under very, very, very specific and limited circumstances.  
5243 The UMU, a mixed-use building. It's got to be 300 feet from the James River. It's got to  
5244 have the accessibility. And if you would, to the point that Mrs. Jones asked, these  
5245 folks—The ordinance says that you have to be a floor and one foot above the floodplain.  
5246 Excuse me. The draft ordinance says you have to be a floor plus one foot. We're like 31  
5247 feet above and there would be two levels, the lobby/retail area and the parking garage  
5248 below that would still be above the floodplain. The only part and the only problem of  
5249 course is that third level which is partially in the floodplain.

5250  
5251 In deference to your time, I've been very, very quick, because I recognize that you  
5252 needed a graphic, at least I did, to be able to understand what's being proposed. I'll be  
5253 glad to respond to any questions. I will only tell you that the County staff, as usual, has  
5254 done a good job. They've given a possible exception, but under very narrow  
5255 circumstances. I hope you would favorably consider it because—My first thought was  
5256 well, let's just do away with that third level, but it doesn't matter because you still have  
5257 to have the structure partially down there.

5258  
5259 Mr. Jernigan - Do you have one more picture?

5260  
5261 Mr. Axelle - Yes, thank you, Mr. Jernigan. This is a building from the  
5262 riverside showing the floodplain. In other words, the red line here is the floodplain line.  
5263 So, you see how low the floodplain is as compared to the residential units above.  
5264 Richard, is there anything that I have overlooked? I wanted to be clear and cloudy here.

5265  
5266 Mr. Branin - I wasn't going to say it this time. I swear I wasn't going to  
5267 say it.

5268

5269 Mr. Axselle - I hope I wasn't going to give you a chance to this time. It  
5270 was a good line, though.  
5271

5272 Mr. Branin - Beat me to the punch. Stealing my thunder. Does anybody  
5273 have any questions for Mr. Axselle?  
5274

5275 Mrs. Jones - This building was on the plan originally and we just didn't  
5276 realize the line, the floodplain area? Is that what was done?  
5277

5278 Mr. Axselle - That's basically it. They decided to move the building in a  
5279 fashion where it was closer to the river and did not realize this was the problem. If it  
5280 were relocated, it won't have the same effect and utility for the community center and  
5281 town hall.

5282 Mrs. Jones - Well, the other thing is, no one's coming to a concert or a  
5283 community event if there's a flood going on. The folks could have a very, very up close  
5284 and personal—Talk about viewsheds.  
5285

5286 Mr. Axselle - Those of you who haven't been down there, you want to see  
5287 a viewshed.  
5288

5289 Mrs. Jones - It is gorgeous.  
5290

5291 Mr. Branin - All right. This is a public hearing and I am going to open it  
5292 back up to the floor for any questions or comments that pertain to this amendment and  
5293 the amendment only. Anyone? Mr. Jernigan, being that this is the first case that really  
5294 would be affected by this change is in your district, I'm going to give you the honors.  
5295

5296 Mr. Jernigan - Well, Bill, I think that this looks good. Before we move this  
5297 along, I think I want to talk to the legal staff about maybe some changes in wording that  
5298 we might have to make. And not particularly on this case, but I want to discuss with Mr.  
5299 Tokarz some things. So, what I would like to do is defer the vote on this until our Zoning  
5300 meeting, which I believe is November the 10<sup>th</sup>. Is that correct?  
5301

5302 Mr. Branin - Yes.  
5303

5304 Mr. Jernigan - I make a motion that—We will have a vote on November the  
5305 10<sup>th</sup>.  
5306

5307 Mr. Branin - 13<sup>th</sup>.  
5308

5309 Mr. Jernigan - 13<sup>th</sup>. On this issue. And then after that—  
5310

5311 Mrs. Jones - That's not the correct date.  
5312

5313 Mr. Jernigan - November 8<sup>th</sup>. Then I will make a motion that we defer the  
5314 vote on this until November 8, 2007.

