

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government  
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, September  
4 26, 2001.

5

6 Members Present: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)  
7 Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairperson (Tuckahoe)  
8 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
9 Mr. Allen Taylor, P. E., C.P.C. (Three Chopt)  
10 Mr. E. Ray Jernigan (Varina)  
11 Mr. David A. Kaechele, Board of Supervisors Representative  
12 (Three Chopt)

13

14 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary  
15 Mr. Randall R. Silber, Assistant Director of Planning  
16 Mr. David D. O'Kelly, Jr., Principal Planner  
17 Ms. Leslie A. News, CLA, County Planner  
18 Mr. James P. Strauss, CLA, County Planner  
19 Mr. E. J. (Ted) McGarry, III, County Planner  
20 Mr. Kevin D. Wilhite, AICP, County Planner  
21 Mr. Michael F. Kennedy, County Planner  
22 Ms. Christina L. Goggin, County Planner  
23 Mr. Todd Eure, Assistant Traffic Engineer  
24 Mr. Jeff Perry, Public Works Department  
25 Ms. Audrey Anderson, County Planner  
26 Mr. Lee Householder, County Planner  
27 Mr. Mark Bittner, County Planner  
28 Ms. Diana B. Carver, Recording Secretary

29

30 **Mr. David A. Kaechele, the Board of Supervisors Representative, abstains on all cases**  
31 **unless otherwise noted.**

32

33 Mr. Archer - The Planning Commission will come to order. Good morning everyone.  
34 Is there anyone here from the press? We would like to recognize you. No one raised their  
35 hand, well we welcome you anyway. We have a quite a long agenda today and I hope we can  
36 get through this as quickly as possible. So, in order not to delay it anymore, I'll turn it over to  
37 the Director of Planning, our Secretary, Mr. John Marlles. Mr. Marlles.

38

39 Mr. Marlles - Good morning, Mr. Chairman and Commission members, ladies and  
40 gentlemen. Mr. Chairman, before we get into the agenda, I do have a couple of quick  
41 announcements. I'm glad that Mr. Wilhite is standing at the podium. One of the things that I  
42 would like to do is recognize Mr. Wilhite for passing his AICP exam. That's the American  
43 Institute of Certified Planners. That's the highest professional certification that you can  
44 achieve in the field. And I can testify from personal experience that it takes a considerable  
45 amount of preparation to get through the exam and to meet the experience requirements. I

46 would like to congratulate Mr. Wilhite on behalf of the office and the Commission for that  
47 accomplishment.

48

49 Mr. Archer - Congratulations, Mr. Wilhite.

50

51 Mr. Vanarsdall - Mr. Marlles, you fell to mentioned that he did this over and above the  
52 work.

53

54 Mr. Marlles - That's correct. That's in addition to a very heavy workload.

55

56 Mr. Vanarsdall - They did not give him any leave to do this.

57

58 Mr. Wilhite - They really let anybody in nowadays.

59

60 Mr. Archer - No wonder all of your cases have been on the Expedited Agenda. Well  
61 deserved, Mr. Wilhite.

62

63 Mr. Marlles - Mr. Chairman, I'm also going to ask Leslie News and Jim Strauss just to  
64 stand up for a second. Leslie and Jim were recently sworn in as acting secretaries to the  
65 Planning Commission. That is a designation that doesn't occur very often and very few  
66 members of the staff that are actually given that responsibility. But, both Leslie and Jim have  
67 been with the staff in senior positions and they have been delegated that responsibility. So,  
68 they can fill in for the Director or Assistant Director. They can sign plats and do that high-  
69 level responsibility. So, I would like to recognize them.

70

71 Mr. Vanarsdall - Both of those are well deserved too and I called them and told them.

72

73 Mr. Marlles - The last quick announcement that I have is... Michael would you stand  
74 up? Michael Cooper is our newest member of the staff. Michael replaced David Pennock as  
75 our Planning Technician. Michael comes to us from Virginia Tech. He's a Hokie. He did  
76 major in Planning and Political Science while he was with Tech and we are very please to have  
77 Michael join the staff.

78

79 Mr. Archer - We are glad to have you Michael. Is there anyone left over there? Stand  
80 up, Ted, so that we can see you.

81

82 Mr. McGarry - I have the most seniority.

83

84 Mr. Marlles - All right. Getting into the agenda, Mr. Chairman, the first item on your  
85 agenda is the requests for deferrals and withdrawals, and those will be presented by Mr.  
86 Wilhite.

87

88 Mr. Wilhite - Good morning, Commission members and ladies and gentlemen, we  
89 have three requests for deferrals at this time. The first one is on page 11 of your agenda.

90

91 **LANDSCAPE PLAN**

92

LP/POD-4-01  
Citizens & Farmers Bank -  
Williamsburg Road

**Ken Magalis and Jeff Collins for Citizens and Farmers Bank:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24.106.2 of the Henrico County Code. The 1.81 acre site is located on the north east corner of Williamsburg Road and Garland Avenue @ 104 Williamsburg Road on parcel 164-2-10-H. The zoning is B-1, Business District and ASO District (Airport Safety Overlay).  
**(Varina)**

93

94 Mr. Wilhite - The applicant is requesting deferral until October 24, 2001.

95

96 Mr. Archer - Is there anyone here in opposition to this deferment LP/POD-4-01,  
97 Citizen & Farmers Bank? No opposition. Mr. Jernigan.

98

99 Mr. Jernigan - Mr. Chairman, I would like to make a motion to defer POD-4-01,  
100 Citizens & Farmers Bank, by request of applicant, to October 24, 2001.

101

102 Mr. Vanarsdall - Second.

103

104 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
105 All in favor say aye...all opposed say nay. The motion carries.

106

107 At the request of the applicant, the Planning Commission deferred the landscape plan for  
108 LP/POD-4-01, Citizens & Farmers Bank, to the October 24, 2001, meeting.

109

110 **PLAN OF DEVELOPMENT (Deferred from the June 27, 2001, Meeting)**

111

POD-95-00  
Superstar, Inc. Service  
Center - 9999 Brook Road  
(POD-3-96 Revised)

**Foster & Miller, P. C. and Harry Pradhan For Superstar, Inc.:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, two service bay addition to an existing convenience store with fuel pumps. The 1.316 acre site is located at 9999 Brook Road at the southeast corner of Brook Road (U.S. Route 1) and J.E.B. Stuart Parkway on parcel 33-A-3C. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

112

113 Mr. Wilhite - The applicant is requesting deferral until February 27, 2002.

114

115 Mr. Archer - Is there anyone here in opposition to this deferment POD-95-00,  
116 Superstar, Inc. Service Center – 9999 Brook Road? No opposition. Okay. I move deferment  
117 of Superstar Inc. to the February 27, 2002, meeting, at the applicant's request.

118

119 Mr. Jernigan - Second.

120

121 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Jernigan.

122 All in favor say aye...all opposed say nay. The motion carries.

123

124 At the request of the applicant, the Planning Commission deferred POD-95-00, Superstar Inc.

125 Service Center – 9999 Brook Road (POD-3-96 Revised), to the February 27, 2002, meeting.

126

127 **REVISION OF PLAN OF DEVELOPMENT**

128

POD-70-01

Elko Union Church -

Elko Road

**Engineering Design Associates for Elko Union 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 multi-purpose building and master plan that would authorize a future one-story, 12,000 square foot sanctuary as well as additional parking. The 7.45 acre site is located at 6861 Elko Road (State Route 156) on parcels 156-2-C, 6, 9, 13 and 16 and 156-2-D-1, 19 and 20. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina)**

129

130 Mr. Wilhite - The applicant is requesting deferral until October 24, 2001.

131

132 Mr. Archer - Is there anyone here in opposition to this deferment, POD-70-01, Elko Union Church? No opposition. Seeing none, Mr. Jernigan.

134

135 Mr. Jernigan - Mr. Chairman, I make a motion to defer POD-70-01, Elko Union Church by the applicant's request to October 24, 2001.

137

138 Mr. Vanarsdall - Second.

139

140 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

141 All in favor say aye...all opposed say nay. The motion carries.

142

143 At the request of the applicant, the Planning Commission deferred POD-70-01, Elko Union Church, to the October 24, 2001, meeting.

145

146 Mr. Marlles - Mr. Chairman, the next item on the agenda is the Expedited Agenda.

147 We do have quite a few items to review there. Mr. Wilhite.

148

149 Mr. Wilhite - We have 24 items that appear on the Expedited Agenda. We have 18 on the 9 o'clock agenda and 6 additional ones on the 10 o'clock. The first one on the 9 o'clock agenda is on page 2.



180 Mr. Jernigan - Mr. Chairman, I make a motion to approve transfer of approval POD-  
181 84-76, Newbridge Baptist Church to Henrico County, plus the addendum.

182

183 Ms. Dwyer - Second.

184

185 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Ms. Dwyer.  
186 All in favor say aye...all opposed say nay. The motion carries.

187

188 The Planning Commission approved the transfer of approval request for POD-84-76 Eastern  
189 Area Alternative School (Formerly Newbridge Baptist Church) Nine Mile Road and  
190 Newbridge Road from The Newbridge Baptist Church to Henrico County Public Schools.

191

192 **TRANSFER OF APPROVAL**

193

POD-8-79 Thomas Hamilton & Associates (Formerly Capital S & L)	<b>Thomas W. Hamilton:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Capital S & L to Thomas Hamilton & Associates. The 0.41 acre site is located at 6200 Lakeside Avenue on parcel 83-18-2-24. The zoning is B-1, Business District. <b>(Fairfield)</b>
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194

195 Mr. Wilhite - Staff recommends approval of this case. We have an addendum item on  
196 page 2 of your addendum. It's a revised recommendation for approval.

197

198 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval  
199 request, POD-8-79, Thomas Hamilton & Associates? Seeing none, I move approval of this  
200 transfer of approval, subject to the staff's recommendations and the addendum item.

201

202 Mr. Jernigan - Second.

203

204 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Jernigan.  
205 All in favor say aye...all opposed say nay. The motion carries.

206

207 The Planning Commission approved the transfer of approval request for POD-8-79, Thomas  
208 Hamilton & Associates (Formerly Capital S & L) from Capital S & L to Thomas Hamilton &  
209 Associates.

210 **TRANSFER OF APPROVAL**

211

POD-106-84  
The Dump  
(Formerly Farm Fresh –  
Brook Road)

**McCandlish Kaine:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Farm Fresh, Inc. to Strelitz Brook Road, LLC. The 8.860 acre site is located along the west line of Brook Road (U.S. Route 1) approximately 300 feet south of Lakeside Avenue on parcel 73-A-6. The zoning is B-3, Business District. **(Fairfield)**

212

213 Mr. Wilhite - Staff recommends approval of this case.

214

215 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval  
216 request, POD-106-84, The Dump? Seeing none, I move approval of this transfer of approval,  
217 POD-106-84, The Dump, subject to the staff's recommendations.

218

219 Ms. Dwyer - Second.

220

221 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All  
222 in favor say aye...all opposed say nay. The motion carries.

223

224 The Planning Commission approved the transfer of approval request for POD-106-84, The  
225 Dump (Formerly Farm Fresh – Brook Road) from Farm Fresh, Inc. to Strelitz Brook Road,  
226 LLC.

227

228 **TRANSFER OF APPROVAL (Deferred from the July 25, 2001, Meeting)**

229

POD-138-88  
Lakeside Animal Hospital -  
Lakeside Avenue

**Hirschler, Fleischler, Weinberg, Cox & Allen for Lakeside Animal Properties, LLC:** Request for approval of a partial transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Nancy S. Lickey to Lakeside Animal Properties, LLC. The .55 acre site is located on the west line of Lakeside Avenue, between Barclay Road and Winwood Road on parcels 94-14-4-17, 19, 21A, 22 and 24. The zoning is B-2, Business District. **(Fairfield)**

230

231 Mr. Wilhite - Staff recommends approval of this case.

232

233 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval  
234 request, POD-138-88, Lakeside Animal Hospital? Seeing none, I move approval of this  
235 transfer of approval, POD-138-88, Lakeside Animal Hospital, subject to the staff's  
236 recommendations.

237

238 Mr. Vanarsdall - Second.

239

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

242

243 The Planning Commission approved the transfer of approval request for POD-138-88,  
244 Lakeside Animal Hospital – Lakeside Avenue, from Nancy S. Lickey to Lakeside Animal  
245 Properties, LLC.

246

247 **TRANSFER OF APPROVAL**

248

POD-123-97 **Foster & Miller, P.C.:** Request for approval of a transfer of  
Graybar Electric @ approval, as required by Chapter 24, Section 24-106 of the  
Highwoods Distribution Henrico County Code, from Highwoods/Forsyth Limited  
Center - Laburnum Avenue Partnership and Ila M. Adams to Highwoods/Forsyth Limited  
Partnership and JDW Investments. The 79.5 acre site is located  
on the southeast corner of Darbytown Road and Laburnum  
Avenue on parcels 204-A-28, 28A and 28B. The zoning is M-  
1C, Light Industrial District (Conditional) and ASO District  
(Airport Safety Overlay). **(Varina)**

249

250 Mr. Wilhite - Staff recommends approval of this case.

251

252 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval  
253 request, POD-123-97, Graybar Electric @ Highwoods Distribution Center? Seeing none, Mr.  
254 Jernigan.

255

256 Mr. Jernigan - Mr. Chairman, I make a motion to approve transfer of approval POD-  
257 123-97, from Highwoods/Forsyth Limited Partnership and Ila M. Adams to  
258 Highwoods/Forsyth Limited Partnership and JDW Investments.

259

260 Ms. Dwyer - Second.

261

262 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Ms. Dwyer.  
263 All in favor say aye...all opposed say nay. The motion carries.

264

265 The Planning Commission approved the transfer of approval request for POD-123-97, Graybar  
266 Electric at Highwoods Distribution Center – Laburnum Avenue from Highwoods/Forsyth  
267 Limited Partnership and Ila M. Adams to Highwoods/Forsyth Limited Partnership and JDW  
268 Investments.

269 **TRANSFER OF APPROVAL**

270

POD-30-99  
Summit Gayton  
Apartments

**The Breeden Company, Inc. for North Gayton Road Venture, LLLP:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Summit Properties to North Gayton Road Venture, LLLP. The 22.649 acre site is located on the east line of North Gayton Road Extended on part of parcel 36-A-45 and 36-A-43. The zoning is R-5C, General Residence District (Conditional) and R-6C, General Residence District (Conditional). **(Three Chopt)**

271

272 Mr. Wilhite - Staff recommends approval of this case.

273

274 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval request, POD-30-99, Summit Gayton Apartments? Seeing none, Mr. Taylor.

276

277 Mr. Taylor - Mr. Chairman, I move approval of transfer of approval POD-30-99, Summit Gayton Apartments from Summit Properties to North Gayton Road Venture, LLLP.

279

280 Mr. Vanarsdall- Second.

281

282 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
283 All in favor say aye...all opposed say nay. The motion carries.

284

285 The Planning Commission approved the transfer of approval request for POD-30-99, Summit  
286 Gayton Apartments from Summit Properties to North Gayton Road Venture, LLLP.

287

288 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

289

POD-56-01  
Ackley Avenue -  
Wilhook Building

**Bay Design Group, P. C. for Wilton Development:** 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 construct a one-story, 26,600 square foot office/warehouse. The 4.96 acre site is located on the eastern terminus of Ackley Avenue on part of parcel 61-A-75. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

290

291 Mr. Wilhite - The staff recommends approval of this plan.

292

293 Mr. Archer - Is there anyone in the audience in opposition to POD-56-01, Ackley  
294 Avenue and the lighting plan? Hearing none, I move approval of POD-56-01, Ackley Avenue  
295 - Wilhook Building, subject to the annotations on the plan and additional conditions No. 11B  
296 and Nos. 23 through 30.

297 Mr. Vanarsdall - Second.

298

299 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

300 All in favor of the motion say aye...opposed say nay. The motion carries.

301

302 The Planning Commission approved POD-56-01, Ackley Avenue – Wilhook Building, subject  
303 to the standard conditions attached to these minutes, the annotations on the plans and the  
304 following additional conditions.

305

306 11B. Prior to the approval of an electrical permit application and installation of the site lighting  
307 equipment, a plan including light spread and intensity diagrams, and fixture specifications  
308 and mounting heights details shall be revised as annotated on the staff plan and included  
309 with the construction plans for final signature.

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

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

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

317 26. Insurance Services Office (ISO) calculations must be included with the plans and  
318 approved by the Department of Public Utilities prior to the issuance of a building permit.

319 27. Approval of the construction plans by the Department of Public Works does not establish  
320 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
321 elevations will be set by Henrico County.

322 28. The proffers approved as a part of zoning case C-75C-99 shall be incorporated in this  
323 approval.

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

328 30. The certification of building permits, occupancy permits and change of occupancy permits  
329 for individual units shall be based on the number of parking spaces required for the  
330 proposed uses and the amount of parking available according to approved plans.

331

### 332 **PLAN OF DEVELOPMENT**

333

POD-63-01  
Mountain Road Wesleyan  
Church  
(POD-42-98 Expired)

**Balzer & Associates for Mountain Road Wesleyan Church  
and Norman Company, Inc.:** Request for approval of a plan  
of development as required by Chapter 24, Section 24-106 of  
the Henrico County Code to construct a one-story, 2,176  
square foot church. The 4.862 acre site is located at 3770  
Mountain Road on part of parcel 21-A-9A. The zoning is A-1,  
Agricultural District. County water and septic tank/drainfield.  
**(Brookland)**

334 Mr. Wilhite - The staff recommends approval to this plan.  
335  
336 Mr. Archer - Is there anyone in the audience in opposition to POD-63-01, Mountain  
337 Road Wesleyan Church (POD-42-98 Expired)? No opposition. Mr. Vanarsdall  
338  
339 Mr. Vanarsdall - I move POD-63-01, Mountain Road Wesleyan Church be approved with  
340 the annotations on the plans, the standard conditions for developments of this type, and then I  
341 would like to add Nos. 9 and 11 amended and Nos. 1A through 30.  
342  
343 Ms. Dwyer - Second.  
344  
345 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.  
346 All in favor of the motion say aye...opposed say nay. The motion carries.  
347  
348 The Planning Commission approved POD-63-01, Mountain Road Wesleyan Church (POD-42-  
349 98), subject to the standard conditions attached to these minutes, the annotations on the plans  
350 and the following additional conditions.  
351  
352 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
353 review and Planning Commission approval prior to the issuance of any occupancy  
354 permits.  
355 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
356 depictions of light spread and intensity diagrams, and fixture and specifications and  
357 mounting height details shall be submitted for Planning Office review and Planning  
358 Commission approval.  
359 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities  
360 for connections to public water. The well location shall be approved by the County Health  
361 Department before a building permit is issued. Connection shall be made to the public  
362 water system when available within 300 feet of the site/building.  
363 23. The right-of-way for widening of Mountain Road as shown on approved plans shall be  
364 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
365 dedication plat and any other required information shall be submitted to the County Real  
366 Property Agent at least sixty (60) days prior to requesting occupancy permits.  
367 24. The developer shall provide fire hydrants as required by the Department of Public  
368 Utilities and Division of Fire.  
369 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
370 form acceptable to the County Attorney prior to final approval of the construction plans.  
371 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
372 approved by the County Engineer prior to final approval of the construction plans by the  
373 Department of Public Works.  
374 27. Insurance Services Office (ISO) calculations must be included with the plans and  
375 approved by the Department of Public Utilities prior to the issuance of a building permit.  
376 28. Approval of the construction plans by the Department of Public Works does not establish  
377 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
378 elevations will be set by Henrico County.

379 29. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the  
380 Health Department have been met that insure the proposed septic tank drainfield system is  
381 suitable for this project prior to the issuance of a building permit.

382 30. The Health Department must be provided proof of recordation of a deed combining the  
383 two parcels to meet the Health Department's requirement for continued use of the existing  
384 drainfield on parcel 21-A-9A and provide a future drainfield on parcel 21-A-9.

385

### 386 **PLAN OF DEVELOPMENT**

387

POD-72-01

International Brotherhood  
Of Electrical Workers  
Office & Master Plan -  
E. Nine Mile Road

**Engineering Design Associates for DC Partners and IBEW:**  
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, 10,200 square foot office building and  
master plan. The 12.8 acre site is located on the north line of  
E. Nine Mile Road (State Route 33) approximately 500 feet  
east of N. Airport Drive on parcel ~~256-A-36A~~ 156-A-36A and  
part of 37. The zoning is B-3, Business District and B-3C,  
Business District (Conditional). County water and sewer.  
**(Varina)**

388

389 Mr. Wilhite - The staff recommends approval to this plan. There is an added condition  
390 on page 2 of your addendum that deals with ingress/egress to an adjacent parcel.

391

392 Mr. Archer - Is there anyone in the audience in opposition to POD-72-01,  
393 International Brotherhood of Electrical Workers Office & Master Plan? No opposition. Mr.  
394 Jernigan.

395

396 Mr. Jernigan - Mr. Chairman, I make a motion to approve POD-72-01, International  
397 Brotherhood of Electrical Workers Office and Master Plan, subject to the annotations on the  
398 plan, the standard conditions for developments of this type and the additional conditions Nos.  
399 23 through 30 and No. 31 on the addendum.

400

401 Mr. Taylor - Second.

402

403 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Taylor. All  
404 in favor of the motion say aye...opposed say nay. The motion carries.

405

406 The Planning Commission approved POD-72-01, International Brotherhood of Electrical  
407 Workers Office and Master Plan - E. Nine Mile Road, subject to the standard conditions  
408 attached to these minutes, the annotations on the plans and the following additional conditions.