5315  
5316 Mr. Vanarsdall - I'll second.  
5317  
5318 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
5319 All in favor say aye. All opposed say no. The ayes have it, the motion carries.  
5320  
5321 The Planning Commission voted to defer this amendment to the November 8, 2007  
5322 meeting to be voted on only. Mr. Archer was absent.  
5323  
5324 **PUBLIC HEARING: Amendment to the Zoning Ordinance pertaining to signage in**  
5325 **regional shopping centers.**  
5326  
5327 Mr. Branin - This is an amendment to the Zoning Ordinance pertaining to  
5328 signage in regional shopping centers. Mr. Gidley.  
5329  
5330 Mr. Gidley - Good afternoon, Mr. Chairman.  
5331  
5332 Mr. Branin - It's a rare pleasure to have you in the room presenting to us.  
5333 Welcome.  
5334  
5335 Mr. Gidley - Thank you. Mr. Chairman, members of the Planning  
5336 Commission. I last appeared before you back on September the 13<sup>th</sup> during your work  
5337 session, at which time we reviewed a proposed amendment to the ordinance dealing  
5338 with signage within regional shopping centers. Since that time, there have been a few  
5339 modest changes to the proposed amendment, which I will discuss during my review  
5340 here.  
5341  
5342 Regional shopping centers are defined under Code as containing more than 40 acres in  
5343 the aggregate; consisting of a coordinated group of retail and service establishments;  
5344 having common parking, access and service areas; and regional shopping centers are  
5345 first permitted in the B-3 zoning district. Examples include Regency Square, Short  
5346 Pump Town Center, The Shops at White Oak Village, and Virginia Center Commons.  
5347  
5348 The reasons for the proposed ordinance amendment are as follows: to aid customers of  
5349 regional shopping centers in finding major tenants; to better identify outparcel tenants;  
5350 and consequently to facilitate the flow of traffic within the regional shopping center.  
5351  
5352 Staff is proposing one new definition and that would be of a monument sign. It would be  
5353 defined as follows: a detached sign that is either a solid structure made of brick, stone,  
5354 concrete, or similar durable type of material; is constructed on or connected directly to a  
5355 solid supporting foundation made of brick, stone, concrete, or similar durable type of  
5356 material, with no separation between the sign and the base; and the width of the base  
5357 shall be at least 90% of the width of the sign.  
5358  
5359 Mr. Vanarsdall - Now Paul, was that one of the changes we made from the  
5360 work session?

5361  
5362 Mr. Gidley - No sir, that was here.  
5363  
5364 Mr. Vanarsdall - It looks exactly like it. I thought it was something new.  
5365  
5366 Mr. Gidley - No sir, it's the same.  
5367  
5368 Mr. Vanarsdall - Excuse me, go ahead.  
5369  
5370 Mr. Gidley - The proposed ordinance amendment has two main  
5371 components. The first is to permit internal detached signs for outparcels or businesses  
5372 with over 60,000-square-feet of finished floor area. This is one of the changes, I know  
5373 that during the work session, it was at 75,000 square feet, and we have lowered it down  
5374 to 60,000. We feel that could accommodate some pretty major tenants at White Oak,  
5375 while at the same time still meeting our basic goals, and that is to only have the major  
5376 tenants be identified and not having every little individual shop identified.  
5377  
5378 The second key proponent of this amendment is to permit internal directional signs for  
5379 businesses with over 60,000 square feet of finished floor area. And again, that's 60,000  
5380 now in lieu of 75,000.  
5381  
5382 For detached signage, one additional detached sign would be permitted per outparcel,  
5383 or for any business exceeding 60,000 square feet of finished floor area, provided the  
5384 following criteria is met: oriented to serve motorists within the shopping center; over 200  
5385 feet from a public street; a monument sign; be along the access drive serving interior  
5386 traffic; be part of an overall sign plan; not exceed 35 square feet in sign area; and finally  
5387 not exceed 5 feet in height or 11 feet in width. Please note the first five components of  
5388 this subdivision also apply to directional signs. And I'll explain why that's important in a  
5389 moment.  
5390  
5391 Examples of signage for outparcels include the following, taken from Short Pump Town  
5392 Center. Note you have monument signs—I'm sorry (referring to slide show).  
5393  
5394 Mrs. Jones - I was going to say mine isn't moving.  
5395  
5396 Mr. Gidley - I'm sorry about that. They are taken from Short Pump Town  
5397 Center. They are monument signs and they're made of durable materials, mainly brick.  
5398 For directional signs, additional internal directional signs would be permitted to provide  
5399 the location of any business that exceeds 60,000 square feet of finished floor area,  
5400 provided the signs meet the requirements of the provisions 1 through 5 of Subdivision  
5401 C. Those were the five sections that we just discussed. They were spelled out  
5402 originally in this section, but at the recommendation of the County Attorney's Office,  
5403 instead of spelling them out again, we're just referencing them with this section,  
5404 "Provisions 1 through 5 of Subdivision C." In addition to these five requirements, there  
5405 would be two additional requirements. These are one, the sign shall be 200 feet from  
5406 any other directional sign, and two, shall not exceed 12 feet in height or 8 feet in width,

5407 including the overall sign structure. The new element here is the 200-square-foot—I'm  
5408 sorry—200-foot separation between directional signs. Our goal is to have major tenants  
5409 share a directional sign and not have, say, four separate major tenants each have their  
5410 very own directional sign when you come into a shopping center. So, that's the reason  
5411 for that new provision here. And an example here, again from Short Pump Town  
5412 Center. You note there are four major tenants listed on a shared sign rather than each  
5413 having their very own.

5414  
5415 That concludes my presentation. I'll be happy to answer any questions you may have.

5416  
5417 Mr. Branin - Thank you, Mr. Gidley. Does anybody have any questions in  
5418 regards to this?