409

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

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

- 414 plans.
- 415 25. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 416 approved by the County Engineer prior to final approval of the construction plans by  
 417 the Department of Public Works.
- 418 26. Insurance Services Office (ISO) calculations must be included with the plans and  
 419 approved by the Department of Public Utilities prior to the issuance of a building  
 420 permit.
- 421 27. Approval of the construction plans by the Department of Public Works does not  
 422 establish the curb and gutter elevations along the Henrico County maintained right-of-  
 423 way. The elevations will be set by Henrico County.
- 424 28. Approval of the construction plans by the Department of Public Works does not  
 425 establish the curb and gutter elevations along the Virginia Department of Transportation  
 426 maintained right-of-way. The elevations will be set by the contractor and approved by  
 427 the Virginia Department of Transportation.
- 428 29. The entrances and drainage facilities on Nine Mile Road (State Route 33) shall be  
 429 approved by the Virginia Department of Transportation and the County.
- 430 30. A notice of completion form, certifying that the requirements of the Virginia  
 431 Department of Transportation entrances permit have been completed, shall be submitted  
 432 to the Planning Office prior to any occupancy permits being issued.
- 433 31. Should parcel 156-A-37 be sold, that parcel shall be provided proper ingress/egress to  
 434 Nine Mile Road.

435  
 436 **SUBDIVISION**

437

<p>Landmark Road          (Dedication of a 300-foot          portion of Landmark Road )          (September 2001 Plan)</p>	<p><b>Jordan Consulting Engineers, P.C. for Wawa, Inc.:</b> The          0.445 acre site is located at the northern terminus of Landmark          Road approximately 450 feet north of its intersection with E.          Parham Road on part of parcel 61-A-67. The zoning is M-1,          Light Industrial District. County water and sewer.  <b>(Brookland) 0 Lots</b></p>
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- 438
- 439 Mr. Wilhite - The staff recommends approval to this plan.
- 440
- 441 Mr. Archer - Is there anyone in the audience in opposition to subdivision Landmark  
 442 Road? No opposition. Mr. Vanarsdall.
- 443
- 444 Mr. Vanarsdall - I move Landmark Road (Dedication of a 300-foot portion of Landmark  
 445 Road) to be approved with the standard conditions of this type and the annotations on the plan.
- 446
- 447 Mr. Taylor - Second.
- 448
- 449 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
 450 All in favor of the motion say aye...opposed say nay. The motion carries.

451 The Planning Commission granted conditional approval to subdivision Landmark Road  
452 (Dedication of a 300-foot portion of Landmark Road) (September 2001 Plan) subject to the  
453 standard conditions for subdivision served by public utilities and the annotations on the plan.

454

455 **PLAN OF DEVELOPMENT**

456

POD-61-01  
Chamberlayne Commons  
Office/Warehouse -  
Chamberlayne Avenue

**Michael E. Doczi & Associates, PLLC and Gregor-Sparks, LLC:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct three, two-story, 2,000 square foot office/buildings. The 4.066 acre site is located at 5506 and 5512 Chamberlayne Avenue on parcels 84-A-11A and 14. The zoning B-2, Business District. County water and sewer. **(Fairfield)**

457

458 Mr. Wilhite - The staff recommends approval to this plan. There is an addendum item  
459 on page 3. It deals with a revised caption and also an added condition. The added condition  
460 requires that future phases of the master plan will be approved by the Planning Commission  
461 instead of administratively.

462

463 Mr. Archer - Is there anyone in the audience in opposition to POD-61-01,  
464 Chamberlayne Commons Office? No opposition. I move approval of POD-61-01,  
465 Chamberlayne Commons, subject to the standard conditions, the annotations on the plan,  
466 additional conditions Nos. 23 through 29 with the revised No. 29 being on this morning's  
467 addendum.

468

469 Mr. Jernigan - Second.

470

471 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Jernigan.  
472 All in favor of the motion say aye...opposed say nay. The motion carries.

473

474 The Planning Commission approved POD-61-01, Chamberlayne Commons Office -  
475 Chamberlayne Avenue, subject to the standard conditions attached to these minutes, the  
476 annotations on the plans and the following additional conditions.

477

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

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

485 25. Outside storage shall not be permitted.

- 486 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
487 approved by the County Engineer prior to final approval of the construction plans by the  
488 Department of Public Works.
- 489 27. Insurance Services Office (ISO) calculations must be included with the plans and  
490 approved by the Department of Public Utilities prior to the issuance of a building permit.
- 491 28. Approval of the construction plans by the Department of Public Works does not establish  
492 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
493 elevations will be set by Henrico County.
- 494 29. The conceptual master plan, as submitted with this application, is for planning and  
495 information purposes only. All subsequent detailed plans of development and  
496 construction plans needed to implement this conceptual plan shall be reviewed and  
497 approved by the Planning Commission and shall be subject to all regulations in effect at  
498 the time such subsequent plans are submitted for review/approval.

499

## 500 **PLAN OF DEVELOPMENT**

501

POD-67-01

Hollybrook Townhouses -  
St. Claire Lane

**Balzer & Associates, Inc. for Marvin Cole and Coelletly  
Gelletly & Associates Inc.:** Request for approval of a plan of  
development, as required by Chapter 24, Section 24-106 of the  
Henrico County Code to construct 62, two-story, 1,280 square  
foot residential townhouse units. The 6.934 acre site is located  
1,000 feet east of Mechanicsville Turnpike (U.S. Route 360) at  
the eastern terminus of St. Claire on parcel 139-A-10. The  
zoning is RTH, Residential Townhouse District. County water  
and sewer. **(Fairfield)**

502

503 Mr. Wilhite - The staff recommends approval to this plan. There is an addendum item  
504 on page 3 with a revised caption.

505

506 Mr. Archer - Is there anyone in the audience in opposition to POD-67-01, Hollybrook  
507 Townhouses? No opposition. I move approval of POD-67-01, Hollybrook Townhouses - St.  
508 Claire Lane, subject to the standard conditions, the annotations on the plan and Nos. 23  
509 through 32.

510

511 Mr. Vanarsdall - Second.

512

513 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
514 All in favor of the motion say aye...opposed say nay. The motion carries.

515

516 The Planning Commission approved POD-67-01, Hollybrook Townhouses - St. Claire Lane,  
517 subject to the standard conditions attached to these minutes, the annotations on the plans and  
518 the following additional conditions.

519

520 23. The subdivision plat for Hollybrook Townhouses shall be recorded before any building  
521 permits are issued.

- 522 24. The right-of-way for widening of Holly Street as shown on approved plans shall be  
523 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
524 dedication plat and any other required information shall be submitted to the County Real  
525 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 526 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
527 the County in a form acceptable to the County Attorney prior to any occupancy permits  
528 being issued. The easement plats and any other required information shall be submitted  
529 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
530 permits.
- 531 26. The developer shall provide fire hydrants as required by the Department of Public  
532 Utilities and Division of Fire.
- 533 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
534 form acceptable to the County Attorney prior to final approval of the construction plans.
- 535 28. Prior to issuance of a building permit, the developer must furnish a letter from Dominion  
536 Virginia Power stating that this proposed development does not conflict with their  
537 facilities.
- 538 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
539 approved by the County Engineer prior to final approval of the construction plans by the  
540 Department of Public Works.
- 541 30. The pavement shall be of a SM-2A type and shall be constructed in accordance with  
542 County standard and specifications. The developer shall post a defect bond for all  
543 pavement with the Planning Office - the exact type, amount and implementation shall be  
544 determined by the Director of Planning, to protect the interest of the members of the  
545 Homeowners Association. The bond shall become effective as of the date that the  
546 Homeowners Association assumes responsibility for the common areas.
- 547 31. Insurance Services Office (ISO) calculations must be included with the plans and  
548 approved by the Department of Public Utilities prior to the issuance of a building permit.
- 549 32. Approval of the construction plans by the Department of Public Works does not establish  
550 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
551 elevations will be set by Henrico County.

552

553 **SUBDIVISION**

554

Old Oakland  
(September 2001 Plan)

**Resource International, LTD for Clara Ingram Trust and  
FDS Management:** The 12.70 acre site is located on Old  
Oakland Road approximately one mile from New Market Road  
(State Route 5) on part of parcel 192-A-5. The zoning is R-3C,  
One-Family Residence District (Conditional). County water  
and sewer. **(Varina) 31 Lots**

555

556 Mr. Wilhite - The staff recommends approval of this subdivision plan.

557

558 Mr. Archer - Is there anyone in the audience in opposition to this subdivision Old  
559 Oakland (September 2001 Plan)? No opposition. Mr. Jernigan.

560

561 Mr. Jernigan - Mr. Chairman, I'd like to approve subdivision Old Oakland subject to  
562 the annotations on the plans, the standard conditions for subdivisions served by public utilities  
563 and the following additional condition No. 12.

564

565 Mr. Vanarsdall - Second.

566

567 Mr. Archer - The motion was made Mr. Jernigan and seconded by Mr. Vanarsdall.  
568 All in favor of the motion say aye...all opposed say nay. The motion carries.

569

570 The Planning Commission granted conditional approval to subdivision Old Oakland  
571 (September 2001 Plan) subject to the standard conditions attached to these minutes for  
572 subdivisions served by public utilities and the following additional condition.

573

574 12. The proffers approved as part of zoning case C-20C-01 shall be incorporated in this  
575 approval.

576

577 **REVISED PLAN OF DEVELOPMENT & REVISED LANDSCAPE PLAN**

578 **(Deferred from the July 25, 2001, Meeting)**

579

POD-85-97

Lowes @ Short Pump -  
Pouncey Tract Road

**McKinney & Company for Lowe's Home Centers Inc.:**  
Request for approval of a revised plan of development for  
approval of an outdoors sales area and a revised landscape plan,  
as required by Chapter 24, Sections 24-106, 24-62.1(i) and 24-  
106.2 of the Henrico County Code. The 16.21 acre site is  
located at the southeast corner of Interstate 64 and Pouncey  
Tract Road on part of parcel 36-A-18-G. The zoning is B-3C,  
Business District (Conditional) and WBSO (W. Broad Street  
Overlay) District. County water and sewer. **(Three Chopt)**

580

581 Mr. Wilhite - The staff recommends approval and there is an addendum on Page 5,  
582 which deals with added conditions Nos. 6 through 11.

583

584 Mr. Archer - Is there anyone in the audience in opposition to POD-85-97, Lowes @  
585 Short Pump? No opposition. Mr. Taylor.

586

587 Mr. Taylor - Mr. Chairman, I'll move for approval of POD-85-97, Lowes @ Short  
588 Pump, Pouncey Tract Road, subject to the annotations on the plans, the standard conditions for  
589 landscape plans and additional conditions Nos. 6, 7, 8, 9, 10 and 11.

590

591 Mr. Vanarsdall - Second.

592

593 Mr. Archer - The motion was made Mr. Taylor and seconded by Mr. Vanarsdall. All  
594 in favor of the motion say aye...all opposed say nay. The motion carries.

595

596 The Planning Commission approved POD-85-97, Lowes @ Short Pump - Pouncey Tract

597 Road, subject to the standard conditions for developments of this type, the annotations on the  
598 plans and the following additional conditions.

599

600

- 601 6. Merchandising Display Area #1 is to be used for display of landscape items (i.e.  
602 outdoor furniture, retaining wall and other masonry material, plant material).
- 603 7. Merchandising Display Area #2 is to be used for display of lawn mowers and  
604 accessories, grills and other seasonal machinery of a similar scale. (Delete  
605 reference to Shed Display on Sheet LP-3).
- 606 8. Demonstration Display Garden as shown is optional.
- 607 9. Storage Building Display to remain at the southwest corner of the building.
- 608 10. Remove existing hedge as shown on Pouncey Tract Road. Replace with a mix of  
609 30" Wax Myrtle, 6-8' Cryptomeria and 6-8' Leyland Cypress.
- 610 11. Ornamental fencing at southeast corner of the building shall be required only if  
611 merchandise is to be displayed under canopy. Should the fence be erected, potted  
612 plants shall be provided in front of the fence.

613

614 **LANDSCAPE & LIGHTING PLAN (Deferred from the July 25, 2001, Meeting)**

615

LP/POD-42-00

Springfield Commons -  
Springfield Road

**Higgins Gerstenmaier:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 4.3 acre site is located along the west line of Springfield Road (State Route 157) approximately 900 feet north of W. Broad Street (U.S. Route 250) on parcel 48-A-23B. The zoning is O-2C, Office District (Conditional). **(Three Chopt)**

616

617 Mr. Wilhite - On page 6 of your addendum there is a revised recommendation  
618 recommending approval of this landscape and lighting plan. The staff recommends approval.

619

620 Mr. Archer - Is there anyone in the audience in opposition to the landscape and  
621 lighting plan for LP/POD-42-00, Springfield Commons? No opposition. Mr. Taylor.

622

623 Mr. Taylor - Mr. Chairman, I will move approval of landscape and lighting plan  
624 LP/POD-42-00, Springfield Commons, on Springfield Road.

625

626 Mr. Vanarsdall - Second.

627

628 Mr. Archer - The motion was made Mr. Taylor and seconded by Mr. Vanarsdall. All  
629 in favor of the motion say aye...all opposed say nay. The motion carries.

630

631 The Planning Commission approved landscape and lighting plan for LP/POD-42-00,  
632 Springfield Commons – Springfield Road, subject to the standard conditions attached to these  
633 minutes for landscape and lighting plans and the annotations on the plan.

634

635 **LANDSCAPE PLAN**

636

LP/POD-50-00  
Shady Grove Animal Clinic

**West End Veterinary Associates:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24.106.2 of the Henrico County Code. The .55 acre site is located along the south line of Old Nuckols Road, approximately 550 feet west of Nuckols Road, on part of parcel 18-A-22E. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

637

638 Mr. Wilhite - On page 6 of your addendum there is a revised recommendation  
639 recommending approval of this landscape plan there is also a revised staff plan that you should  
640 have gotten in your packet. The staff recommends approval.

641

642 Mr. Archer - Is there anyone in the audience in opposition to this landscape plan  
643 LP/POD-50-00, Shady Grove Animal Clinic? No opposition. Mr. Taylor.

644

645 Mr. Taylor - Mr. Chairman, I move approval of LP/POD-50-00, Shady Grove Animal  
646 Clinic, subject to the standard conditions for landscape plans and the annotations on the plan.

647

648 Mr. Vanarsdall - Second.

649

650 Mr. Archer - The motion was made Mr. Taylor and seconded by Mr. Vanarsdall. All  
651 in favor of the motion say aye...all opposed say nay. The motion carries.

652

653 The Planning Commission approved the landscape plan for LP/POD-50-00, Shady Grove  
654 Animal Clinic, subject to the annotations on the plan and the standard conditions attached to  
655 these minutes for landscape plans.

656

657 **SUBDIVISION**

658

Belle's Landing  
(September 2001 Plan)

**Youngblood, Tyler & Associates, P. C. for Annie B. Gordon and West End Developers, LLC:** The 5.55 acre site is located on the north line of Church Road approximately 200 feet west of Abbey Lane on parcel 56-A-4 and 56-1-A-1. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 12 Lots**

659

660 Mr. Wilhite - On page 8 of your addendum there is a revised recommendation  
661 recommending approval of this plan and there is a revised staff plan as well. The staff  
662 recommends approval.

663

664 Mr. Archer - Is there anyone in the audience in opposition to subdivision Belle's  
665 Landing? No opposition. Mr. Taylor.

666 Mr. Taylor - Mr. Chairman, I move approval, subdivision for Belle's Landing

667 (September 2001 Plan) subject to the standard conditions for subdivisions served by public  
668 utilities, additional conditions Nos. 12, 13, and 14, and the annotations on the plans.

669

670 Mr. Vanarsdall - Second.

671

672 Mr. Archer - The motion was made Mr. Taylor and seconded by Mr. Vanarsdall. All  
673 in favor of the motion say aye...all opposed say nay. The motion carries.

674

675 The Planning Commission granted conditional approval to subdivision Belle's Landing, subject  
676 to the standard conditions for subdivisions served by public utilities, the annotations on the  
677 plans and the following additional conditions.

678

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

682 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
683 construction plan by the Department of Public Works.

684 14. The proffers approved as part of zoning case C-7C-01 shall be incorporated in this  
685 approval.

686

687 Mr. Wilhite - Mr. Chairman, the remaining six items that we have on the agenda all  
688 appear on the 10 o'clock portion. If you would like I could read those off.

689

690 Mr. Archer - I think that would be helpful. Those of you who are in attendance, the  
691 items that are on the 10 o'clock agenda, of course, can't be called until after 10 o'clock  
692 agenda. It is likely that they will be approved but we can't guarantee that because we don't  
693 know if there will be any opposition or not. Go ahead, Mr. Wilhite.

694

695 Mr. Wilhite - The remaining items to be heard on the 10 o'clock Expedited Agenda are  
696 the following: POD-58-01 Primrose School @ Twin Hickory, POD-62-01 Trinity United  
697 Methodist Church, POD-64-01 St. Mary's Ortho/Rehab Building Addition, POD-66-01 9001  
698 Brook Road Storage Lot, POD-68-01 Andover Hills, Section B (Zero Lot Lines) and POD-71-  
699 01, Stanovick Office Building.

700

701 Mr. Archer - All right. Thank you, sir. Mr. Secretary, I think the Commission could  
702 use about a minute just to reshuffle some papers.

703

704 Mr. Marlles - That's fine.

705

706 Mr. Vanarsdall - Mr. Chairman, I have something while we are doing that.

707

708 Mr. Archer - Go ahead, would you please.

709

710 Mr. Vanarsdall - Mr. Secretary, I want to compliment whoever thought of the idea to put  
711 "See Addendum" on the item. That really is helpful. Some of them were left off, probably in

712 the last minutes but, it really is helpful, and it will make us go to the addendum.

713

714 Mr. Archer - Thank you, Mr. Vanarsdall. All right. Let's move along. I couldn't  
715 figure this out even if I stopped to do it.

716

717 Mr. Marlles - Mr. Chairman, the next item on the agenda are the subdivision  
718 extensions of conditional approval. This first set of subdivisions are presented to the  
719 Commission for information purposes only and I will ask Mr. Wilhite to present those.

720

721 Mr. Archer - All right, Mr. Wilhite.

722

723 **(FOR INFORMATIONAL PURPOSE ONLY)**

724

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Olde Colony Estates (August 2000 Plan)</b>	<b>Varina</b>	<b>135</b>	<b>75</b>	<b>0</b>	<b>1 Year 8/28/01</b>
<b>Osborne Acres (August 1999 Plan)</b>	<b>Varina</b>	<b>17</b>	<b>17</b>	<b>1</b>	<b>1 Year 8/28/01</b>
<b>Pine Creek (August 2000 Plan)</b>	<b>Varina</b>	<b>50</b>	<b>50</b>	<b>0</b>	<b>1 Year 8/28/01</b>
<b>The Ponds @ Dandridge Farms (August 1999 Plan) (Formerly Olde Mill Pond)</b>	<b>Three Chopt</b>	<b>44</b>	<b>44</b>	<b>1</b>	<b>1 Year 8/28/01</b>
<b>The Townes @ Crossridge (September 2000 Plan)</b>	<b>Brookland</b>	<b>177</b>	<b>107</b>	<b>0</b>	<b>1 Year 9/25/02</b>

725

726 Mr. Wilhite - Mr. Chairman, I will be happy to answer any questions that you may  
727 have on those five listed for administrative extension.

728

729 Mr. Archer - Are there any questions by the Commission on the five for administrative  
730 extension? Then I suppose we have been informed.

731

732 Mr. Marlles - Mr. Chairman, the next item is also under subdivision extension of  
733 conditional approval. This particular request does require Planning Commission approval.

734

735

736 **FOR PLANNING COMMISSION APPROVAL**

737

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Eddleton Estates (August 1996 Plan)</b>	<b>Brookland</b>	<b>10</b>	<b>5</b>	<b>4</b>	

738

739 Mr. Wilhite - Mr. Chairman, Eddleton Estates (August 1996 Plan) was on your July  
 740 agenda and it was extended by the Planning Commission for two months. It's a five-lot  
 741 subdivision that is on a proposed cul-de-sac. This expired because the access to this  
 742 subdivision was through adjacent property, which had an approved subdivision plan on it.  
 743 That subdivision plan expired as well and we have not received any formal submittal yet on  
 744 that adjacent property. I did receive from the engineer yesterday afternoon a sketch plan  
 745 showing the possible future layout of the subdivision on the adjacent property and have been  
 746 notified that they will be filing for conditional approval with the next filing deadline. Taking a  
 747 look at the sketch plan it appears that possibly that these two properties have been combined  
 748 and maybe question why the extension may be necessary, which I think should be addressed by  
 749 the applicant.

750

751 Mr. Vanarsdall - So, you are not recommending approval this morning?

752

753 Mr. Wilhite - With the layout that was shown on there, it looks like an extension may  
 754 not be necessary because it appears to be combining the two parcels together. I would like to  
 755 point out that there were five lots approved in this subdivision all on the cul-de-sac. One of  
 756 those is a stem-shape flag lot that would not meet the current ordinance requirements. And  
 757 taking a glance at the original layout, I'm not sure that they would be able to rearrange the lot  
 758 lines in such a manner to retain five lots. They will possibly lose a lot if we went by the new  
 759 standards.

760

761 Mr. Archer - All right, Mr. Vanarsdall, would you like to hear from the applicant?

762

763 Mr. Vanarsdall - Yes, sir.

764

765 Mr. Archer - Would the applicant come forward?

766

767 Mr. Vanarsdall - I don't think we should approve it unless there is some reason to approve  
 768 it, or it's worked out.

769

770 Mr. Rubis - Good morning. My name is Dr. Paul Rubis and I'm the owner of the  
 771 property. Andy Kestner couldn't be here today and he asked me to come and answer any  
 772 questions. I have that layout if you would like to project it to show. This subdivision before  
 773 you was a part of the overall plan for these small parcels of land along Springfield Road and  
 774 along the proposed realignment of Springfield Road, which is at the bottom of the screen.  
 775 When we originally negotiated with the planners and the County for the rezoning it required

776 for us to give those two acres of land to the County and that's what created this cul-de-sac.  
777 The cul-de-sac wouldn't have been needed were it not for the fact we that we gave the land to  
778 the County. Since then the rules have also changed minor variations that hasn't cost us any lot  
779 yield including buffers to the wetlands and realigning the roads because of the access in the  
780 other neighborhoods to try to align with the different proposed neighborhoods in the area.  
781 Which brings us to this date. Without the renewal then we would lose a lot which revisits the  
782 issue of donating the land and Andy said the best thing to do is to just go ahead and ask for the  
783 renewal. He's ready to submit it so that we don't have to go through all of this process again.  
784 And I don't know what that all entails but the bottom line is that, based on the original  
785 agreement in 1997, we would have these certain lot yields and based on the present rules we  
786 would lose a lot and without this extension we would lose that one lot, lot 12 which is the  
787 largest lot in the subdivision.

788

789 Mr. Archer - All right. Are there any questions by the Commission?

790

791 Mr. Vanarsdall - I have a question for Mr. Wilhite. It's before us for a conditional  
792 extension and we've deferred it two months before for this to be worked out. I want a  
793 recommendation from you. I don't think we should approve an extension today.

794

795 Mr. Wilhite - Well we expected this revised plan to have been filed prior to this time.

796

797 Mr. Vanarsdall - That's what you told me when we talked about it.

798

799 Mr. Wilhite - Right. Staff would have to take a look at all of the lots within this  
800 proposed development. It's possible that they may be able to shift lot lines on both these  
801 parcels and maintain the lot. But, it would take a more detailed review then we can do at this  
802 point.

803

804 Mr. Vanarsdall - Well, how long is this extension for this morning?

805

806 Mr. Wilhite - The extension is completely up to the Planning Commission. You can  
807 extend it for as long of a period you want to do it.

808

809 Mr. Rubis - Andy said he would have it in two weeks to file. He had asked for 30  
810 days.

811

812 Mr. Vanarsdall - If the rest of the Commission doesn't have any problem with it, I extend  
813 it for 30 days until it is worked out.

814

815 Mr. Kevin - I might suggest, Sir, that you might want to extend it for possibly 90  
816 days to allow us to review the conditional subdivision and possibly get it to the Planning  
817 Commission with approval with the new layout.

818

819 Mr. Vanarsdall - Thank you. Mr. Chairman, I move that subdivision Eddleton Estates  
820 (August 1996 Plan) be extended for 90 days.

821 Mr. Taylor - Second.

822

823 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.

824 All in favor say aye...all opposed say nay.

825

826 Mr. Wilhite - That would be the December 19, 2001, meeting when it will come back  
827 to you again.

828

829 Mr. Vanarsdall - Extend it to the December 19 meeting.

830

831 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.

832 All in favor say aye...all opposed say nay.

833

834 The Planning Commission extended Eddleton Estates (August 1996 Plan) to its December 19,  
835 2001, meeting.

836

837 **ALTERNATIVE FENCE HEIGHT PLAN**

838

POD-7-76 Huntington Village Apartments (Formerly Westminister Commons Apartments) (POD-38-73 and POD-40-74 Revised)	<b>Morton G. Thalhimer, Inc. for SLSM, LLC:</b> Request for approval of an alternative fence height, as required by Chapter 24, Section 24-95.(1.)(6)b of the Henrico County Code, to construct a five-foot aluminum coated fence. The 21.83 acre site is located at the northeast corner of U.S. Route 301 and Crenshaw Road Extended on parcel 84-A-25. The zoning is R-5, One-Family Residence District and R-6, General Residence District. <b>(Fairfield)</b>
---	--

839

840 Mr. Archer - Is there anyone in the audience in opposition to POD-7-76, Huntington  
841 Village Apartments, alternative fence? No opposition. Ms. Goggin, good morning.

842

843 Ms. Goggin - Good morning. This request is to construct a five-foot control access  
844 fence in the front yard of an R-6 District. Right now the County ordinance requires approval  
845 by the Planning Commission to have a metal, iron, or any kind of fence or vegetative hedge  
846 taller than three and a half feet within the front yard of the zoning classification. This request  
847 in front of you today is a part of an on-going rehabilitation and beautification effort by the new  
848 owners of Huntington Village Apartments. This effort also includes installing of new  
849 landscaping and lighting and exterior building renovations. Staff recommends approval of this  
850 request subject to the original conditions of POD-7-76, the annotations on the plan and the  
851 following additional conditions Nos. 1 through 5.

852

853 Mr. Archer - Are there any questions for Ms. Goggin from the Commission members?

854

855 Mr. Kaechele - Mr. Chairman, a minor technically here, that probably should be coated  
856 aluminum and not aluminum coated.

857

858 Mr. Archer - Good observation, Mr. Kaechele. We will need to correct that to say  
859 coated aluminum instead of aluminum coated. Are there any other observations from the  
860 Commission? I do like this condition that says "All fences on the site shall be continuously  
861 and properly maintained in good repair by owners/managers of the site." I like that. We  
862 should put that on all of our fence cases. If there are no further questions.... I don't think we  
863 need to hear from the applicant. I will move approval of this alternative fence height plan  
864 POD-7-76 subject to the original conditions of POD-7-76, the annotations on the plans and the  
865 five additional conditions shown on this agenda.

866

867 Mr. Jernigan - Second.

868

869 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Jernigan.  
870 All in favor of the motion say aye...all opposed say nay. The motion carries.

871

872 The Planning Commission approved the alternative fence height plan for POD-7-76,  
873 Huntington Village Apartments (Formerly Westminster Commons Apartments) (POD-38-73  
874 and POD-40-74 Revised) subject to the conditions originally approved and the following  
875 additional conditions.

876

877 1. Proper permits will be obtained prior to construction of the proposed fences.

878 2. The Owner or the Owner's contractor shall contact the County Fire Marshall prior to  
879 completion of the fence installation, to test and inspect the operation of the gates.

880 3. All fences on the site shall be continuously and properly maintained in good repair by  
881 owners/managers of the site.

882 4. Trash and debris will not be allowed to accumulate along the fence.

883 5. Maintenance agreements must be provided where the proposed fence is located within any  
884 existing or proposed easements.

885

#### 886 **TRANSFER OF APPROVAL**

887

POD-14-83

Chewning & Wilmer, Inc.  
(Formerly Federal Express  
City Station)

**Charles P. "Jed" Wilson for Chewning & Wilmer, Inc.:**  
Request for approval of a transfer of approval, as required by  
Chapter 24, Section 24-106 of the Henrico County Code, from  
W. S. Carter, Jr. and W. L. Carter Partnership to Partners,  
LLC. The 1.846 acre site is located along the western line of  
Mechanicsville Turnpike (U.S. Route 360) approximately 230  
feet north of Barlow Street at 2508 Mechanicsville Turnpike on  
parcel 139-1-Q-1. The zoning is M-2, General Industrial  
District. **(Fairfield)**

888

889 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval  
890 request, POD-14-98, Chewning & Wilmer, Inc.? No opposition. All right. Mr. McGarry.

891

892 Mr. McGarry - Good morning, Mr. Chairman. The site inspection for compliance with  
893 the conditions of the original plan of development, have been reviewed and a few minor

894 discrepancies have been found. The new owner, Chewning & Wilmer, will agree to continue  
895 to accept the responsibilities for the original approval. And has agreed to correct the  
896 deficiencies by November 1, 2001. He thought he could have it done by October 1 and he is  
897 now asking for November 1, 2001, which is a change from what's in your recommendation.  
898 So, staff can recommend approval of this transfer request.

899

900 Mr. Archer - All right. Are there any questions or comments from the Commission?  
901 No comments, then I move approval of this transfer subject to staff's report and conditions as  
902 noted.

903

904 Ms. Dwyer - Second.

905

906 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All  
907 in favor of this motion say aye...all opposed say nay. The motion carries.

908

909 The Planning Commission approved the transfer of approval request for POD-14-83,  
910 Chewning & Wilmer, Inc. (Formerly Federal Express City Station) from W. S. Carter, Jr. and  
911 W. L. Carter Partnership to Partners, LLC.

912

### 913 **SUBDIVISION**

914

Woodman Trace  
(September 2001 Plan)

**Balzer & Associates, Inc. for J. W. & K. M. Atkinson,  
Richmond Steel and Aspect Properties:** The 11.729 acre site  
is located between the west line of Woodman Road and the east  
line of Winston Boulevard approximately 500 feet north of the  
intersection of Woodman Road and Blackburn Road on parcels  
41-3-F-44, 41-3-F-28 and 41-3-F-27C. The zoning is R-3,  
One-Family Residence District. County water and sewer.  
**(Fairfield) 27 Lots**

915

916 Mr. Archer - Is there anyone in the audience in opposition subdivision Woodman  
917 Trace (September 2001 Plan)? No opposition, Ms. News.

918

919 Ms. News - The revised plan being distributed addresses all of staff's comments and  
920 recommendation including provision of a stub road and redesign of several lots. At staff's  
921 request, the applicant agrees to further revise the plan after the deadline, which resulted in  
922 additional improvement to the design of the lots. It will be necessary to waive the time limits  
923 for the final changes, which are included in the plan before you. Staff recommends approval  
924 of the revised plan No. 2 subject to the standard conditions for subdivisions served by public  
925 utilities and the additional condition in your agenda. I'll be happy to answer any questions you  
926 may have.

927

928 Mr. Archer - Thank you, Ms. News. Ms. News, so nothing has changed since you  
929 and I talked yesterday? Is that correct?

930

931 Ms. News - That's correct.

932

933 Mr. Archer - Are there any questions or comments from the Commission? All right.  
934 I don't think we need to hear from the applicant. I will move to accept the revised plan as  
935 submitted today.

936

937 Mr. Vanarsdall - Second.

938

939 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
940 All in favor of this motion say aye...all opposed say nay. The motion carries.

941

942 The Planning Commission approved to waive the time limit on the revised plan for Woodman  
943 Trace (September 2001 Plan).

944

945 Mr. Archer - Then I move for approval of subdivision Woodman Trace subject to  
946 staff's recommendations, the standard conditions for subdivisions served by public utilities and  
947 additional condition No. 12 as noted on the agenda.

948

949 Mr. Vanarsdall - Second.

950

951 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
952 All in favor of this motion say aye...all opposed say nay. The motion carries.

953

954 The Planning Commission granted conditional approval to subdivision Woodman Trace  
955 (September 2001 Plan) subject to the standard conditions attached to these minutes for  
956 subdivisions served by public utilities, the annotations on the plan and the following additional  
957 condition.

958

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

962

963

964 **DURING THIS NEXT CASE JOHN MARLLES LEAVES AND RANDY SILBER**  
965 **TAKES OVER AS SECRETARY.**

966

967 **PLAN OF DEVELOPMENT (Deferred from the September 13, 2001, Meeting)**

968

POD-42-01

Spring Oak Retail -

W. Broad Street and Spring  
Oak Drive

**Balzer & Associates, Inc. for HHHunt Corporation and WSG Development Company:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, ~~5,780~~ 5,200 square foot retail facility. The 0.71 acre site is located at the southeast corner of W. Broad Street (U.S. Route 250) and Spring Oak Drive at 11591 W. Broad Street on parcel 36-A-51. The zoning is B-1C, Business District (Conditional) and WBSO (West Broad Street Overlay District). County water and sewer.  
**(Three Chopt)**

969

970 Mr. Archer - All right. Is there anyone present in opposition to POD-42-01, Spring  
971 Oak Retail? No opposition. Ms. Goggin.

972

973 Ms. Goggin - The plan just being handed out to you this morning is the third revised  
974 staff plan for this project. It is for a 5,200 square foot retail building at the southeast corner of  
975 Spring Oak Drive and Broad Street. Staff has worked diligently with the applicant to insure  
976 that a quality development that is comprehensive in scope is before us today. The applicant  
977 has agreed to provide easements for utilities and stormwater management as necessary to serve  
978 adjacent property owners. This cooperation is further continued with the applicant agreeing to  
979 provide a brick wall versus a board on board fence along the southern property line. This  
980 would provide continuity with the existing development in the immediate area with the Crown  
981 Station across the street and I believe its First Union Bank approved just down the road a bit.  
982 Staff recommends approval of the annotated plan, the standard conditions, and additional  
983 conditions Nos. 26(sic) through 27. I'll be happy to answer any question that the Commission  
984 may have. The applicant's attorney and engineer are here if you have any questions of them.

985

986 Mr. Archer - Thank you, Ms. Goggin. Are there any questions or comments by the  
987 Commission?

988

989 Ms. Dwyer - Isn't this the case in which there was some controversy between this  
990 property and the adjacent property owner over access?

991

992 Ms. Goggin - There is a little bit of an issue of that, but I think they have agreed to  
993 disagree on that. Right now we are working with the adjacent property owner, this applicant,  
994 and other adjacent property owners in the area to make sure that all necessary easements are in  
995 place.

996

997 Mr. Kaechele - I guess we are approving a combination of the third and second  
998 revisions, is that right?

999

1000 Ms. Goggin - Yes, sir. The third revised staff plan has a staff annotation on it that  
1001 says "See additional staff comments on second revised staff plan." So, both of those would be

1002 in the file.

1003

1004 Mr. Kaechele - The building and the parking the same on the second and third revisions?

1005

1006 Ms. Goggin - The second revised staff plan is about 400 square feet larger than the one  
1007 in front of you today. The reduction allowed them to just get rid of two parking spaces that  
1008 would otherwise be required. So, they have made the building a little bit smaller, they moved  
1009 the entrance farther to the south to help align with the Crown Petroleum Station across the  
1010 street and still provided a dumpster and a loading space.

1011

1012 Mr. Kaechele - But, the fence is in the right-of-ways and so forth on revision two or....

1013

1014 Ms. Goggin - I'm sorry, sir.

1015

1016 Mr. Kaechele - I said the right-of-ways and fences and things on revision two are a part  
1017 of three.

1018

1019 Ms. Goggin - Yes, sir. This was turned in by the applicant at the last minute which is  
1020 going to require a time wavier from the Commission. It was turned in at the last minute to  
1021 address traffic engineering comments.

1022

1023 Mr. Taylor - Ms. Goggin, that time limit only relates to the parking changes on this  
1024 sheet.

1025

1026 Ms. Goggin - Well, the building is smaller, the driveway was moved farther south,  
1027 so....

1028

1029 Mr. Taylor - And that's all reflected on the plan, so we can do that just with one. The  
1030 other thing is, in your description, you mentioned conditions starting at No. 26 through 37 and  
1031 in the staff report its Nos. 23 through 37.

1032

1033 Ms. Goggin - I'm sorry. I meant to say Nos. 23 through 37. I apologize.

1034

1035 Ms. Dwyer - Ms. Goggin, I guess I'm not real clear on your answer to my earlier  
1036 question. It looks like this has been designed so that access could be provided to the adjacent  
1037 property if the parties agree so that we would avoid a curb-cut on Broad Street. That's what I  
1038 recall the previous discussion was all about.

1039

1040 Mr. Taylor - That's correct.

1041

1042 Ms. Goggin - Yes, ma'am. If the two parties come to an agreement on that it could  
1043 possibly happen.

1044

1045 Ms. Dwyer - But, they haven't agreed at this point.

1046

1047 Ms. Goggin - No, ma'am.  
1048  
1049 Ms. Dwyer - But, we are recommending approval anyway.  
1050  
1051 Ms. Goggin - We are recommending approval. There is a staff annotation on the plan  
1052 that staff encourages this property owner to work with the adjacent property owners to work  
1053 out cross access in the future. It's a staff recommendation.  
1054  
1055 Ms. Dwyer - Well, it looks like access could be provided to the front parking area is it  
1056 designed for that?  
1057  
1058 Ms. Goggin - That's what we hope will happen in the future.  
1059  
1060 Ms. Dwyer - And if they don't then we will have a curb cut on Broad to the adjacent  
1061 property.  
1062  
1063 Ms. Goggin - Right in and right out only.  
1064  
1065 Mr. Vanarsdall - We really don't have a condition or anything, we just have a word.  
1066  
1067 Ms. Goggin - We are encouraging them to work together to overcome that.  
1068  
1069 Ms. Dwyer - We are not pushing the point, in other words.  
1070  
1071 Ms. Goggin - No, but we are encouraging them.  
1072  
1073 Mr. Archer - All right. Are there any further questions from the Commission?  
1074  
1075 Ms. Dwyer - I have just a technical question. As I was looking at the plan, isn't it in  
1076 our rule that the top of the plan is supposed to be north. When plans are submitted aren't they  
1077 supposed to be oriented in a northerly direction?  
1078  
1079 Ms. Goggin - I'm not aware of that as a requirement.  
1080  
1081 Mr. Silber - Ms. Dwyer, I think that makes a lot of sense. I don't know if there is  
1082 anything that requires that.  
1083  
1084 Ms. Dwyer - I thought I read it somewhere.  
1085  
1086 Mr. Taylor - I think it's just a generally accepted engineering principle that maps are  
1087 made with the main access north and south but it's not necessarily a demand thing.  
1088  
1089 Ms. Dwyer - But, I believe I read it somewhere, though, Mr. Taylor.  
1090  
1091 Ms. Goggin - I was just informed by a co-worker that it's a State Code requirement,

1092 but it's not a County requirement.

1093

1094 Ms. Dwyer - Okay. When you mentioned south, I was looking north and that was at  
1095 the top of the page and I just got a little disoriented. Okay, small point.

1096

1097 Mr. Archer - Okay. Are there any further questions? Mr. Taylor.

1098

1099 Mr. Taylor - I guess, Mr. Chairman, the first thing we need to do is waive the time  
1100 limits on the plan. So, I move that POD-42-01, Spring Oak Retail at W. Broad Street and  
1101 Spring Oak Drive, I will move to waive the time limits on the plan dated September 24, 2001.

1102

1103 Mr. Vanarsdall - Second.

1104

1105 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall to  
1106 waive the time limit. All in favor say aye...all opposed say nay. The motion carries.

1107

1108 The Planning Commission approved to waive the time limit for the revised plan for POD-42-  
1109 01, Spring Oak Retail on W. Broad Street and Spring Oak Drive.

1110

1111 Mr. Taylor - Mr. Chairman, I move approval of POD-42-01, Spring Oak Retail at W.  
1112 Broad Street and Spring Oak Drive, subject to the annotations on the plan, the standard  
1113 conditions for developments of this type and additional conditions Nos. 23 through 37.

1114

1115 Mr. Vanarsdall - Second.

1116

1117 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
1118 All in favor say aye...all opposed say nay. The motion carries.

1119

1120 The Planning Commission approved POD-42-01, Spring Oak Retail on W. Broad Street and  
1121 Spring Oak Drive, subject to the standard conditions attached to these minutes for  
1122 developments of this type, the annotations on the plan and the following additional conditions.

1123

1124 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1125 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1126 being issued. The easement plats and any other required information shall be submitted  
1127 to the County Real Property Agent at least sixty (60) days prior to requesting  
1128 occupancy permits.

1129 24. The developer shall provide fire hydrants as required by the Department of Public  
1130 Utilities and Division of Fire.

1131 25. A standard concrete sidewalk shall be provided along the east side of Spring Oak  
1132 Drive.

1133 26. Employees shall be required to use the parking spaces provided at the rear of the  
1134 building(s) as shown on the approved plans.

1135 27.

Outside storage shall not be permitted.

1136 28.

A 35-foot planting strip to preclude ingress or egress along the south side of W. Broad

1137 Street (U.S. Route 250) shall be shown on the approved plans. The details shall be  
1138 included with the required landscape plans for review and approval.

1139 29. The proffers approved as a part of zoning case **C-6C-01** shall be incorporated in this  
1140 approval.

1141 30. This business shall not remain in operation after midnight and no exterior signs shall  
1142 remain lighted after 12:00 midnight.

1143 31. The certification of building permits, occupancy permits and change of occupancy  
1144 permits for individual units shall be based on the number of parking spaces required for  
1145 the proposed uses and the amount of parking available according to approved plans.

1146 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1147 a form acceptable to the County Attorney prior to final approval of the construction  
1148 plans.

1149 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1150 approved by the County Engineer prior to final approval of the construction plans by  
1151 the Department of Public Works.

1152 34. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
1153 of the Henrico County Code.

1154 35. Insurance Services Office (ISO) calculations must be included with the plans and  
1155 approved by the Department of Public Utilities prior to the issuance of a building  
1156 permit.

1157 36. Approval of the construction plans by the Department of Public Works does not  
1158 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1159 way. The elevations will be set by Henrico County.

1160 37. The owners shall not begin clearing of the site until the following conditions have been  
1161 met:

1162

1163 (a) The site engineer shall conspicuously illustrate on the plan of development or  
1164 subdivision construction plan and the Erosion and Sediment Control Plan, the limits  
1165 of the areas to be cleared and the methods of protecting the required buffer areas.  
1166 The location of utility lines, drainage structures and easements shall be shown.

1167 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
1168 clearing or grading operations of the site, the owner shall have the limits of clearing  
1169 delineated with approved methods such as flagging, silt fencing or temporary  
1170 fencing.

1171 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
1172 have been staked in accordance with the approved plans. A copy of this letter shall  
1173 be sent to the Planning Office and the Department of Public Works.

1174 (d) The owner shall be responsible for the protection of the buffer areas and for  
1175 replanting and/or supplemental planting and other necessary improvements to the  
1176 buffer as may be appropriate or required to correct problems. The details shall be  
1177 included on the landscape plans for approval.

1178

1179 Mr. Archer - We have a new Secretary. Mr. Silber has stepped in and Mr. Marlles  
1180 had to leave to attend a meeting.