5419  
5420 Mr. Jernigan - Paul, by our ordinance now on a monumental sign, how tall  
5421 can a monument sign be?

5422  
5423 Mr. Gidley - It really depends on what district you're in. For regional  
5424 shopping centers, you're entitled to have one detached sign now along the main road  
5425 identifying the shopping center, or if it's on a corner, you can have up to two detached  
5426 signs. Let's see if I have that information on the height here. Twenty-five feet in height.  
5427 And that's for the main shopping center sign. You could still have—for instance,  
5428 Virginia Center Commons. You could still have a sign there that says, "Virginia Center  
5429 Commons," out on Brook Road and that can go up to 25 feet in height. The proposed  
5430 height limit would only apply to the directional signs as you come into the shopping  
5431 center, or for the signs identifying the outparcel tenants.

5432  
5433 Mr. Jernigan - I have a proffered case that's B-2. In the proffers it says,  
5434 "Monumental sign." But they're telling me they can build at 25 feet. We know  
5435 monumental signs are low.

5436  
5437 Mr. Gidley - Typically, yes sir.

5438  
5439 Mr. Jernigan - But they're telling me that they want a 25-foot sign that's a  
5440 monumental sign.

5441  
5442 Mr. O'Kelly - They want 25 feet?

5443  
5444 Mr. Jernigan - Yes. They said that's what the Code allows. "Monumental,"  
5445 to me—

5446  
5447 Mr. O'Kelly - Generally, the Code allows 25 feet for a freestanding sign.

5448  
5449 Mr. Jernigan - Right. But—

5450  
5451 Mr. O'Kelly - A monument style sign, in my way of thinking, is much less.

5452



5453 Mr. Jernigan - Well, that's my way of thinking, too, but it doesn't say that in  
5454 the Code. That's something we're going to have to look at.  
5455

5456 Mr. O'Kelly - You can put it in the proffer.  
5457

5458 Mr. Jernigan - Well, the case has already been approved. It has a  
5459 monumental sign proffered in the case.  
5460

5461 Mrs. Jones - That simply means the base will have a defined size and the  
5462 sign will have a defined size.  
5463

5464 Mr. Jernigan - But it doesn't have a defined height.  
5465

5466 Mrs. Jones - Then the ordinance will—  
5467

5468 Mr. Jernigan - It's 25 feet. So, anyway, that—Paul, that's something we  
5469 may need to look at to make sure that we have a definition of what a monumental sign  
5470 is. I see you have that the base must be 90% of the width of the sign.  
5471

5472 Mr. Gidley - Yes.  
5473

5474 Mr. Jernigan - That's good. But we have to have, we should have a cap on  
5475 how high that monumental sign can be.  
5476

5477 Mr. O'Kelly - That would require a separate ordinance amendment.  
5478

5479 Mr. Jernigan - Oh, I know. No, I know that's not this. I'm just bringing it up  
5480 because I wanted an answer. You gave me the same answer that they've given me,  
5481 that it says it can be 25 feet.  
5482

5483 Mr. Gidley - As Mr. O'Kelly said, that's typically for a detached pole sign,  
5484 as it was, as far as how one would interpret that proffer's language with regard to  
5485 monument sign that might—  
5486

5487 Mr. Jernigan - They're taking it that that means the base and not the height.  
5488 We'll work on that later. I just wanted to make sure that we were all on the same page.  
5489

5490 Mr. Branin - Any other questions or comments? Mrs. Jones, I'm giving  
5491 you the honors. Thank you, Mr. Gidley.  
5492

5493 Mrs. Jones - Giving me the honors.... I don't know what I did to deserve  
5494 it. I would like to move that this—I'm trying to get my language right here. I would like to  
5495 move that the proposed ordinance amendment for signage within regional shopping  
5496 centers be forwarded with a recommendation for approval.  
5497

5498 Mr. Jernigan - Second.

5499  
5500 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Jernigan. All  
5501 in favor say aye. All opposed say no. The ayes have it, the motion carries.

5502  
5503 The Planning Commission voted to approve the proposed ordinance amendment for  
5504 signage within regional shopping center and to move on to the Board of Supervisors.

5505  
5506 That concludes this short meeting of the day.

5507  
5508 Mrs. Jones - May I move that we adjourn?

5509  
5510 Mr. Vanarsdall - Second.

5511  
5512 Mr. Branin - Motion by Mrs. Jones, and seconded by Mr. Vanarsdall. All  
5513 in favor say aye. All opposed say no. The ayes have it; the motion carries. We're  
5514 adjourned.

5515  
5516 On a motion by Mrs. Jones and seconded by Mr. Vanarsdall, the Planning Commission  
5517 adjourned its October 24, 2007 meeting at 2:36 p.m.

5518  
5519 The meeting adjourned at 2:36 p.m.

5520

5521

5522

5523

5524 

---

Tommy Branin, Chairman

5525

5526

5527

5528

5529

5530

5531 

---

Randall R. Silber, Secretary.