1181

1182 Mr. Silber - Thank you, Mr. Chairman. The next case is on page 31 of your agenda.  
1183

1184 **LANDSCAPE PLAN**

1185

LP/POD-78-00  
McDonald's @ Twin  
Hickory Town Center

**CEGG Associates, LLC:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24.106.2 of the Henrico County Code. The .972 acre site is located on the southwest corner of Nuckols Road and Old Nuckols Road on part of parcel 18-A-22E. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

1186

1187 Mr. Archer - All right. Is there anyone in the audience in opposition to the landscape  
1188 plan for LP/POD-78-00, McDonald's @ Twin Hickory Center? No opposition. Mr. Strauss.  
1189

1190 Mr. Strauss - Thank you, Mr. Chairman. At the time of agenda preparation, staff had  
1191 not completed its review. I can tell you that staff has completed its review now and we are  
1192 recommending approval per the revised recommendation on page 7 of your addendum this  
1193 morning. We also handed out a new staff annotated plan for approval. Basically, the  
1194 annotations reference plant materials substitutions that were made during the construction of  
1195 the project. There were some availability problems. Staff has reviewed the substitutions and  
1196 we found them to be in conformance with the ordinance. Basically, there are different types of  
1197 shade trees that were substituted, London Plane for the trees that were originally proposed,  
1198 Red Oak in place of Willow Oak, things of that nature. So, staff has no problems with the  
1199 plan at this and we can recommend approval.

1200

1201 Mr. Archer - Are there any questions of Mr. Strauss from the Commission members?  
1202 Mr. Taylor, would you like to hear from the applicant.

1203

1204 Mr. Taylor - No, Mr. Chairman, I don't believe so.

1205

1206 Mr. Archer - All right, then we are ready for a motion.

1207

1208 Mr. Taylor - Mr. Chairman, I move approval of landscape plan LP/POD-78-00,  
1209 McDonald's at Twin Hickory Town Center, subject to the annotations on the plan and the  
1210 standard conditions for landscape plans.

1211

1212 Ms. Dwyer - Second.

1213

1214 Mr. Archer - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
1215 in favor say aye...all opposed say nay. The motion carries.

1216

1217 The Planning Commission approved the landscape plan for LP/POD-78-00, McDonald's at  
1218 Twin Hickory Town Center, subject to the annotations on the plans and the standard conditions  
1219 attached to these minutes for landscape plans.

1220

1221 **PLAN OF DEVELOPMENT**

1222

POD-59-01  
Miller's Neighborhood  
Market @ Town Center  
@ Twin Hickory -  
Nuckols Road

**Hankins & Anderson, Inc. for Retlaw 100 L.L.C. and Miller Oil Company, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, ~~3,200~~ 3,300 square foot convenience store with fuel pumps and a one-story, ~~1,000~~ 800 square foot car wash/storage building. The 1.67 acre site is located along the south line of Nuckols Road, approximately 250 feet west of Twin Hickory Road on part of parcel 18-A-22E. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

1223

1224 Mr. Archer - Is there anyone in the audience in opposition to POD-59-01, Miller's  
1225 Neighborhood Market @ Town Center? No opposition. Mr. Wilhite.

1226

1227 Mr. Wilhite - Mr. Chairman, you have just been handed some revised architectural  
1228 plans. Also on page 1 of your addendum there is a revised recommendation for staff approval.  
1229 Also the caption has been changed. The building size is increased slightly from 3,200 to  
1230 3,300 square feet. However, the car wash building has been reduced from 1,000 square feet  
1231 down to 800, which is the maximum allowed for a freestanding car wash in this zoning district.  
1232 The revised architectural plans were submitted based on staff's comments. The changes that  
1233 have been made is the addition of pilasters on the car wash and convenience store buildings to  
1234 match those that already exist in the shopping center. Standing metal seam parapets have been  
1235 added on the car wash and the convenience store to mirror the design originally shown on the  
1236 gas station gas pump canopies. Also there was a requirement to change the location of the  
1237 entrance doors to satisfy building code requirements. The revised plan has also been annotated  
1238 to change the canopy columns to brick and also brick to be added to the convenience store and  
1239 the car wash as well. All of the interior and colors would match those that are existing in  
1240 other buildings in this shopping center. And the applicant is in agreement with those added  
1241 annotations. I do have a color rendering available of the buildings if you care to see in color  
1242 what is being proposed. Staff recommends approval of the revised plan.

1243

1244 Mr. Archer - Are there questions for Mr. Wilhite from the Commission?

1245

1246 Mr. Taylor - Mr. Chairman, I would like to see the color elevation, if I might.

1247

1248 Mr. Archer - All right. Mr. Wilhite.

1249

1250 Mr. Taylor - Mr. Wilhite, on the color elevation we've got the Millers medallion has  
1251 that been on the plan? There is one crossed off. Is it eliminated or included?

1252

1253 Mr. Wilhite - The applicant will have to answer that questions. Signs are not a part of  
1254 this approval. They do require separate sign permits.

1255 Mr. Taylor - So, we really can't approve that particular detail?

1256  
1257 Mr. Wilhite - No, that's being crossed off the plans, the sign itself.  
1258  
1259 Mr. Taylor - But, on the colored plan it just showed up. Our approval would not  
1260 extend to the color plan.  
1261  
1262 Mr. Wilhite - No, it does not.  
1263  
1264 Mr. Taylor - And do we have to waive the time limits for this?  
1265  
1266 Mr. Wilhite - No, sir.  
1267  
1268 Mr. Taylor - Okay.  
1269  
1270 Ms. Dwyer - Mr. Wilhite, your annotations say recommend brick as opposed to  
1271 changing it definitely to brick.  
1272  
1273 Mr. Wilhite - The revised plans that I received had split-face block on there. It was  
1274 discussed with the applicant yesterday and they did agree to change to brick.  
1275  
1276 Mr. Archer - All right are there any further questions from the Commission? Do we  
1277 need to hear from the applicant, Mr. Taylor?  
1278  
1279 Mr. Taylor - No, I don't think so.  
1280  
1281 Mr. Archer - All right.  
1282  
1283 Mr. Taylor - I'm ready to make a motion to approve POD-59-01, Miller's  
1284 Neighborhood Market @ Town Center, subject to the standard conditions for developments of  
1285 this type, Nos. 9 and 11 amended and additional conditions Nos. 23 through 30 and the  
1286 annotations on the plans.  
1287  
1288 Mr. Vanarsdall - Second.  
1289  
1290 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
1291 All in favor say aye...all opposed say nay. The motion carries.  
1292  
1293 Mr. Vanarsdall - Mr. Taylor, if I were you I would note the plans of September 21.  
1294 Anyway, it's in there now.  
1295  
1296 Mr. Archer - We will just have the motion show that the plan accepted on September  
1297 21, 2001.  
1298  
1299 Mr. Taylor - Would you like for me to remake the motion?  
1300 Mr. Archer - You can, okay.

1301

1302 Mr. Taylor - Mr. Chairman, I'll move approval of POD-59-01, Millers Neighborhood  
1303 Market @ Town Center at Twin Hickory, subject to the standard conditions for developments  
1304 of this type, Nos. 9 and 11 amended and additional conditions Nos. 23 through 30 and the  
1305 plans amended September 24, 2001.

1306

1307 Mr. Vanarsdall - Second.

1308

1309 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
1310 All in favor say aye...all opposed say nay. The motion carries.

1311

1312 The Planning Commission approved POD-59-01, Miller's Neighborhood Market @ Town  
1313 Center f@ Twin Hickory - Nuckols Road, subject to the standard conditions attached to these  
1314 minutes, the annotations on the plans and the following additional conditions.

1315

1316 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1317 review and Planning Commission approval prior to the issuance of any occupancy  
1318 permits.

1319 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1320 depictions of light spread and intensity diagrams, and fixture and specifications and  
1321 mounting height details shall be submitted for Planning Office review and Planning  
1322 Commission approval.

1323 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1324 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1325 being issued. The easement plats and any other required information shall be submitted  
1326 to the County Real Property Agent at least sixty (60) days prior to requesting  
1327 occupancy permits.

1328 24. The developer shall provide fire hydrants as required by the Department of Public  
1329 Utilities and Division of Fire.

1330 25. Outside storage shall not be permitted.

1331 26. The proffers approved as a part of zoning case C-19C-94, C-56C-94, C-49C-96 and C-  
1332 68C-99 shall be incorporated in this approval.

1333 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1334 approved by the County Engineer prior to final approval of the construction plans by  
1335 the Department of Public Works.

1336 28. Insurance Services Office (ISO) calculations must be included with the plans and  
1337 approved by the Department of Public Utilities prior to the issuance of a building  
1338 permit.

1339 29. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent  
1340 of the total site area.

1341 30. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

1342 **SUBDIVISION**

1343

Laurel Woods  
(September 2001 Plan)

**Youngblood, Tyler & Associates, P. C. for Thomas L. Browning and Wachovia Bank, N.A., Executor under the Estate of Charles H. Cline:** The 3.05 acre site is located on the south side of Sunrise Road approximately 300 feet west of Pump Road on parcels 56-A-32 and 56-A-34. The zoning is R-3AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 9 Lots**

1344

1345 Mr. Archer - Is there anyone in the audience in opposition to subdivision Laurel  
1346 Woods (September 2001 Plan)? No opposition. Mr. Strauss.

1347

1348 Mr. Strauss - Thank you, Mr. Chairman. At the time of the agenda preparation, the  
1349 staff could not recommend approval because the minimum lot size for this district is 9,500  
1350 square feet, so we requested a revised plan prior to this meeting. The applicant provided us  
1351 with that plan. We distributed that new plan with your addendum this morning. In addition,  
1352 we have revised recommendations on page 8 of your addendum. With that, staff can now  
1353 recommend approval of this "revised" staff plan dated September 26, 2001. I'll be glad to  
1354 answer any questions you may have. I see that Mr. Youngblood is also here.

1355

1356 Mr. Archer - Are there any questions of Mr. Strauss by the Commission?

1357

1358 Mr. Taylor - Mr. Chairman, I have one question. This is the revised plan that we  
1359 have in front of us?

1360

1361 Mr. Strauss - It should say "revised" staff plan on the right edge. The original plan  
1362 that came out with your packet said staff plan. This says "revised" staff plan.

1363

1364 Mr. Silber - Mr. Strauss, mine just says staff plan. It doesn't say revised. So, Mr.  
1365 Strauss there is a revised plan with the addendum.

1366

1367 Mr. Strauss - With the addendum this morning. It was just distributed this morning.

1368

1369 Mr. Silber - An addition to the additional conditions.

1370

1371 Mr. Strauss - The original packet had the old staff plan.

1372

1373 Ms. Dwyer - So, the difference is they didn't lose any lots.

1374

1375 Mr. Strauss - No, it's in lot area. They adjusted the street location slightly. The  
1376 deficiencies were a couple of 100 square feet per lot. It was easily remedied.

1377

1378 Mr. Archer - Are there any further questions on Laurel Woods? Mr. Taylor, would  
1379 you like to hear from the applicant?

1380 Mr. Taylor - No, I don't think so. I think we can move without it. I think the  
1381 changes on the plan dated yesterday were just sort of administrative detail. I'm in favor of the  
1382 overall project. Do I have to waive the time limit on this?

1383

1384 Mr. Strauss - No. The plan came in last week.

1385

1386 Mr. Taylor - Mr. Chairman, I move approval of Laurel Woods (September 2001 Plan)  
1387 subject to the standard conditions for subdivisions served by public utilities, additional  
1388 conditions Nos. 12 through 14 and the revised staff plan dated September 26, 2001.

1389

1390 Ms. Dwyer - Second.

1391

1392 Mr. Archer - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
1393 in favor say aye...all opposed say nay. The motion carries.

1394

1395 The Planning Commission granted conditional approval to subdivision Laurel Woods  
1396 (September 2001 Plan) subject to the annotations on the revised staff plan, the standard  
1397 conditions for subdivisions served by public utilities and the following additional conditions.

1398

1399 12. The detailed plant list and specifications for the landscaping to be provided within the 10-  
1400 foot-wide planting strip easement along Sunrise Road shall be submitted to the Planning  
1401 Office for review and approval prior to recordation of the plat.

1402 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
1403 construction plan by the Department of Public Works.

1404 14. The proffers approved as part of zoning cases C-32C-92 and C-43C-01 shall be  
1405 incorporated in this approval.

1406

1407

1408 Mr. Silber - Mr. Chairman and members of the Commission, you can tell this agenda  
1409 was prepared by Planners. It's now 10:03 a.m. and we are just now into the beginning of the ten  
1410 o'clock agenda.

1411

1412 Ms. Dwyer - But, that's never happened before though, Randy.

1413

1414 Mr. Silber - It always happens, Ms. Dwyer. I believe what we may want to do at this  
1415 point is go back to the expedited items. Mr. Wilhite.

1416

1417 Mr. Wilhite - Mr. Secretary, I've been aware of a deferral on the ten o'clock agenda. It  
1418 just came to our attention.

1419

1420 Mr. Archer - All right. Go ahead, Mr. Wilhite.

1421

1422 **PLAN OF DEVELOPMENT**

1423

POD-57-01

The Virginia Diocesan  
Center at Roslyn - Phase 1  
and Master Plan -  
River Road

**Draper Aden Associates for Memorial Trustees of the Virginia Diocese:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 14,313 square foot dining hall, a two-story, 5,489 square foot community center, three, two-story guest residences totaling 4,950 square feet and a master plan for future development in an existing church education and conference center. The 97.35 acre site is located along the south line of River Road approximately 1,300 feet east of Parham Road on parcel 125-A-25. The zoning is R-1, One-Family Residence District. County water and sewer.  
**(Tuckahoe)**

1424

1425 Mr. Wilhite - The applicant is requesting deferral for 30 days so that will be the  
1426 October 24, 2001, meeting.

1427

1428 Mr. Archer - Okay. Is there anyone in the audience in opposition to this deferral for  
1429 POD-57-01, The Virginia Diocesan Center at Roslyn? No opposition. Ms. Dwyer.

1430

1431 Ms. Dwyer - Mr. Chairman, I move the deferral of POD-57-01, The Virginia  
1432 Diocesan Center at Roslyn, to our October 24, 2001, meeting, at the applicant's request.

1433

1434 Mr. Vanarsdall - Second.

1435

1436 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall.  
1437 All in favor say aye...all opposed say nay. The motion carries.

1438

1439 At the request of the applicant, the Planning Commission deferred POD-57-01, The Virginia  
1440 Diocesan Center at Roslyn - Phase 1 and Master Plan, to its October 24, 2001, meeting.

1441

1442 Mr. Silber - Mr. Wilhite, would you like to review the items on the ten o'clock  
1443 expedited agenda?

1444

1445 Mr. Wilhite - Yes, sir. The first item is on page 40 of your agenda.

1446

1447

1448 **PLAN OF DEVELOPMENT**

1449

POD-58-01

Primrose School at ~~Twin~~  
Hickory Twin Hickory at  
Lake Drive

**Interplan LLC for HHHunt Corporation and Primrose School Franchising Company:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a 9,769 square foot day care facility. The 2.213 acre site is located on the northeast corner of Twin Hickory Lake Drive and proposed Hickory Bend Drive on parcel 27-A-4. The zoning is O-1C, Office District (Conditional). County water and sewer.  
**(Three Chopt)**

1450

1451 Mr. Wilhite - There is an addendum on page 9. It has a revised caption and also a  
1452 revised plan being submitted. Staff recommends approval.

1453

1454 Mr. Archer - Is there anyone in the audience in opposition to POD-58-01, Primrose  
1455 School at Twin Hickory? No opposition. Mr. Taylor.

1456

1457 Mr. Taylor - Mr. Chairman, I'll move approval of POD-58-01, Primrose School at  
1458 Twin Hickory, on the expedited agenda with the standard conditions, annotations on the plan  
1459 and the drawing dated....

1460

1461 Mr. Silber - Mr. Wilhite, can you inform us what the addendum is?

1462

1463 Mr. Wilhite - There is a revised caption, a revised plan, the name has been changed  
1464 from Primrose School Twin Hickory to Primrose School at Twin Hickory at Lake Drive. The  
1465 plan was revised to reflect new parking layout and to provide better buffer along Twin Hickory  
1466 Lake Drive.

1467

1468 Mr. Silber - Thank you.

1469

1470 Mr. Archer - All right. Could you complete your motion, Mr. Taylor?

1471

1472 Mr. Taylor - Maybe I should make it over, Mr. Chairman. I'll move approval of  
1473 POD-58-01, Primrose School at Twin Hickory Lake Drive, subject to the standard conditions  
1474 for developments of this type, the annotations on the plan and the plan dated September 26,  
1475 2001.

1476

1477 Mr. Vanarsdall - Did you say the conditions on the plan, Nos. 23 through 30?

1478

1479 Mr. Taylor - Yes.

1480

1481 Mr. Vanarsdall - Well, the addendum said something.

1482

1483 Ms. Dwyer - Well there is a revised site plan.

1484 Mr. Vanarsdall - I'll second.

1485

1486 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

1487 All in favor say aye...all opposed say nay. The motion carries.

1488

1489 The Planning Commission approved POD-58-01, Primrose School at Twin Hickory Lake  
1490 Drive, subject to the standard conditions attached to these minutes for developments of this  
1491 type, the annotations on the plans and the following additional conditions:

1492

1493 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1494 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1495 being issued. The easement plats and any other required information shall be submitted  
1496 to the County Real Property Agent at least sixty (60) days prior to requesting  
1497 occupancy permits.

1498 24. The developer shall provide fire hydrants as required by the Department of Public  
1499 Utilities and Division of Fire.

1500 25. The proffers approved as a part of zoning case C-48C-98 shall be incorporated in this  
1501 approval.

1502 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1503 a form acceptable to the County Attorney prior to final approval of the construction  
1504 plans.

1505 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1506 approved by the County Engineer prior to final approval of the construction plans by  
1507 the Department of Public Works.

1508 28. Insurance Services Office (ISO) calculations must be included with the plans and  
1509 approved by the Department of Public Utilities prior to the issuance of a building  
1510 permit.

1511 29. Approval of the construction plans by the Department of Public Works does not  
1512 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1513 way. The elevations will be set by Henrico County.

1514 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1515 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1516 development.

1517

#### 1518 **PLAN OF DEVELOPMENT**

1519

POD-62-01

Trinity United Methodist  
Church - Parking Expansion  
(POD-4-86 Revised)

**McKinney & Company and Williams, Mullen, Clarke & Dobbins for Trinity United Methodist Church:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to expand an existing parking lot. The 5.39 acre site is located along the north line of Rock Creek Road approximately 350 feet east of Forest Avenue on parcels 101-15-I-8, 17, 18 and 101-A-35, 36 37 and 38. The zoning is R-3, One-Family Residence District. County water and sewer. **(Tuckahoe)**

1520 Mr. Wilhite - On your addendum, there is an added condition. The condition reads:  
1521 No. 32. As such time that the houses are to be demolished, the existing water and sewer  
1522 service will be abandoned in accordance with the Department of Public Utilities standards.  
1523

1524 Mr. Archer - Is there anyone in the audience in opposition to POD-62-01, Trinity  
1525 United Methodist Church? We do have opposition.  
1526

1527 Mr. Hamilton - I have questions, maybe opposition, depending on the answers.  
1528

1529 Mr. Archer - If the question is short enough maybe we can dispose of it. Sir, would  
1530 you like to tell us what your question is? This is on the expedited agenda. We might be able  
1531 to handle your question.  
1532

1533 Mr. Hamilton - Do you have a picture?  
1534

1535 Ms. Dwyer - Mr. Chairman, as you know this is a Tuckahoe case, which is my  
1536 district, but I will remove myself from handling the case because Trinity United Methodist is  
1537 my church. So, I'll be not participating in the discussion or be present for the discussion on  
1538 the vote.  
1539

1540 Mr. Archer- All right, Ms. Dwyer.  
1541

1542 Mr. Silber - That will be so noted. Thank you.  
1543

1544 Mr. Archer - We will note your absence. Go ahead, sir.  
1545

1546 Mr. Hamilton - I assume people have pictures of the plan.  
1547

1548 Mr. Silber - Can we have your name please?  
1549

1550 Mr. Hamilton - My name is Scott Hamilton and I'm an adjacent resident to the proposed  
1551 development. I have two real questions. The first one on the southern side, the Rock Creek  
1552 Road side. I believe there is a setback currently planted 25 feet from Rock Creek Road itself.  
1553 I wondered what the rules are saying that it has to be 25 versus 40 versus 2 versus whatever. I  
1554 know that there had been some debate on what that dimension should be and I don't know the  
1555 history. I would like to know the history of that?  
1556

1557 Mr. Archer - Mr. Secretary, can you help us out?  
1558

1559 Mr. Silber - Was your question relating to the Rock Creek side and the 25-foot  
1560 setback?  
1561

1562 Mr. Hamilton - Yes.  
1563

1564 Mr. Silber - I may need clarification from the staff planner, but let me give it a shot. I

1565 believe that the 25-foot setback was a setback that was agreed upon based on the requirements  
1566 of our reading of the ordinance. The technical requirements would probably be less than that,  
1567 conservatively less than that. We have worked with the applicant and the applicant is willing  
1568 to increase it to 25 feet. Staff believes that is more than adequate. We believe that it needs to  
1569 be more than the minimum, so we have worked with the applicant to try to get up to 25 feet.  
1570 Ms. Goggin, is there anything else that you can add to that?

1571

1572 Ms. Goggin - I just wanted to add that the confusion may have been in my excitement  
1573 of reviewing the plan. I thought at first there was a 40-foot setback but conversing with my  
1574 supervisors, I was corrected and I was wrong on that. It's a 10-foot setback but the applicant  
1575 agreed to 25.

1576

1577 Mr. Hamilton - And that's a function of this being a side yard or a front yard or  
1578 something?

1579

1580 Mr. Silber - That's correct.

1581

1582 Mr. Hamilton - And it's determined that this is in fact a side yard?

1583

1584 Mr. Silber - Ms. Goggin.

1585

1586 Ms. Goggin - It's a rear yard.

1587

1588 Mr. Hamilton - Well, I guess I have some debate on what the definition of rear is, but I  
1589 think it is a front yard. Most of the people go into the building from there, most of the people  
1590 park from there. I'm not sure what the delineation is there. I do understand that, if it is in fact  
1591 a rear, 25 is great versus 10. I just wanted a better understanding of what defines it as a rear  
1592 yard.

1593

1594 Mr. Archer - Did that satisfy your question, sir, as to how we arrive at that?

1595

1596 Mr. Hamilton - Yes, and it brings up another question. Why is this a rear yard? Why  
1597 has this been defined as a rear yard?

1598

1599 Ms. Goggin - I believe that, I don't have the ordinance right here in front of me, but  
1600 the ordinance considers the shortest distance of a property along the street the front yard and  
1601 for this property it would be Stuart Hall Road. And the ordinance furthers states that the  
1602 property line farthest away from the front yard is the rear yard.

1603

1604 Mr. Hamilton - So, Stuart Hall is the front yard because of what?

1605

1606 Ms. Goggin - Because that's the shortest property distance. It's the shortest street  
1607 frontage as compared to Stuart Hall. If you compare Stuart Hall, Forest Avenue and Rock  
1608 Creek, Stuart Hall has the least amount of road frontage and meets the technical definition of  
1609 the County's Code of front yard.

1610 Mr. Hamilton - Okay. My second point, there is a second driveway proposed....  
1611

1612 Mr. Silber - Sir, can we maybe, if I can interrupt for a minute, excuse me. I think  
1613 maybe this is getting more involved than just answering a question. We were hoping to handle  
1614 this on what we call the Expedited Agenda, which means that it could be handled in a quick  
1615 fashion. If you do have questions, and there may be more input needed from the applicant and  
1616 my staff, I would prefer that we just go on and hear this case. So, we'll give you a chance to  
1617 address all your questions and if there is anybody else that wants to speak we would like to do  
1618 that. But, unless you have one more quick question, I think I'd rather just have this heard.  
1619

1620 Mr. Hamilton - I would like to ask another question, it's a quick question. Expedited  
1621 doesn't mean.... It's on the agenda. The second driveway, right now, has been agreed upon to  
1622 be put in. Right now, on Sundays, this parking development will not solve the parking  
1623 problem such that there will still be people parking on Rock Creek Road. And when this  
1624 second driveway is used, when people do park on both sides of the road, it is not wide enough  
1625 for two cars to pass. This second driveway will increase volume and therefore, I think, cause  
1626 danger to the increased volume of people coming now out of both driveways not just out of  
1627 one. Keeping in mind its right off the end of a blind corner going west on Rock Creek Road.  
1628

1629 Mr. Archer - Well, that's a little bit more than a quick question. I think it would  
1630 probably be feasible to take this off the expedited agenda and we will hear it at the regular time  
1631 that it falls on the agenda. We'll try to get the answer to your question at that point.  
1632

1633 Mr. Hamilton - Okay.  
1634

1635 **THIS CASE WAS TAKEN OFF THE EXPEDITED AGENDA AND HEARD LATER**  
1636 **DURING THE MEETING.**

1637

1638 Mr. Archer - All right, Mr. Secretary, let's move on in our regular order.  
1639

1640 Mr. Silber - Mr. Wilhite, are we on page 45 of the Expedited Agenda?  
1641

1642 Mr. Wilhite - Yes.  
1643

1644 **PLAN OF DEVELOPMENT**

1645

POD-64-01  
St. Mary's Hospital  
Ortho/Rehab Building  
Addition  
(POD-60-93 Revised)

**Balzer & Associates, Inc. for Bon Secours - St. Mary's  
Hospital of Richmond, Inc. and Woolfolk Medical Group:**  
Request for approval of a revised plan of development as  
required by Chapter 24, Section 24-106 of the Henrico County  
Code to construct a second story, 21,200 square foot addition  
to an existing ortho/rehab building. The 2.95 acre site is  
located at 5899 Bremono Road on parcels 114-A-3NA and 114-A-  
3N. The zoning is O-3C, Office District (Conditional). County  
water and sewer. **Brookland (Three Chopt)**

1646 Mr. Archer - Is there anyone in the audience in opposition to POD-64-01, St. Mary's  
1647 Hospital Ortho/Rehab in the Brookland District? No opposition. Mr. Wilhite.  
1648  
1649 Mr. Wilhite - The staff recommends approval.  
1650  
1651 Mr. Archer - Mr. Vanarsdall.  
1652  
1653 Mr. Taylor - I think that should be Mr. Taylor, Mr. Chairman.  
1654  
1655 Mr. Vanarsdall - The agenda has Brookland and the case had Three Chopt.  
1656  
1657 Mr. Archer - I'm sorry. Mr. Taylor.  
1658  
1659 Mr. Taylor - Mr. Chairman, I'll move for approval of POD-64-01, St. Mary's  
1660 Hospital Ortho/Rehab Building Addition, subject to the annotations on the plans, the standard  
1661 conditions for developments of this type and additional conditions Nos. 23 through 27.  
1662  
1663 Mr. Vanarsdall - Second.  
1664  
1665 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
1666 All in favor say aye...all opposed say nay. The motion carries.  
1667  
1668 The Planning Commission approved POD-64-01, St. Mary's Hospital Ortho/Rehab Building  
1669 Addition (POD-60-93 Revised) subject to the standard conditions attached to these minutes for  
1670 development of this type, the annotations on the plan and the following additional conditions:  
1671  
1672 23. The developer shall provide fire hydrants as required by the Department of Public  
1673 Utilities and Division of Fire.  
1674 24. The proffers approved as a part of zoning case C-19C-93 shall be incorporated in this  
1675 approval.  
1676 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1677 a form acceptable to the County Attorney prior to final approval of the construction  
1678 plans.  
1679 26. An updated Master Plan including any proposed building additions, parking  
1680 expansions, future acquisitions and the number of parking spaces for each parking lot  
1681 shall be submitted prior to construction plan approval.  
1682 27. A Traffic/Pedestrian plan shall be submitted and approved by the Traffic Engineer prior  
1683 to construction plan approval.

1684 **PLAN OF DEVELOPMENT**

1685

POD-66-01  
9001 Brook Road Mini  
Storage - Storage Lot  
Addition  
(POD-86-95 Revised)

**Foster & Miller, P.C. for 9001 Brook Road Mini Storage Associates, L.C.:** Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct an automobile, truck, recreational vehicle and boat storage facility. The 1.039 acre site is located approximately 210 feet north of intersection of Telegraph Road and Mountain Road extended on parcel 53-A-24. The zoning is B-3C, Business District (Conditional) **(Fairfield)**

1686

1687 Mr. Archer - Is there anyone in the audience in opposition to POD-66-01, 9001 Brook  
1688 Road Mini Storage? No opposition. I move approval of POD-66-01, Brook Road Mini  
1689 Storage, and we are going to add No. 9 amended and the additional conditions Nos. 23 through  
1690 31.

1691

1692 Mr. Vanarsdall - Second.

1693

1694 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

1695 All in favor say aye...all opposed say nay. The motion carries.

1696

1697 The Planning Commission approved POD-66-01, 9001 Brook Road Mini Storage – Storage  
1698 Lot Addition (POD-86-95 Revised), subject to the standard conditions attached to the minutes,  
1699 the annotations on the plans and the following additional conditions:

1700

1701 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1702 review and Planning Commission approval prior to the issuance of any occupancy  
1703 permits.

1704 23. The right-of-way for widening of Telegraph Road as shown on approved plans shall be  
1705 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1706 dedication plat and any other required information shall be submitted to the County  
1707 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1708 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1709 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1710 being issued. The easement plats and any other required information shall be submitted  
1711 to the County Real Property Agent at least sixty (60) days prior to requesting  
1712 occupancy permits.

1713 25. The developer shall provide fire hydrants as required by the Department of Public  
1714 Utilities and Division of Fire.

1715 26. All repair work shall be conducted entirely within the enclosed building.

1716 27. The proffers approved as a part of zoning case C-31C-01 shall be incorporated in this  
1717 approval.

1718 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1719 a form acceptable to the County Attorney prior to final approval of the construction

- 1720 plans.
- 1721 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 1722 approved by the County Engineer prior to final approval of the construction plans by  
 1723 the Department of Public Works.
- 1724 30. Insurance Services Office (ISO) calculations must be included with the plans and  
 1725 approved by the Department of Public Utilities prior to the issuance of a building  
 1726 permit.
- 1727 31. Approval of the construction plans by the Department of Public Works does not  
 1728 establish the curb and gutter elevations along the Henrico County maintained right-of-  
 1729 way. The elevations will be set by Henrico County.

1730

1731 **PLAN OF DEVELOPMENT**

1732

POD-68-01  
 Andover Hills, Section B  
 Mayland Drive

**Foster & Miller, P. C. For WTC, L.L.C.:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 60 zero lot line dwellings. The 17.92 acre site is located on the south line of Mayland Drive extended and Meadow View Road extended on parcels 58-3-C4 thru 10, 58-3-D-1 thru 7, 58-3-F-1 thru 5 and part 58-2A-3A& 4B, 58-3-E-6 thru 11. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Three Chopt)**

1733

1734 Mr. Wilhite - There is an added condition on page 11 of your addendum for this case.  
 1735 Staff can recommend approval.

1736

1737 Mr. Archer - Is there anyone in the audience in opposition to POD-68-01, Andover  
 1738 Hills, Section B? No opposition. Mr. Taylor.

1739

1740 Mr. Taylor - Mr. Chairman, I'll move approval of POD-68-01, Andover Hills,  
 1741 Section B on Mayland Drive, subject to the annotations on the plans, the standard conditions  
 1742 for developments of this type and additional conditions Nos. 23 through 36 and No. 37 listed  
 1743 on the addendum.

1744

1745 Mr. Vanarsdall - Second.

1746

1747 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
 1748 All in favor way aye...all opposed say nay. The motion carries.

1749

1750 The Planning Commission approved POD-68-01, Andover Hills, Section B, Mayland Drive,  
 1751 subject to the standard conditions attached to these minutes for developments of this type, the  
 1752 annotations on the plans and the following additional conditions.

1753

1754 23. Roof edge ornamental features that extend over the zero lot line, and which are permitted  
 1755 by Section 24-95(i)(1), must be authorized in the covenants.

- 1756 24. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.  
1757
- 1758 25. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.  
1759  
1760  
1761  
1762
- 1763 26. Architectural plans for this development must meet the standards of the April 24, 1995, Planning memo of Zero Lot Line Development Standards. The standard memo addresses the building relationship to the zero lot line and include: minimum percentage of wall on the zero lot line, number, size and location of window and door openings in first and second floors and height and setbacks for fences abutting decks.  
1764  
1765  
1766  
1767
- 1768 27. The subdivision plat for Andover Hills, Section B shall be recorded before any building permits are issued.  
1769
- 1770 28. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.  
1771  
1772  
1773  
1774
- 1775 29. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.  
1776  
1777  
1778
- 1779 30. The required building setback shall be measured from the proposed right-of-way line and the parking shall be located behind the proposed right-of-way line.  
1780
- 1781 31. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.  
1782
- 1783 32. A 20-foot planting strip to preclude ingress or egress along the south line of Mayland Avenue shall be shown on the approved plans. The details shall be included with the required landscape plans for review and approval.  
1784  
1785
- 1786 33. The proffers approved as a part of zoning case C-14C-01 shall be incorporated in this approval.  
1787
- 1788 34. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.  
1789  
1790
- 1791 35. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.  
1792  
1793
- 1794 36. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.  
1795  
1796
- 1797 37. Prior to the recordation of Andover Hills Section B, the applicant shall provide evidence of the vacation of all streets, lot lines, easements, building lines and temporary turnarounds associated with Section A (exhibit dated April 9, 2001). A 20-foot-wide sanitary sewer easement located in the right-of-way of Richmond Road would  
1798  
1799  
1800

1801 be retained.

1802

1803 **PLAN OF DEVELOPMENT**

1804

POD-71-01

Stanovick Dental Office -  
Williamsburg and Whiteside  
Roads

**Engineering Design Associates for Paul R. Stanovick:**  
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 and two-story, 15,078 square foot medical  
office building. The 2.307 acre site is located at 5501  
Whiteside Road on part of parcel 165-A-27. The zoning is O-  
2C, Office District (Conditional). County water and sewer.  
**(Varina)**

1805

1806 Mr. Wilhite - This is the last case on the expedited agenda. Staff recommends  
1807 approval.

1808

1809 Mr. Archer - Is there opposition to this case POD-71-01, Stanovick Dental Office?  
1810 Are you in opposition, sir, or do you have a question?

1811

1812 Mr. Carraway - Well, I have a question. My residence is right adjacent to this  
1813 commercial building, and my question is what kind of buffer is going to be between this  
1814 building and my property?

1815

1816 Mr. Silber - Mr. Strauss, can you answer that for us please?

1817

1818 Mr. Strauss - Sure.

1819

1820 Mr. Archer - Sir, did you give your name, I didn't hear it?

1821

1822 Mr. Carraway - Robert Carraway.

1823

1824 Mr. Archer - Thank you, sir.

1825

1826 Mr. Strauss - There is a proffered buffer and it probably appears on the plan but I  
1827 don't have the plan right here in front of me at the moment. This was worked out at the  
1828 rezoning. There is a proffered buffer at the back of that site that's to be landscaped. It does  
1829 allow for a small intrusion of a courtyard area that's shown on the plan. Randy, if you have  
1830 the dimensions, I don't have the plan in front of me at the moment?

1831

1832 Mr. Silber - Twenty feet.

1833

1834 Mr. Strauss - It's 20 feet.

1835

1836 Mr. Carraway - I thought that's what it was but I wasn't sure. But I just want to know if  
1837 there are going to be trees there or a fence?

1838 Mr. Strauss - There will be saved trees and proposed landscaping. It will be reviewed  
1839 with the landscape plan at a later date.  
1840  
1841 Mr. Carraway - Okay. Thank you. That was my question. Thank you.  
1842  
1843 Mr. Jernigan - Mr. Carraway, is that all right with you?  
1844  
1845 Mr. Carraway - Yes, sir.  
1846  
1847 Mr. Archer - All right. I guess we can keep this one on the expedited agenda. Mr.  
1848 Jernigan.  
1849  
1850 Mr. Jernigan - Mr. Chairman, I would like to make a motion to approve POD-71-01,  
1851 Stanovick Dental Office, subject to the annotations on the plans, the standard conditions for  
1852 developments of this type and additional conditions Nos. 23 through 28.  
1853  
1854 Mr. Vanarsdall - Second.  
1855  
1856 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
1857 All in favor of the motion say aye...all opposed say nay. The motion carries.  
1858  
1859 The Planning Commission approved POD-71-01, Stanovick Dental Office – Williamsburg and  
1860 Whiteside Roads, subject to the standard conditions attached to these minutes for developments  
1861 of this type, the annotations on the plans and the following additional conditions:  
1862  
1863 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1864 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1865 being issued. The easement plats and any other required information shall be submitted  
1866 to the County Real Property Agent at least sixty (60) days prior to requesting  
1867 occupancy permits.  
1868 24. The required building setback shall be measured from the proposed right-of-way line  
1869 and the parking shall be located behind the proposed right-of-way line.  
1870 25. The developer shall provide fire hydrants as required by the Department of Public  
1871 Utilities and Division of Fire.  
1872 26. The proffers approved as a part of zoning case C-36C-01 shall be incorporated in this  
1873 approval.  
1874 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1875 a form acceptable to the County Attorney prior to final approval of the construction  
1876 plans.  
1877 28. Insurance Services Office (ISO) calculations must be included with the plans and  
1878 approved by the Department of Public Utilities prior to the issuance of a building  
1879 permit.  
1880  
1881 Mr. Archer - That completes the expedited agenda for ten o'clock.  
1882

1883 Mr. Wilhite - Yes, sir. We are not aware of anymore cases on the expedited agenda.  
1884  
1885 Mr. Archer - All right. Then by popular demand, the Commission will take a 10-  
1886 minute recess.  
1887  
1888 **AT THIS TIME THE COMMISSION TOOK A TEN-MINUTE BREAK AND THEN**  
1889 **RESUMED WITH THE MEETING.**  
1890  
1891 Mr. Archer - The Commission will come back to order. Mr. Secretary, I believe we  
1892 are going to try to put POD-62-01 back up front.  
1893  
1894 Mr. Silber - Mr. Chairman, members of the Commission, there has been a request to  
1895 move POD-62-01, Trinity United Methodist Church, back on the expedited agenda. We just  
1896 finished on the expedited agenda. We have not yet gone back into the agenda. If the  
1897 Commission wishes, we could consider Trinity under expedited. I think in order to do that we  
1898 need to make sure that there are no further questions or opposition from the neighborhood.  
1899  
1900 Mr. Archer - Is there any opposition from the neighborhood on POD-62-01, Trinity  
1901 United Methodist Church – Parking Expansion?  
1902  
1903 Ms. Dwyer - Mr. Chairman, the statement that I made earlier regarding abstaining and  
1904 not participating apply at this time as well.  
1905  
1906 Mr. Archer - All right, Ms. Goggin.  
1907  
1908 Ms. Goggin - Basically, staff recommends approval of the plan subject to the  
1909 annotations on the plans, the standard conditions for developments of this type and the  
1910 following additional conditions. We have Nos. 9 and 11 amended, conditions Nos. 23 and 24,  
1911 Nos. 26 through 31, condition No. 32 on the addendum and I would like, for the record, state  
1912 that there is an agreement between the church and the neighborhood as to development items  
1913 that will be considered, and we will address at construction plan and POD review.  
1914  
1915 Mr. Archer - Ms. Goggin, there's a resolution that is basically an agreement between  
1916 the church and The Rock Creek Road Homeowners. I don't know if all of the Commissioners  
1917 have a copy of this or not, I just think perhaps they should see it.  
1918  
1919 Ms. Goggin - I don't believe that you all have it, but it's a private agreement between  
1920 the church and the neighborhood. The County can't enforce it but we will definitely....  
1921  
1922 Mr. Archer - I understand, but we just wanted to make sure that it was mentioned that  
1923 it is a part of the record. There are seven conditions that have been outlined on here and I will  
1924 read you the topics of each one. Phasing, Restrictive Covenants, Access, Conditions of the  
1925 Plan of Development, Lighting and Landscape Plan, A Rock Creek Road Waiver, Rental  
1926 Properties and Integration in POD/Recordation. And, again, those are not enforceable by the  
1927 County but it is an agreement, in principle, between the church and the Rock Creek Road

1928 Neighborhood. So, are there any question at all from the Commission as to what we are  
1929 doing.

1930

1931 Mr. Jernigan - Does she need to state that for the record?

1932

1933 Mr. Archer - I don't think so.

1934

1935 Mr. Jernigan - Number 25.

1936

1937 Mr. Archer - I will when I do the motion. No further questions? Okay, then, if there  
1938 are no objections, I will move for approval of POD-62-01, Trinity United Methodist Church,  
1939 subject to the annotations on the plan, standard conditions for developments of this type and  
1940 the additional conditions Nos. 9 and 11 amended and Nos. 23, 24, 26 through 30 with No. 25  
1941 between being stricken from what was shown on the original agenda.

1942

1943 Mr. Silber - Actually, Mr. Archer, it goes through 31 and then No. 32 from the  
1944 addendum.

1945

1946 Mr. Archer - Okay. Let me restate that. Nos. 9 and 11 amended, Nos. 23, 24 and 26  
1947 through 32.

1948

1949 Mr. Taylor - Second.

1950

1951 Mr. Vanarsdall - Mr. Chairman, don't you think you ought to mention about the  
1952 agreement because somebody might pick up the minutes years from now and want to know  
1953 what they are doing?

1954

1955 Mr. Archer - We can have a copy of the agreement placed in the record, which I think  
1956 is the best thing to do. I don't think it would serve us much to read all of this because it has  
1957 not been enforced by us. It's just an agreement between the church and that neighborhood.  
1958 We will have a copy of this placed in the record.

1959

1960 Ms. Goggin Yes, sir.

1961

1962 Mr. Archer - All right. The motion was made by Mr. Archer and seconded by Mr.  
1963 Taylor. All in favor say aye...all opposed say nay. The motion carries.

1964

1965 On a vote of 4 to 0, with Ms. Dwyer and Mr. Kaechele abstaining the Planning Commission  
1966 approved POD-62-01, Trinity United Methodist Church – Parking Expansion (POD-4-96  
1967 Revised) subject to the standard conditions attached to these minutes for developments of this  
1968 type, the annotations on the plans and the following additional conditions.

1969

1970 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1971 review and Planning Commission approval prior to the issuance of any occupancy  
1972 permits.

- 1973 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Planning Office review and Planning Commission approval.
- 1974
- 1975
- 1976
- 1977 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1978
- 1979
- 1980
- 1981
- 1982 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
- 1983
- 1984
- 1985 25. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
- 1986
- 1987
- 1988 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.
- 1989
- 1990
- 1991
- 1992 27. Insurance Services Office (ISO) calculations must be included with the plans and approved by the Department of Public Utilities prior to the issuance of a building permit.
- 1993
- 1994
- 1995 28. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
- 1996
- 1997
- 1998 29. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.
- 1999
- 2000
- 2001
- 2002
- 2003 30. As such time that the houses are to be demolished, the existing water and sewer service will be abandoned in accordance with the Department of Public Utilities standards.
- 2004
- 2005

2006 **PLAN OF DEVELOPMENT & ALTERNATIVE FENCE HEIGHT PLAN**

2007 **(Deferred from the July 25, 2001, Meeting)**

2008

POD-24-01  
Emmaus United Methodist  
Church - Staples Mill Road  
and Wistar Road

**Hulcher & Associates, Inc. for Yunho Eo:** Request for approval of a plan of development and an alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-95.(1.)(7)b of the Henrico County Code to construct a one-story, 5,348 square foot lecture hall connected to an existing building. The 3.412-acre site is located on the northeast corner of Staples Mill and Wistar Roads at 8001 Staples Mill Road on parcel 71-A-55. The zoning is R-3, One-Family Residence District. County water and septic tank/drainfield.  
**(Brookland)**

2009

2010 Mr. Archer - Is there opposition to POD-24-01, Emmaus United Methodist Church?

2011 No opposition. Ms. Goggin.

2012

2013 Ms. Goggin - This request before you today is to construct a one-story lecture  
2014 hall/multi-purpose building connecting to an existing church. The applicant has worked with  
2015 staff on this project to address numerous issues associated with this development and has  
2016 provided an informational master plan to help foresee any additional issues that may arise in  
2017 the future. One present issue that does needs to be address is the row of evergreen trees  
2018 located along Staples Mill Road. Staples Mill Road is considered the church's front yard and  
2019 as previously discussed, the ordinance prohibits fences or vegetated hedges over 3 ½feet in the  
2020 front yards of residential districts. The church planted these trees to help provide a natural  
2021 buffer for traffic noise and define an area that the congregation children can play, help keep  
2022 them in the yard. Staff would like to make the Planning Commission aware that, unfortunately  
2023 architecturals were left out of this month's agenda that were included in the July 25 agenda  
2024 when the plan was first deferred. The plans submitted indicate brick but the architecturals are  
2025 vinyl siding. So, I would like to make the Commission aware that they intend on using vinyl  
2026 siding versus brick because of finances and other reasons. Staff recommends approval, subject  
2027 to the annotations on the plan, standard conditions for developments of this type and conditions  
2028 Nos. 23 through 34 on your agenda, as well as approval for the alternative hedge height in  
2029 their front yard.

2030

2031 Mr. Archer - Thank you, Ms. Goggin. Are there any questions from the  
2032 Commission?

2033

2034 Mr. Vanarsdall - The alternative fence height is really not a fence. It's a lot of cedar  
2035 trees, aren't they?

2036

2037 Ms. Goggin - It's an evergreen, I'm not quite sure what kind.

2038

2039 Mr. Vanarsdall - And I believe that the code reads three feet high or something like that  
2040 and these will probably grow six feet. But, it will not be something you can't see or the police

2041 would be concerned.

2042

2043 Ms. Goggin - The Police had no comments about the trees.

2044

2045 Mr. Archer - All right, anything further? Mr. Vanarsdall, do you need to hear from  
2046 the applicant?

2047

2048 Mr. Vanarsdall - I don't believe so. I spoke with Mr. Hulcher this morning and the  
2049 Reverend two or three times on the phone. The only thing... on the new addition it says brick  
2050 and they are not going to use brick, it's going to be a siding, a new kind of vinyl siding that  
2051 will be the same color of the church, the addition that is there now. I would like to, when I  
2052 make the motion, take the brick off the plan.

2053

2054 Ms. Goggin - Yes, sir.

2055

2056 Mr. Vanarsdall - And, also, this does not have anything to do with the proposed, future  
2057 sanctuary. We are not approving the future one we are approving the proposed today.

2058

2059 Ms. Goggin - Yes, sir. The master plan is for information only.

2060

2061 Mr. Vanarsdall - Okay. With that, Mr. Chairman, I move POD-24-01 be approved with  
2062 the annotations on the plans, the standard conditions for developments of this type. I want  
2063 Nos. 9 and 11 amended and additional conditions Nos. 23 through 34. And, also, No. 27  
2064 says, "Outside storage shall not be permitted." And, Mr. Archer, I mentioned to you that  
2065 there is a lot of debris and maybe table and things out on the side. I would like to see that  
2066 cleaned up also. That's the end of my motion.

2067

2068 Ms. Dwyer - Seconded.

2069

2070 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.  
2071 All in favor say aye...all opposed say nay. The motion carries.

2072

2073 The Planning Commission approved POD-24-01, Emmaus United Methodist Church – Staples  
2074 Mill Road and Wistar Road, subject to the standard conditions attached to these minutes for  
2075 developments of this type, the annotations on the plans and the following additional conditions.

2076

2077 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2078 review and Planning Commission approval prior to the issuance of any occupancy  
2079 permits.

2080 11. **AMENDED** - Prior to the approval of an electrical permit application and installation  
2081 of the site lighting equipment, a plan including depictions of light spread and intensity  
2082 diagrams, and fixture specifications and mounting height details shall be submitted for  
2083 Planning Office review and Planning Commission approval.

2084 23. The right-of-way for widening of Wistar Road as shown on approved plans shall be  
2085 dedicated to the County prior to any occupancy permits being issued. The right-of-way

2086 dedication plat and any other required information shall be submitted to the County  
2087 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.  
2088 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
2089 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2090 being issued. The easement plats and any other required information shall be submitted  
2091 to the County Real Property Agent at least sixty (60) days prior to requesting  
2092 occupancy permits.  
2093 25. The required building setback shall be measured from the proposed right-of-way line  
2094 and the parking shall be located behind the proposed right-of-way line.  
2095 26. The developer shall provide fire hydrants as required by the Department of Public  
2096 Utilities and Division of Fire.  
2097 27. Outside storage shall not be permitted.  
2098 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
2099 a form acceptable to the County Attorney prior to final approval of the construction  
2100 plans.  
2101 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2102 approved by the County Engineer prior to final approval of the construction plans by  
2103 the Department of Public Works.  
2104 30. The applicant shall furnish proof to the Planning Office that conditions satisfactory to  
2105 the Health Department have been met that ensure the existing septic tank drainfield  
2106 system is suitable for this project prior to the issuance of a building permit.  
2107 31. Insurance Services Office (ISO) calculations must be included with the plans and  
2108 approved by the Department of Public Utilities prior to the issuance of a building  
2109 permit.  
2110 32. Approval of the construction plans by the Department of Public Works does not  
2111 establish the curb and gutter elevations along the Henrico County maintained right-of-  
2112 way. The elevations will be set by Henrico County.  
2113 33. Approval of the construction plans by the Department of Public Works does not  
2114 establish the curb and gutter elevations along the Virginia Department of Transportation  
2115 maintained right-of-way. The elevations will be set by the contractor and approved by  
2116 the Virginia Department of Transportation.  
2117 34. The conceptual master plan, as submitted with this application, is for planning and  
2118 information purposes only. All subsequent detailed plans of development and  
2119 construction plans needed to implement this conceptual plan may be administratively  
2120 reviewed and approved and shall be subject to all regulations in effect at the time such  
2121 subsequent plans are submitted for review/approval.  
2122

2123 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

2124 **(Deferred from the July 25, 2001, Meeting)**

2125

POD-49-01  
O'Charley's -  
W. Broad Street and  
Horsepen Road

**James A. Craig and Foster & Miller, P.C. for Kimco Richmond 800, Inc. and O'Charley's Inc.:** 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 construct a one-story, ~~7,062~~ 7,521 square foot restaurant in an existing shopping center. The 1.92 acre site is located at the southwest intersection of W. Broad Street (U.S. Route 250) and Horsepen Road on part of parcel 92-A-47. The zoning is B-2, Business District. County water and sewer.  
**(Three Chopt)**

2126

2127 Mr. Archer - Is there opposition to POD-49-01, O'Charley's at W. Broad Street and  
2128 Horsepen Road? No opposition. Mr. Wilhite.

2129

2130 Mr. Wilhite - Thank you, sir. This case was deferred from your July meeting, and at  
2131 that time it was discovered that it was necessary for the applicant to apply to the Board of  
2132 Zoning Appeals for a variance, with regards to site coverage in the shopping center. At its  
2133 September 20 meeting the BZA granted approval for that variance so the plan can go ahead.  
2134 Just being handed out to you is a revised site plan and also a revised site lighting plan. The  
2135 revised site plan had changes made to satisfy staff's comments. They adjusted the drive in the  
2136 parking areas located in the front corner of the building adjacent to the W. Broad Street and  
2137 Horsepen Road intersection based on the traffic engineer's comments. They also added  
2138 additional landscape islands in the parking lot and loading a space to the west side of the  
2139 building. Building size has also been adjusted to now 7,521 square feet.

2140

2141 The revised lighting plan, the new plan provides for 400-watt fixtures in the parking lot. The  
2142 original plan had shown 1000-watt fixtures. These fixtures will be high-pressure sodium  
2143 located on 25-foot-high poles. In addition, the approval is also for 200-watt fixtures,  
2144 gooseneck type lamps, 15 of them on the building, and one wall pack on the freezer unit. In  
2145 addition, they are asking for approval of neon banding around the top of the building. One  
2146 issue that has not been resolved deals with the architecture of the buildings. Staff has  
2147 recommended that the freezer/cooler unit be screened with brick on all sides to match the  
2148 material proposed for this building. And, also, there may be the need to raise the parapet  
2149 walls a little bit higher to fully screen the HVAC equipment on the roof from all surrounding  
2150 property. We have not heard back from the applicant on the architectural suggestions that staff  
2151 had. With those annotations on the architectural plans, staff would recommend approval of  
2152 this plan. Spud Mistr is here representing the O'Charley's Company.

2153

2154 Mr. Archer - Thank you, Mr. Wilhite. Are there questions from the Commission?

2155

2156 Mr. Vanarsdall - Yes, sir. Mr. Wilhite, what will the dumpster enclosure be?

2157

2158 Mr. Wilhite - The dumpster enclosure will be brick, seven feet, four inches high and it  
2159 will have metal panel gates on them.

2160

2161 Mr. Vanarsdall - Okay. And you said you haven't heard back on whether they are going  
2162 to screen the....

2163

2164 Mr. Wilhite - They provided some revised architectural plans to us and I could not tell  
2165 any difference between what they submitted to us the first time and the revisions did not show  
2166 any changes to the cooler treatment and also it appeared that the parapet themselves weren't  
2167 going to be tall enough to hide the equipment on the roof.

2168

2169 Mr. Vanarsdall - It should be screened in that location, as visible as it is.

2170

2171 Mr. Wilhite - And that's staff recommendation to you that we approve it with  
2172 screening around the cooler.

2173

2174 Mr. Vanarsdall - I want to bring up something that has happened from time to time and  
2175 that is the electrical boxes. This was first discovered out on W. Broad Street a good while  
2176 ago, the Commission members will remember, at the Bagel Shop in front of Sam's. It looked  
2177 like it was an advertisement for electrical boxes on the building. The developer considered the  
2178 back of the building, I mean, the front of the building was facing inward and the rear of the  
2179 building was on Broad Street, with no screening whatsoever. The most recent example is not  
2180 far from here, next to Rite Aid at the corner of Parham and Staples Mills at Hooper Road.  
2181 They put up the prettiest building and did every single thing that Leslie News ever asked them  
2182 and Leslie landscaped it and then put up about eight electrical boxes that were gray and  
2183 Verizon put up a tan one and it ruined the looks on the side of the building. The developer  
2184 was kind enough to paint all the boxes and then he landscaped them. I'm not saying that this is  
2185 a problem here but it's something that I would like for the Commission to keep in mind as well  
2186 as me that this can show up ugly after the things we do. It reminds me of the green boxes of  
2187 Dominion Virginia Power. You can't do anything with them unless you ask them and that  
2188 doesn't do any good. So, I guess I'm asking today is where will the electrical boxes be and  
2189 will it be screened out of sight?

2190

2191 Mr. Wilhite - I don't have the answer for that, possibly the representative can address  
2192 that. I think we can add, as an annotation to the plan, that electrical boxes be screened and add  
2193 that to the site plan.

2194

2195 Mr. Kaechele - Is this plan generally similar, in design and quality, to the Mayland  
2196 facility of O'Charley's?

2197

2198 Mr. Wilhite - I'm not aware of any differences between this one and the one on  
2199 Mayland Drive.

2200

2201 Mr. Kaechele - Do you know about the capacity or size?

2202

2203 Mr. Wilhite - I don't have the figures for the one on Mayland but this one is 7,500  
2204 square feet and seating for approximately 220.

2205

2206 Mr. Vanarsdall - I think the other one may be a little larger, Mr. Kaechele. As many  
2207 people that go there they probably already know that they made it too small.

2208

2209 Mr. Wilhite - The revised plan that I have shows a seating capacity of 295.

2210

2211 Mr. Jernigan - Mr. Vanarsdall, just to let you know. Those are CT cabinets. They can  
2212 be mounted inside. They don't have to be mounted outside. At time of construction, they can  
2213 mount those inside the building.

2214

2215 Mr. Vanarsdall - I appreciate that, but the problem is... and I'm not saying that we are  
2216 going to run into this, but they always say, we don't want to take up the space inside. But,  
2217 something should be done to them. That's one of the things the new Kubuto's is aware of and  
2218 they are screening in the back because it all shows from the shopping center. Thanks to Dave  
2219 O'Kelly.

2220

2221 Mr. Jernigan - Maybe not today but maybe in the future in the electrical plans they will  
2222 designate where the CT cabinets will be inside or outside.

2223

2224 Mr. Vanarsdall - That's why we are not able to catch it because it isn't. Thank you for  
2225 that suggestion. That's all I have to say about it.

2226

2227 Mr. Silber - So, Mr. Wilhite, we can annotate the plan to note that those would be  
2228 screened.

2229

2230 Mr. Wilhite - Yes. In taking a look at the site plan, it looks like on most sides of the  
2231 building we do have room for landscaping around the building. So, I think there is an  
2232 opportunity to screen them.

2233

2234 Mr. Taylor - That would be shown on the revised site plan, would it not?

2235

2236 Mr. Wilhite - Typically, we are not going to get that kind of information until we see  
2237 the building permit.

2238

2239 Mr. Vanarsdall - I guarantee you, you are not going to know about it until it is up there on  
2240 the wall and when you see it, it's too late. That's what has happened in the past.

2241

2242 Mr. Taylor - You said the revised site plan is dated September 21.

2243

2244 Mr. Wilhite - Yes, that's when it was received.

2245

2246 Mr. Taylor - And the revised light plan is September 21.

2247

2248 Mr. Wilhite - Yes, the 21<sup>st</sup> as well.  
2249

2250 Mr. Taylor - Does the revised lighting plan dated September 21 has the neon on it?  
2251

2252 Mr. Wilhite - The neon itself is shown on the architectural plans. Staff made an  
2253 annotation on the revised lighting plan to show location of all wall mounted fixtures and we  
2254 will get that information provided to us when we approve the landscape and lighting plan for  
2255 signature. The architectural plans that you did received do show the gooseneck lights and they  
2256 should also show the banding for the neon on there as well.  
2257

2258 Mr. Taylor - Could we remove the neon from there and put the neon on the revised  
2259 lighting plan?  
2260

2261 Mr. Wilhite - We can get a detail elevation, I suppose, attached to the lighting plan or  
2262 approval that shows the neon banding and specific location.  
2263

2264 Mr. Taylor - What I would like to do is work the approval so that the site plan for the  
2265 boxes that would show the electric boxes and the lighting plan are subject to additional review.  
2266 How can I do that?  
2267

2268 Mr. Wilhite - The lighting plan is before you right now, so you would be approving it  
2269 now. I would imagine if there is any additional information you want it would be possible for  
2270 you to defer this. You could act on the site plan and defer the lighting plan for 30 days, if you  
2271 care to.  
2272

2273 Mr. Vanarsdall - When we review the lighting site plan, it's all done.  
2274

2275 Mr. Wilhite - Well, typically, our lighting plan is not going to show location of the  
2276 electrical equipment on the building. But, that is correct, usually the building is under  
2277 construction when we normally see the lighting plans.  
2278

2279 Mr. Taylor - We would, though, be able to see the neon on the lighting plan?  
2280

2281 Mr. Wilhite - We would have to make sure that it gets included on the lighting plan. It  
2282 would be hard to show it on a site plan, but we can have an elevation attached to the plan to  
2283 get signed showing the location of the neon on the building.  
2284

2285 Mr. Taylor - Is the neon acceptable in this area?  
2286

2287 Mr. Wilhite - We do not have any codes, standards, or proffers on this site. So, it  
2288 would be up to you. It would almost be exactly similar to what you approved on the other  
2289 O'Charley's restaurant on Mayland Road.  
2290

2291 Mr. Taylor - Would it be possible to defer approval of the site plan that we got on  
2292 September 21 and the lighting plan until the staff has had a chance to look at it?

2293 Mr. Wilhite - Well, you could defer both, you can act on the site plan at this meeting  
2294 and defer the lighting plan, if you want to do that.

2295

2296 Mr. Taylor - Well, given, that we mentioned the screening of the electric and the  
2297 parapet walls and the neon and the dumpster enclosure and the electric boxes....

2298

2299 Mr. Vanarsdall - If you want my opinion, Mr. Taylor, I wouldn't want to see it deferred  
2300 just because of the boxes because there is another way we can work them out, now that we  
2301 know about it.

2302

2303 Mr. Wilhite - Like I said, we can annotate this site plan to require screening of the  
2304 electrical boxes on the plan and then we can look at it when the building permit comes in and  
2305 also when the landscape plan comes in.

2306

2307 Mr. Taylor - We are approving now with the 21 drawings?

2308

2309 Mr. Wilhite - Well, we at this point, again, we don't know exactly where the electrical  
2310 boxes will be located.

2311

2312 Mr. Jernigan - Mr. Taylor, I would think that if they are not going to be inside, if they  
2313 are going to be outside, just let them screen them. I wouldn't defer it because of that.

2314

2315 Mr. Vanarsdall - It would just be an annotation on the plan, Mr. Taylor, to see if we can  
2316 screen them.

2317

2318 Mr. Wilhite - I think we can accomplish it with an annotation.

2319

2320 Mr. Taylor - Okay. I'm okay with that.

2321

2322 Mr. Vanarsdall - If it slips through the cracks, we will put camouflage paint on it.

2323

2324 Mr. Silber - Mr. Wilhite, I know you have an annotation on here that says that signs  
2325 are not a part of this approval, but the sign that they have on this building, the attached sign, is  
2326 actually in violation of the ordinance. It's above the roof structure so they will need to adjust  
2327 that when they come in. I think that the record just needs to reflect that their elevation doesn't  
2328 show the sign location appropriately.

2329

2330 Mr. Wilhite - All right.

2331

2332 Mr. Archer - All right. Is there any further discussion? Thank you, Mr. Wilhite.  
2333 Mr. Taylor, do you need to hear from the applicant?

2334

2335 Mr. Taylor - No, Mr. Chairman, I think I'm okay with it the way it is, as long as we  
2336 are going to take a look at the details we've discussed because I think we can handle those by  
2337 reviewing on those annotations on the plan. I'm basically satisfied with the overall building

2338 site, given that we've got adequate landscaping and lighting plans later. So, I'll move approval  
2339 of POD-49-01, O'Charley's at W. Broad Street and Horsepen Road, subject to the standard  
2340 conditions for developments of this type, conditions Nos. 23 through 30 and the annotations on  
2341 the plan with specific address of the items noted which is electrical screening, parapet walls,  
2342 neon, dumpster enclosure, electrical boxes on both plans, the site plan of September 21, 2001,  
2343 and the lighting plan dated September 21, 2001.

2344

2345 Mr. Vanarsdall - Second.

2346

2347 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

2348 All in favor say aye...all opposed say nay. The motion carries.

2349

2350 The Planning Commission approved POD-49-01, O'Charley's - W. Broad Street and  
2351 Horsepen Road, subject to the standard conditions attached to these minutes for developments  
2352 of this type, the annotations on the plans and the following additional conditions.

2353

2354 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2355 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2356 being issued. The easement plats and any other required information shall be submitted  
2357 to the County Real Property Agent at least sixty (60) days prior to requesting  
2358 occupancy permits.

2359 24. The developer shall provide fire hydrants as required by the Department of Public  
2360 Utilities and Division of Fire.

2361 25. Outside storage shall not be permitted.

2362 26. The developer shall install an adequate restaurant ventilating and exhaust system to  
2363 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
2364 included with the building permit application for review and approval. If, in the  
2365 opinion of the County, the type system provided is not effective, the Commission  
2366 retains the rights to review and direct the type of system to be used.

2367 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2368 approved by the County Engineer prior to final approval of the construction plans by  
2369 the Department of Public Works.

2370 28. Insurance Services Office (ISO) calculations must be included with the plans and  
2371 approved by the Department of Public Utilities prior to the issuance of a building  
2372 permit.

2373 29. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent  
2374 of the total site area.

2375 29. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

2376 **PLAN OF DEVELOPMENT**

2377

POD-60-01  
Virginia Eye Institute -  
ASC Building – Huguenot  
Road

**TIMMONS FOR SBB Associates:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 14,315 square foot medical office building. The 2.68 acre site is located along the south line of Huguenot Road, approximately 1,100 feet west of River Road on parcel 126-A-8A. The zoning is B-1, Business District and O-1, Office District. County water and sewer. **(Tuckahoe)**

2378

2379 Mr. Archer - Is there anyone here in opposition to POD-60-01, Virginia Eye Institute  
2380 – ASC Building? No opposition. Mr. Wilhite.

2381

2382 Mr. Wilhite - The issues involving the number of handicapped and the location of  
2383 handicap parking spaces has been worked out with the Building Inspections Department. We  
2384 have gotten comments back from the Department of Transportation and they are  
2385 recommending approval of this plan. We do have some information on the Huguenot Bridge  
2386 reconstruction. Currently, they are in the preliminary design of the Huguenot Bridge  
2387 reconstruction. They are expecting public hearings to be held on this in early 2002. The  
2388 information that I have from the Department of Transportation is that there will be no impact  
2389 anticipated to the site improvements being proposed but there may need to be some adjustment  
2390 to the entrance into the site, the shared entrance between the River Road II Shopping Center  
2391 and the Virginia Eye Institute. On page 10 of your addendum, there is an added condition,  
2392 No. 29 that requires the applicant to construct the sidewalk along Huguenot Road from the  
2393 eastern property line to the Huguenot Bridge. We have crafted it to allow the applicant to  
2394 escrow these funds, so the construction of the sidewalk can be done in the future in conjunction  
2395 with the Huguenot Bridge improvements. In addition, one adjustment that the staff made had  
2396 to do with the architectural design of the building. We had suggested that the applicant may  
2397 look into trying to add some details or changes to the building to try to tie it more into the  
2398 existing building that's already there on the site. We have not received any further information  
2399 at this time. Staff is not aware of any neighborhood opposition until this morning when we got  
2400 a faxed letter from a property owner in the area that was concerned.... Actually this letter was  
2401 addressed to VDOT. They were concerned about parking in the River Road II parking center  
2402 and also pedestrian traffic along Huguenot Road in this area here (referring to map on the  
2403 screen). I'll be happy to answer any questions you may have.

2404

2405 Mr. Archer - Thank you, Mr. Wilhite. Are there questions from the Commission?

2406

2407 Ms. Dwyer - I would like to hear from the applicant.

2408

2409 Mr. Archer - All right. Mr. Pike, how are you?

2410

2411 Mr. Pike - Fine. My name is Charlie Pike and I'm here to represent the applicant.  
2412 I'm with the firm of TIMMONS.

2413

2414 Ms. Dwyer - Mr. Pike, you and I have had some discussions and I've had some  
2415 discussions with the applicant and their architect about the elevations and I believe we've sort  
2416 of come to a mutual understanding that we will defer this... this will be deferred for a month  
2417 and that will give us a chance to make some modifications to the exterior of the building.

2418

2419 Mr. Pike - Yes, ma'am. That's a fair representation.

2420

2421 Ms. Dwyer - And the applicant is not interested in deferring the case, is that correct?

2422

2423 Mr. Pike - We prefer, because it's the architectural issues, that you do it.

2424

2425 Ms. Dwyer - Thank you. Mr. Wilhite, the Commission has an opportunity to defer its  
2426 cases, is that correct?

2427

2428 Mr. Wilhite - Yes, ma'am. You will have one deferral.

2429

2430 Ms. Dwyer - All right. I'm ready for a motion, Mr. Chairman.

2431

2432 Mr. Archer - All right, what is your pleasure, Ms. Dwyer?

2433

2434 Ms. Dwyer - I move that we defer POD-60-01, Virginia Eye Institute, to our October  
2435 24, 2001, meeting at the Commission's request.

2436

2437 Mr. Vanarsdall - Second.

2438

2439 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall.  
2440 All in favor say aye...all opposed say nay. The motion carries.

2441

2442 The Planning Commission deferred POD-60-01, Virginia Eye Institute - ASC Building -  
2443 Huguenot Road, to its October 24, 2001, meeting.

2444

#### 2445 **PLAN OF DEVELOPMENT**

2446

POD-69-01

~~Tascon—Lauderdale~~

~~Condominiums~~

The Villas of Autumn Run

**Balzer & Associates, Inc. for LGA Associates, L.L.L.P. and  
Tascon Group, Inc.:** Request for approval of a plan of  
development, as required by Chapter 24, Section 24-106 of the  
Henrico County Code to construct 102, one-story,  
condominium units with a clubhouse and swimming pool. The  
19.91 acre site is located along the east line of Lauderdale  
Drive, approximately 850 feet south of Ridgefield Parkway on  
parcel 65-A-7. The zoning is R-5, General Residence District.  
County water and sewer. **(Tuckahoe)**

2447 Mr. Archer - Is there anyone in the audience in opposition to POD-69-01, Tascon -  
2448 Lauderdale Condominiums? No opposition. Mr. Wilhite.

2449

2450 Mr. Wilhite - Staff would like to inform for the record, we have a request for a name  
2451 change on this project. The new name the applicant would like is "The Villas of Autumn  
2452 Run." The applicant has requested a waiver of the new RV (Recreational Vehicle) parking  
2453 requirements that was a part of the multi-family ordinance that was recently enacted. They  
2454 have provided information to us that their covenants will state that "No parking of recreational  
2455 vehicle or trailers on the property except inside the garage that's attached to the units. With  
2456 that, staff can support that waiver request. The issues dealing with water quality and the  
2457 sandfilter design have been worked out with the Department of Public Works. The only  
2458 remaining issue that we have is, staff had suggested some changes to the façades of the  
2459 buildings facing Lauderdale Drive. We suggested that they might provide more brick facades.  
2460 And also a change from vertical siding that was shown on the elevation to horizontal siding. I  
2461 believe the applicant is here and can address those comments that staff had. With that, I'll be  
2462 glad to answer any questions that you have.

2463

2464 Mr. Archer - Are there any questions or comments from the Commission?

2465

2466 Ms. Dwyer - Well, I'm willing to mention an issue that Mr. Wilhite is familiar with.  
2467 We had, and this is really just for the Commission's knowledge and understanding. As you  
2468 can see on the cover sheet that there are apartments adjacent to this development. At the time  
2469 these apartments were, correct me if I'm wrong, Mr. Wilhite, but at the time when these  
2470 apartments were approved the parcel that we are considering today was a part of that property.  
2471 It was considered to be another phase.

2472

2473 Mr. Wilhite - For future phases of this apartment development, yes.

2474

2475 Ms. Dwyer - And my understanding is that these apartments, when we take this parcel  
2476 away, the existing apartments do not meet code in terms of the density.

2477

2478 Mr. Wilhite - The calculations provided to us by the applicant, which we requested,  
2479 would exceed the density requirements in the ordinance.

2480

2481 Ms. Dwyer - So, I think what this illustrates the potential for a parcel of land that's  
2482 presented to us in phases, and when the parcel is considered as a whole the density may meet  
2483 our requirements. But, if the property is subsequently divided, developed in one part and then  
2484 divided, that may leave you with the remaining parcel that does not meet our density  
2485 requirements. And that seems to be what has happened here. The interesting thing about this  
2486 case is this property was divided in the 1980s. The apartments have received zoning  
2487 conformance letters in the meantime. So, it's not an issue that we can press or is enforceable  
2488 this time but I think it is something that we need to be aware of when we approve large POD's  
2489 or even zoning cases that will be built in phases. We want to take whatever steps, and I'm not  
2490 sure what steps we can take, to insure that subsequent subdivisions or removal of parts of those  
2491 parcels will not render the existing development out of compliance with our code. Mr. Silber,

2492 do you have any thoughts on that?

2493

2494 Mr. Silber - Not necessarily, Ms. Dwyer, but I think your point is well taken. The  
2495 normal practice is when you have a major development, perhaps an office development such as  
2496 the one adjacent to this. We do attempt to make sure that the zoning requirements are met with  
2497 each phase. In other words, as each phase comes in those density requirements should be met  
2498 with that phase. So, you don't get to the end and not be able to reach compliance or property  
2499 split and sold and you have difficulty reaching compliance. So, how this occurred, I don't  
2500 know. It brings a good point forward because we are in a situation now where property has  
2501 been split and sold some time ago and I don't think it's necessary to penalize this developer  
2502 who is coming forward with this condominium plan. We are fortunate though that this plan is  
2503 conservatively less dense than what potentially could happen on R-5. And as a whole, when  
2504 you look at all of the apartment projects to the south that's been developed and you take the  
2505 condominiums and combine the two, you do come up with the density that does meet the  
2506 zoning requirements. So, as a package, as a whole, we are complying with the overall density  
2507 requirements. But, your point is well taken. I think we just need to be more careful as phases  
2508 are developed and that zoning requirements are met with each phase.

2509

2510 Mr. Wilhite - I will just add that staff can make sure that the phase line shown on the  
2511 plans meet all requirements, that doesn't necessarily mean that the property split will occur  
2512 along those phase lines.

2513

2514 Mr. Archer - Good observation, Ms. Dwyer. Thank you.

2515

2516 Ms. Dwyer - Okay. We'll hear from the applicant.

2517

2518 Mr. Settlege - Good morning, I'm Steve Settlege, president of Tascon.

2519

2520 Mr. Archer - Good morning, sir.

2521

2522 Ms. Dwyer - Mr. Settlege, Mr. Wilhite mentioned the question about the horizontal  
2523 siding and the brick component for the units along Lauderdale. Could you respond to that  
2524 please?

2525

2526 Mr. Settlege - Yes, I will. There will be no vertical siding on any units along  
2527 Lauderdale Drive. You may remember a case at Ridgefield and Pump that involved some  
2528 elevations that have been upgraded substantially from what we initially discussed. We intend  
2529 to use those elevations and variations on them for this project, which eliminates I think the  
2530 issues that we are of concern in the other case as well as what could be of concern here.

2531

2532 Ms. Dwyer - So, there will be no vertical siding at all in the whole development?

2533

2534 Mr. Settlege - That is correct.

2535

2536 Ms. Dwyer - I thought I heard you say something differently. Do you know the brick

2537 percentage for this development?

2538

2539 Mr. Settlage - It varies. I have the elevations. There are four different.... You may  
2540 recall at the Ridgefield Pump case, we reviewed these elevations (referring to screen) and there  
2541 were four versions. We agreed in Ridgefield Pump to only use three. My intention is to use  
2542 all four on this project. One of the four has a much lower brick percentage than the other  
2543 three. The other three being, I believe, just about 50%.

2544

2545 Ms. Dwyer - All right. And, I think, as we discussed, I'm going to add amended  
2546 conditions Nos. 9 and 11, which will bring the lighting and landscape plans back to the  
2547 Commission for approval. We have had some inquiries from residents across Lauderdale who  
2548 want to make sure that the light doesn't interfere with the use and enjoyment of their property  
2549 and also do some screening.

2550

2551 Mr. Settlage - Correct. That's satisfactory.

2552

2553 Ms. Dwyer - All right, that's all I have.

2554

2555 Mr. Archer - All right. Is there anything else from the other Commissioners? Thank  
2556 you, sir.

2557

2558 Ms. Dwyer - I have one question for Mr. Wilhite, though. I have the letter that was  
2559 faxed yesterday from Mr. Theobald about their recreational vehicle parking.

2560

2561 Mr. Wilhite - Yes, ma'am.

2562

2563 Ms. Dwyer - And the statement. Is that something that would be appropriate to put as  
2564 a condition? I think I would like to do that, unless you have a problem with it.

2565

2566 Mr. Wilhite - I think, typically, we would either incorporate the waiver, granting the  
2567 waiver into the approval letter, or we will send them a separate letter to that affect. Hopefully,  
2568 that will satisfy your concerns there.

2569

2570 Ms. Dwyer - Well, I guess, the part that I want to be clear is that RV's are prohibited  
2571 unless they are in enclosed garages.

2572

2573 Mr. Wilhite - The problem that I would see with that is that if they wanted to go back  
2574 and add RV parking in the future, they would have to come back and revised the condition. It  
2575 would not be able to be done administratively. It would have to come back to the Planning  
2576 Commission if they wanted to add some RV parking in the future.

2577

2578 Ms. Dwyer - To add special parking places.

2579

2580 Mr. Wilhite - Yes.

2581

2582 Ms. Dwyer - All right. We will leave it as it is then, so that it can be handled  
2583 administratively in the future. All right, I'm ready for a motion.

2584

2585 Mr. Archer - All right, Ms. Dwyer.

2586

2587 Ms. Dwyer - I move for approval of POD-69-01, The Villas of Autumn Run,  
2588 including the standard conditions, the annotations on the plan, conditions Nos. 9 and 11  
2589 amended and conditional additions Nos. 23 through 30.

2590

2591 Mr. Vanarsdall - Second.

2592

2593 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall.

2594 All in favor say aye...all opposed say nay. The motion carries.

2595

2596 The Planning Commission approved POD-69-01, The Villas of Autumn Run, subject to the  
2597 standard conditions attached to these minutes, the annotations on the plans and the following  
2598 additional conditions:

2599

2600 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2601 review and Planning Commission approval prior to the issuance of any occupancy  
2602 permits.

2603 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of  
2604 the site lighting equipment, a plan including depictions of light spread and intensity  
2605 diagrams, and fixture specifications and mounting height details shall be submitted for  
2606 Planning Office review and Planning Commission approval.

2607

2608 23. The right-of-way for widening of Lauderdale Drive as shown on approved plans shall  
2609 be dedicated to the County prior to any occupancy permits being issued. The right-of-  
2610 way dedication plat and any other required information shall be submitted to the County  
2611 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

2612 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
2613 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2614 being issued. The easement plats and any other required information shall be submitted  
2615 to the County Real Property Agent at least sixty (60) days prior to requesting  
2616 occupancy permits.

2617 25. The developer shall provide fire hydrants as required by the Department of Public  
2618 Utilities and Division of Fire.

2619 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2620 approved by the County Engineer prior to final approval of the construction plans by  
2621 the Department of Public Works.

2622 27. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
2623 County standard and specifications. The developer shall post a defect bond for all  
2624 pavement with the Planning Office - the exact type, amount and implementation shall be  
2625 determined by the Director of Planning, to protect the interest of the members of the  
2626 Homeowners Association. The bond shall become effective as of the date that the

2627 Homeowners Association assumes responsibility for the common areas.  
2628 28. Insurance Services Office (ISO) calculations must be included with the plans and  
2629 approved by the Department of Public Utilities prior to the issuance of a building  
2630 permit.  
2631 29. The unit house numbers shall be visible from the parking areas and drives.  
2632 30. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
2633 Regional Planning District Commission and such names shall be included on the  
2634 construction plans prior to their approval. The standard street name signs shall be  
2635 ordered from the County and installed prior to any occupancy permit approval.  
2636  
2637 Mr. Silber - Okay. That concludes a major portion of our agenda. We do have a  
2638 number of work sessions items and minutes to approve. The minutes are listed at this portion  
2639 of the agenda. Do you want to handle them now or at the end of the meeting?  
2640  
2641 Mr. Vanarsdall - Why don't we get them now. Oh, I'm sorry I thought I was Chairman  
2642 again, Mr. Chairman.  
2643  
2644 Mr. Silber - What is the Commission's wish?  
2645  
2646 Mr. Archer - Commission, what is your wish?  
2647  
2648 Ms. Dwyer - If we can do them fast let's go on and do them now; otherwise, let's not  
2649 hold these people up.  
2650  
2651 **APPROVAL OF MINUTES: June 27, 2001 and July 25, 2001**  
2652  
2653 Mr. Archer - All right, Mr. Secretary.  
2654  
2655 Mr. Silber - The June 27, 2001, minutes. Are there any comments or corrections?  
2656  
2657 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Taylor to  
2658 approve the June 27, 2001, minutes. All in favor say aye...all opposed say nay. The motion  
2659 carries.  
2660  
2661 Mr. Vanarsdall - If there are not changes or corrections, I move that the minutes dated  
2662 June 27, 2001, be approved.  
2663  
2664 Mr. Taylor - Second.  
2665  
2666 Mr. Vanarsdall - And I'll also do it for the July 25 minutes if there are no changes. I  
2667 move the July 25, 2001, minutes be approved.  
2668  
2669 Mr. Taylor - Second.  
2670  
2671 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Taylor to

2672 approve the July 25, 2001, minutes. All in favor say aye...all opposed say nay. The motion  
2673 carries. I'm sorry. This shouldn't change the meaning too much, but on line 33, on the first  
2674 set of minutes, June minutes, on page 1, "Is there anyone here from the press who would like  
2675 to "be" recognize, not "me" recognize." I think everyone was smart enough to figure that  
2676 out.

2677

2678 Mr. Silber - At the bottom of page 53, this is an error, it says discussion item to be a  
2679 work session for Comprehensive Plan Amendment, that's an error because we will be  
2680 discussing this in a work session in a few minutes. The next item under the 11:00 a.m. portion  
2681 of your agenda is a work session to discuss the Residential Set Back Ordinance.

2682

2683

2684 **MR. MARLLES RETURNS DURING THE NEXT SECTION OF THE MEETING.**

WORK SESSION: Residential Set Back Ordinance

2685

2686

2687 Mr. Silber - As you recall this has been discussed in previous work session. The  
2688 Planning Commission sent us back with some additional considerations, points of consideration  
2689 that we are to look into and this has been done. We have made some more changes and these  
2690 have been sent out to you. Is there anyone who does not have a copy of these? Mr. Bittner,  
2691 are you passing out new copies of that?

2692

2693 Mr. Householder - I have extra copies of the ordinance but he's passing out the presentation  
2694 plus a section of the existing one.

2695

2696 Mr. Silber - Does everyone have a copy of the proposed ordinance on Residential  
2697 Setbacks?

2698

2699 Ms. Dwyer - Yes, I do.

2700

2701 Mr. Silber - Okay. Mr. Householder is here is present this and walk us through this  
2702 ordinance.

2703

2704 Mr. Archer - Mr. Lee Householder.

2705

2706 Mr. Householder - Thank you, Mr. Secretary, Mr. Chairman, members of the Commission.  
2707 The purpose of this work session is to review the latest draft of the residential setback  
2708 ordinance. I will quickly refresh your memory. The concern here is that single-family homes  
2709 are not being placed far enough from major roadways, and we feel there is a need to minimize  
2710 the impact upon residents. Currently, our zoning ordinance does not have any additional  
2711 requirements that would keep residents off major roads. Just one picture I have for you, just  
2712 to let you know the type of issue we are dealing with, as far as houses being very close to  
2713 roadways. Some background, where we've been. The Planning Commission recommended  
2714 approval of landscape buffers from certain roadway ordinance. This was done on May 24,  
2715 2001. Subsequently, the Board of Supervisors held three work sessions to discuss this  
2716 proposed ordinance and there were concerns that were raised by the Board at that time.  
2717 Specifically, concerning landscaping, within the setback area, they felt that there was a need  
2718 for increase setback distance and they felt that the ordinance should be expanded to be  
2719 applicable to all residential districts.

2720

2721 Based on this ordinance, the concerns, staff revised the ordinance to require doubling of  
2722 setbacks, not only from front and rear yards but also from side yards. This would apply to all  
2723 districts. Because this ordinance was changed substantially and it was originally an ordinance  
2724 to the subdivision ordinance, it was decided by the Board to remand this ordinance back to the  
2725 Planning Commission on June 26, 2001. The Planning Commission did hold a work session  
2726 on July 31 to review this ordinance presented by the Board. Also, at that work session we  
2727 heard from the development community with a number of concerns that they had with the  
2728 ordinance that was proposed at that time. They felt like the grandfather provisions were a little  
2729 vague and inadequate at that time. They felt that there was a need for flexibility within the

2730 ordinance. They indicated that there are roads dedicated by the Major Thoroughfare Plan that  
2731 are in various stages of development and they felt that a consistent rule didn't seem practical.  
2732 They suggested at that time a multi-tier approach as opposed to a blanket approach of doubling  
2733 setbacks. They also voiced concerns of the ordinance applying to multi-family district, R-5, R-  
2734 6 and RTH.

2735

2736 In response to those concerns, at that work session, staff presented four alternatives to the  
2737 Planning Commission at that time. Based on additional comments received at the work session  
2738 and those comments by the development community, staff has now revised the ordinance once  
2739 again and is proposing the following ordinance, which is a little similar to what was originally  
2740 in May 2000 that I'll quickly go over. Rear, front and side yards shall now, as the ordinance  
2741 is written, require 35-foot setback from major arterials, minor arterials, and interstate  
2742 highways. Also, there shall be for minor collectors and major collectors a 25-foot setback.  
2743 This ordinance would still apply to all "R" Districts. It would address fencing as it did before,  
2744 fencing greater than 42 inches would be setback 15 feet. Landscaping is not required by this  
2745 ordinance. And the grandfathering provision has been revised in this draft to more specifically  
2746 state that proffers relating to setbacks or buffers along major roadways would be given  
2747 priority. So, if there is already a case that has a proffered buffer that's less than the standard,  
2748 you would go by what the proffered standard is.

2749

2750 In response to one of the strongest concerns raised at the last work session, staff has provided a  
2751 provision to this proposed ordinance that will allow the Planning Commission to grant an  
2752 exception. This provision could be granted under the existing subdivision ordinance, which is  
2753 Section 19-4, which was handed out to you with a copy of this presentation. This will allow  
2754 the Planning Commission to grant exception provided that the exception would not be  
2755 detrimental to public safety, health or welfare and that the exception is based on unique  
2756 conditions that are generally not applicable to other properties. That's a quick review of the  
2757 proposed ordinance. After discussion of this amendment, if the Planning Commission feels  
2758 comfortable, staff would recommend scheduling a public hearing for the October 24, 2001,  
2759 Planning Commission meeting, and I'll be happy to answer any question that you may have.

2760

2761 Mr. Archer - Thank you, Mr. Householder. Are there any questions or comments by  
2762 Commission members?

2763

2764 Mr. Kaechele - Can we go back to that picture you showed of the first home on that  
2765 corner?

2766

2767 Mr. Householder - Yes.

2768

2769 Mr. Kaechele - I guess those are minor collector roads there.

2770

2771 Mr. Householder - It is my understanding that it's a minor collector. This is Scott's Glen  
2772 subdivision.

2773

2774 Mr. Kaechele - But, currently, is there a 15-foot sideyard requirement there?

2775 Mr. Householder - In this case, it appears to be 15 feet, so if the ordinance were applied you  
2776 would have an additional 25 feet.

2777

2778 Mr. Kaechele - Right. They could certainly use that.

2779

2780 Mr. Householder - It could be as low as 10 feet.

2781

2782 Mr. Silber - We may need to check the ordinance. I would say that maybe 10, 12 or  
2783 15. We need to check the zoning ordinance and see what the sideyard setback is. I believe  
2784 that may be a R-5A development.

2785

2786 Mr. Householder - But nonetheless, you can tell it's extremely close.

2787

2788 Mr. Silber - I would say, with a fair amount of certainty, it's between 10 and 15 feet  
2789 for that sideyard setback.

2790

2791 Mr. Householder - Right, I agree.

2792

2793 Mr. Taylor - Mr. Householder, now for major arterials, minor arterials and interstate  
2794 highways, the setbacks are all different. What are they now, do you know off hand?

2795

2796 Mr. Householder - I think your question gets at the fact that they would be treated  
2797 equally.... If it is a major arterial, minor arterial or interstate you would add 35 feet to the  
2798 required setback by that district. So, if it was R-3, the setback is 40 feet, you would add 35 to  
2799 that so you would end up with a 75-foot setback. If it is R-2, the setback for R-2 District is 45  
2800 feet in the rearyard, you add 35 feet to that and you end up with 80 feet. So, it would vary  
2801 depending on the zoning district.

2802

2803 Mr. Taylor - Isn't there a requirement, like for interstates, that there has to be a fence  
2804 and it has to be 50 feet from the roadway, like along I-64?

2805

2806 Mr. Householder - No, sir. When we get subdivisions that are in that case, we attempt to  
2807 encourage the developers to do that at the subdivision stage, but the code does not specifically  
2808 require that right now.

2809

2810 Mr. Vanarsdall - What do we do with the question mark behind "What is 19-4"?

2811

2812 Mr. Householder - This explains what 19-4 is, it was simply....

2813

2814 Ms. Dwyer - Have we ever used that before?

2815

2816 Mr. Householder - We use it as an exception in our stem-shape lots. You can still do a stem  
2817 lot if you use this exception. That's what led us to using this.

2818

2819 Ms. Dwyer - I just don't recall being on the Commission and ever being asked to grant

2820 an exception under this code.

2821

2822 Mr. Silber - At this point, Ms. Dwyer, Mr. Householder is correct. It is a part of the  
2823 stem lot requirements allowing exceptions, and to this point no one has come forward asking  
2824 for an exception to the stem lot requirements. This hasn't been posed yet.

2825

2826 Mr. Householder - I'll point out, our County Attorney commented on the use of this  
2827 Section. He felt that this was reasonable, but you can only use it in the time of the  
2828 subdivision. If there was an individual property owner, say, in any district that wanted to  
2829 build a house along a major roadway, they wouldn't have an opportunity for an exception  
2830 because it can only be granted at the time of conditional subdivision review. So, if one  
2831 building permit were submitted for a house there would be opportunity to reduce that. Staff's  
2832 comfortable with that.

2833

2834 Mr. Silber - There opportunity would be to file for a variance and appear before the  
2835 Board of Zoning Appeals.

2836

2837 Mr. Householder - Absolutely.

2838

2839 Mr. Vanarsdall - The grandfathering relates to along major roadways. Mr. Silber, when  
2840 we had this last work session, we were upstairs in the Manager's Conference Room, weren't  
2841 we?

2842

2843 Mr. Silber - Yes, sir, that's correct.

2844

2845 Mr. Vanarsdall - Mr. Theobald had given me a formula and I gave it to you and to John  
2846 about the setback. If you had a big setback you could spread that over and it wouldn't lose.  
2847 Did staff do anything with that?

2848

2849 Mr. Silber - No, we didn't, Mr. Vanarsdall. I think that may have been more  
2850 appropriate when we were talking about doubling of the setbacks. And I think the  
2851 homebuilders were contemplating, well if you are going to double the setback perhaps that  
2852 could be provided somewhere else in the yard. Staff does not explore that option. I think we  
2853 still believe that providing for a 35-foot or a 25-foot setback in addition to the normal  
2854 minimum requirements are appropriate. So, to answer your question, we did not explore that.

2855

2856 Mr. Vanarsdall - I think it was relating to.... If the setback is 35 now and you want to go  
2857 to 70, which doubles it, you could take up the slack some way.

2858

2859 Mr. Silber - We did not pursue that. I don't know if that is still a desire of the  
2860 homebuilders. We will give them a chance to speak but they may be comfortable with what's  
2861 being proposed here with the exception clause.

2862

2863 Mr. Vanarsdall - I think you said it couldn't be done.

2864

2865 Mr. Silber - That was my view before. I think it was very difficult to try to manage  
2866 that.

2867

2868 Mr. Vanarsdall - Maybe he wants to shed some light on it.

2869

2870 Mr. Archer - Mr. Theobald.

2871

2872 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald, for the  
2873 record. I was struggling to remember what that suggestion was. I think the notation was to  
2874 the extent that you loss usable land based on the imposition of this new standard that you might  
2875 have an opportunity to make it up in the side or the other yards, I guess, was the notation. I  
2876 don't know that we really had a formula per se but that was the suggestion. I'm not sure what  
2877 you are hoping to hear from the development community. Obviously, we rather you not do any  
2878 of this. I think what you are proposing today is a step in the right direction. I think we will  
2879 continue to advocate some changes as we go through the process. One thing that I will bring  
2880 to your attention, I do think this exception mechanism is helpful and something we were most  
2881 interested in. The one thing I'm sure, though, because it arises under the subdivision  
2882 ordinance, I'm not sure you can use it to grant relief on the multi-family side, which go to  
2883 POD and not subdivision. That might be something we need to talk to the County Attorney  
2884 about. But, in my opinion, the exception is going to be more often sought in your multi-family  
2885 district than in your single-family detached district, which really brings me to my last point and  
2886 that is I will continue to advocate that you not include the multi-family districts in the  
2887 application of this ordinance in as much as we do go through POD, and we do go through  
2888 landscaping plan and we do have an opportunity together to look at the specific impacts of the  
2889 development on the surrounding area. One very good example of that was the POD you just  
2890 approved for Tascon on Lauderdale Drive. That project would not be built for owner/occupied  
2891 condominiums, at least by Mr. Settledge, if the additional 35 feet had come into play. It would  
2892 have wiped out his entire row of condominiums and what you would have been left with was  
2893 unrestricted R-5 land suitable for apartment development. So, I think we get there in a  
2894 different under the multi-family. So, I would ask you to continue to consider, and I will  
2895 continue to advocate that the multi-family districts be exempted from this. Again, I do  
2896 appreciate you providing the relief mechanism but were the multi-family to stay in this  
2897 ordinance, and I hope it does not, I think we need to look at whether or not it works when you  
2898 are talking about POD rather than a subdivision. And those are really my only comments for  
2899 the morning.

2900

2901 Mr. Archer - Thank you, Mr. Theobald. Are there any questions of Mr. Theobald by  
2902 the Commission?

2903

2904 Mr. Jernigan - No. I have a statement to make. I had thought about this before and I  
2905 was going to bring it up, it's in the multi-family. I know I'm the junior member on here but  
2906 I've looked at a few cases and I can see where this additional setback would have made some  
2907 major changes. And the Tascon case on Ridgefield, where we ended up with about 100-foot of  
2908 buffer coming through the front, which would not have been if the minimum setback had been  
2909 increased. I think on multi-family the lots just aren't square and if we go on to all irregular

2910 shapes, I think I would rather see that the setback requirement remain the same for multi-  
2911 family, but put in there that it would be negotiable or adjusted by the staff and Planning  
2912 Commission at the time of zoning.

2913

2914 Mr. Silber - Mr. Jernigan, I see your point. I think your point probably mirrors that  
2915 of Mr. Theobald relative to the multi-family, but I don't think the approach that you are  
2916 recommending would necessarily be the way to go. I think staff would just prefer that multi-  
2917 family not be subjected to these additional setbacks. At the time of zoning, obviously, the  
2918 Commission and the Board can work with the applicant and get proffer conditions to deal with  
2919 additional setback and that done on a pretty regular basis for property coming in to be rezoned.  
2920 Property that's already zoned for multi-family purposes would have the right to build within  
2921 the minimum setback, up to the minimum setback, and I don't think there would be any  
2922 language that could be added to the code that would give the Planning Commission the right to  
2923 increase that. Because that's a legislative authority, so I don't think that legally could be done,  
2924 but we can take a closer look at where you are going with this and see if there is some way of  
2925 accomplishing the same thing.

2926

2927 Mr. Jernigan - I would rather see it deleted, the R-5, Multi-Family.

2928

2929 Mr. Vanarsdall - You are saying, Mr. Silber, that on the rezoning you just say "no" if you  
2930 don't want it there.

2931

2932 Mr. Silber - That is correct also, Mr. Vanarsdall. I think that definitely goes without  
2933 saying. I think Mr. Jernigan is saying that he has difficulty with the multi-family being  
2934 subjected to additional setback when adjacent to major roads, because of situations where we  
2935 have seen with some of these Tascon developments. I would like to explore with what Mr.  
2936 Theobald brought up about whether the subdivision section can be used to deal with multi-  
2937 family and plans of developments. He made have a point there that we have to look at.  
2938 Certainly, I think in the case of Tascon, if we did have some type of exception built in and it  
2939 did apply and multi-family was subjected to these requirements, I think that, in the case of  
2940 Tascon, there may be exceptions that could be granted. I think in the case of the Ridgefield  
2941 Pump location, that was a very narrow piece of property. I think the Commission was  
2942 comfortable with the location of those relative to the busy road. There was a lot of  
2943 landscaping and fencing and treatment within that setback area. So, I think, the Commission  
2944 and Board certainly would have considered some form of reduction of that setback. But, I  
2945 guess my point is that there are a few things we need to look into. I would like to know  
2946 whether the Commission feels that multi-family should be a part of this ordinance or not. I  
2947 think that's a major decision that should be made today, really before we go into the public  
2948 hearing process.

2949

2950 Ms. Dwyer - Well, in theory, you are trying to protect people's residence, so the  
2951 multi-family would need it as much as single-family.

2952

2953 Mr. Silber - Yes.

2954

2955 Ms. Dwyer - I mean, what would be the justification or the rationale for excluding  
2956 multi-family over single-family? I don't see that.

2957

2958 Mr. Silber - That's an excellent point, and when the Board of Supervisors considered  
2959 this, that was exactly their point. They said a person in a residence is a person in a residence  
2960 whether single-family or multi-family. They instructed staff to prepare an ordinance that  
2961 included multi-family. So, that's where we are. So, it raises a good point and I think that it  
2962 just needs to be discussed and worked through.

2963

2964 Mr. Jernigan - The reason I'm saying that is because if all of the lots are square it  
2965 wouldn't be a problem. But, because they are in triangles or they are going down to the points  
2966 or they are stem lots, it just makes that additional setback, it makes it difficult to place all those  
2967 homes in there.

2968

2969 Ms. Dwyer - But, if you provided an out, say, an exception that can be used for the  
2970 oddly shaped lot, like that Tascon case, it was fairly narrow and long and a lot of road  
2971 frontage.

2972

2973 Mr. Jernigan - Well, that's the reason I was just suggestion to just leave it alone and  
2974 then we adjust it at another time. I mean, if we increase the setback it's an ordinance and we  
2975 will have to work with each time. If you leave it like it is, you won't.

2976

2977 Ms. Dwyer - Well, I guess I understood Randy to say that if we leave it alone then we  
2978 don't have the authority to bring it up necessarily, outside of the zoning.

2979

2980 Mr. Jernigan - Well, I don't know, it looks like it's been something that is negotiable.  
2981 We've made adjustments.

2982

2983 Mr. Silber - You're talking about when a plan of development comes in?

2984

2985 Mr. Jernigan - Yes.

2986

2987 Mr. Silber - I think it's much more difficult to get the additional setback at the time  
2988 POD. When property comes in to be rezoned, obviously, that's when you can negotiate those  
2989 setbacks. I can't recall very often where on a POD for multi-family were able to get very  
2990 much additional setback. I guess what we really have to explore is if we are going to have  
2991 multi-family as a part of this ordinance, and the Commission is interested in having exceptions  
2992 allowed for unique circumstances, we need to explore what legal mechanism exist for that to  
2993 take place.

2994

2995 Mr. Taylor - In that regard, wouldn't it not be reasonable that we can adopt a set for  
2996 residential and a different set for multi-family and not try to apply one solution to both issues?

2997

2998 Mr. Silber - That's a possibility, yes, sir.

2999

3000 Mr. Taylor - And take this one up and this one says residential setback requirements,  
3001 everybody seems satisfied with this, go ahead and approve this one and then take a look at the  
3002 issues that relate to multi-occupancy dwellings and deal with the issue. And Ray has a good  
3003 point because they are a little bit different and they are at different angles and the sites are used  
3004 a little different. The same setbacks really don't work as easily as they do for the residential  
3005 structures.

3006

3007 Mr. Silber - That may be a good point. The ordinance, the way it is drafted right  
3008 now, includes single-family and multi-family.

3009

3010 Mr. Taylor - My thought there would just, for the time being adopt it for family. I  
3011 think it fits for family. It fits what our objectives were and then we take a look at what more  
3012 we would have to do working with the development industry to adopt it to multi-family and  
3013 what different combination we might include so that we actually come up with one for single-  
3014 family dwellings and have one for multi-occupancy dwellings.

3015

3016 Ms. Dwyer - I guess, I would ask the question, again, if the idea is to set a standard  
3017 and that this is the standard, 35-feet is what it is, maybe that is too much, maybe, well I don't  
3018 know. But, if we are going to set a standard, why would we set a lesser standard for multi-  
3019 family than single-family.

3020

3021 Mr. Jernigan - Because if you are working on a lot, it's real easy to put one house on a  
3022 lot but if you take a triangular shape lot it's pretty tough to put 50 on there.

3023

3024 Ms. Dwyer - I think the Tascon situation would have been the same if it's multi-family  
3025 or single-family. I don't see a difference in the development challenges that that case would  
3026 have presented.

3027

3028 Mr. Taylor - I think the answer to that might be just because of the geometry that  
3029 some of these multi-occupancy developments are working with. And I think we have got a  
3030 great approach for the residence here but I think that in applying that at this particular moment  
3031 to multi-occupancy might require a little more tuning that we are unprepared to do at this  
3032 moment.

3033

3034 Ms. Dwyer - But, I mean, can you tell me what the difference is between multi-family  
3035 and single-family?

3036

3037 Mr. Taylor - Well, the one I can is exactly as Mr. Jernigan points out. If you have  
3038 multi-occupancy, you've got them at perhaps different angles, whereas in normal residence,  
3039 for the most part, they are parallel and perpendicular to existing lot lines and they are a little  
3040 bit easier to fit into a normal subdivision framework. When we are dealing with a large plat or  
3041 apartment type, that's not exactly true. Sometimes we are trying to rearrange to fit the  
3042 geometry of the site. So, I think that they are basically the same, perhaps, some major portion  
3043 of the way.

3044

3045 Ms. Dwyer - Well, you could argue that you have a lot more flexibility with multi-  
3046 family, especially if it is multi-story, you know, to arrange how the building are going to fit on  
3047 the lot.

3048

3049 Mr. Taylor - Well, that's true if we are talking about a perimeter zone and then within  
3050 that zone, we allow that to be arranged differently. But it seems to me you would be perhaps  
3051 coming up within a multiple building site where you had to not only fit the building with  
3052 regard to one another, but you have to fit the buildings into the geometry of the site. At least  
3053 some of the geometrical problems cause by, just the position of the house might be something  
3054 you want to consider separately. I don't know. Maybe Mr. Tyler could address that.

3055

3056 Mr. Jernigan - Well, I think it's a matter of finances too. If you take a certain size lot  
3057 and under the old conditions you could get maybe 90 units on it, under the new law you can  
3058 only get 60 or 65. That's going to make a difference in the price of those units because the  
3059 land acquisition price is there. You are going to have less apartments.

3060

3061 Mr. Vanarsdall - You are not against the setback, you are just saying the setbacks for  
3062 multi-family should be different for single-family.

3063

3064 Mr. Jernigan - Yes, I'm all right with everything else. I just think we need to look at  
3065 the R-5 and R-6 a little differently.

3066

3067 Mr. Silber - So, it sounds like there is a consensus from the standpoint of single-  
3068 family that everyone feels comfortable with 35 and 25 adjacent to an arterial or collector road.  
3069 We do have some examples of, for example, a subdivision that was just approved today, where  
3070 when the applicant submitted their subdivision for single-family, they provided the minimum  
3071 requirements. We worked with them and we got, this is along Woodman Road, we got the  
3072 additional 25 feet and we can show you those. So, it works very well. It doesn't seem to be  
3073 excessive. It moves the structures back. I think where the Commission is hung up at this  
3074 point is on the multi-family aspect. I see both sides of this. I see Webb Tyler raising his hand,  
3075 I think he wants to say something. Staff may need to look at this aspect more closely.

3076

3077 Mr. Tyler - I have two points that I would like make. In the townhouse ordinance,  
3078 they were talking about equivalent rear yards. The townhouse ordinance allows you to have  
3079 more rear yard than the side yard and I think that was the example Jim Theobald was trying to  
3080 use. I don't necessarily agree with allowing that in this particular instance, but that was the  
3081 illustration he was trying to do. In a townhouse ordinance you can have more land area in the  
3082 rear yard if you can't meet the minimum side yard for example. The second point I wanted to  
3083 make is I fully support this. The reason I believe multi-family should have some buffers but  
3084 less, all right, and ought to be allowed on the exception, is that the multi-family is subjected to  
3085 a POD, which subjects it to a landscaping plan and it can be required through landscaping  
3086 plans coming back before this Commission to intensify its landscaping in a reduced buffer. So,  
3087 therefore, I believe this Commission does have the mechanism to affect the intensity of the  
3088 buffer at a reduced width by its scrutiny of the landscaping plan required with all multi-family  
3089 PODs. Any POD that's multi-family, townhouses, condos, or apartments must have a POD.

3090 As a part of that POD, it has the ability to be subjected to a very intense landscaping plan that  
3091 has to approved by this Commission. Therefore, I believe that although the multi-family  
3092 should have some more additional buffer, I don't believe they should be quite as high as single-  
3093 family residential. And the reason is because the single-family residential doesn't have any  
3094 mechanism with this Commission to require landscaping plan. Does that make any sense?

3095

3096 Mr. Silber - It makes sense.

3097

3098 Mr. Vanarsdall - That's a good point.

3099

3100 Mr. Silber - I was going to start working that direction too, if the Commission will  
3101 allow me. I think maybe, on the multi-family end, maybe an alternative would be to increase  
3102 the required setbacks, not the additional 35 feet on top of the minimum, but maybe just  
3103 increase the required setbacks from, I think, the most case is about 35 now to maybe 45 or 50,  
3104 and not allow an exception. Just increase the minimum setbacks for multi-family. Single-  
3105 family could follow the same path that we've discussed with an exception. That's an  
3106 alternative. I think, Webb, that would address your concern as well.

3107

3108 Ms. Dwyer - I was going to say, when we are talking about compensating for a lack of  
3109 side yard, you know, required side yard setback with additional, say, rear yard setback. I  
3110 don't think that would really work in this situation because this is really specific to where the  
3111 roadway is located around the lot. So, if the road is in the rear then it's not going to help  
3112 anybody to have additional side or vice versa.

3113

3114 Mr. Tyler - I agree. But, I was just trying to explain what I think Mr. Theobald was  
3115 trying to drive at initially.

3116

3117 Ms. Dwyer - So, we will put that one to rest then. I see your point. That is a clear  
3118 response to the question how does multi-family differ from single-family. That is we have a  
3119 POD. We have an opportunity for additional landscaping in multi-family development, but we  
3120 don't have for single-family. So, that may justify a reduction in additional buffer requirements  
3121 for multi-family as opposed to single-family. That makes sense. That's a quantitative  
3122 difference.

3123

3124 Mr. Tyler - I'm just an engineer.

3125

3126 Mr. Vanarsdall - And he doesn't disagree that maybe we need to look at more setback than  
3127 we have as we speak.

3128

3129 Mr. Tyler - Yes, but just not as great as the ones with the single-family detached that  
3130 we are currently in the topic of discussing.

3131

3132 Mr. Householder - I just want to give a little more background that might help you  
3133 understand how we got to this. This was our original tracking with the multi-family  
3134 development standards ordinance. At the time, the standard ordinance included an additional

3135 setback for multi-family developments. That was then. Once it got through the Board it ended  
3136 up being we have a guideline in place. So, there is an additional mechanism although it's not  
3137 code that encourages additional perimeter setbacks for multi-family. And it specifies it when  
3138 adjacent to single-family and roadways.

3139

3140 Mr. Kaechele - Will these restrictions for multi-family, where you have private road  
3141 within the subdivision, it don't apply then because they are not minor collectors, right?

3142

3143 Mr. Householder - Correct. So, I just wanted to point that out.

3144

3145 Ms. Dwyer - So, as I understand, Randy's proposal.... I'm just going to sort of  
3146 recount what your suggestion was based on all this discussion with that maybe we not have the  
3147 35-foot additional buffer requirement for multi-family. That we set something less, perhaps  
3148 not provide an exception, but set it at a lesser distance. In recognition to the fact, that we do  
3149 have a landscape plan as an option for providing, in affect, compensation for the buffer.

3150

3151 Mr. Silber - Yes.

3152

3153 Ms. Dwyer - So, for example, we could say, an additional 25 feet or an additional 20  
3154 feet for multi-family. An additional 35 feet for single-family. No exception for multi-family  
3155 and exception for single-family.

3156

3157 Mr. Silber - Right. And that would be very easy to do with the ordinance  
3158 amendment.

3159

3160 Mr. Kaechele - I need one other clarification for the single-family road system. Are all  
3161 public roads, within a subdivision, classified as minor collectors?

3162

3163 Mr. Silber - There are many, many, roads. Most of our roads are just residential  
3164 streets. They are not minor collectors.

3165

3166 Mr. Kaechele - Well, that's the point. They are public roads. You can have a road  
3167 leading into a subdivision that's not a minor collector and you still have homes with side yards,  
3168 perhaps, and I know of one, several, two and three hundred thousand dollar homes. The  
3169 homes are right up against the street. And I think that, particularly, the entranceway in a  
3170 subdivision we should address that as well.

3171

3172 Mr. Vanarsdall - What you're saying is would this affect it at the entranceway.

3173

3174 Mr. Kaechele - No, it won't, if it is not a minor collector.

3175

3176 Mr. Silber - That's correct. Mr. Kaechele brings up a good point. This only deals  
3177 with collector and arterial roads that are on the County's Major Thoroughfare Plan. We are  
3178 talking about major roads. We are not talking about local streets. So, that, Mr. Kaechele, I  
3179 believe you brought up at an earlier work session, and we have not addressed that at this point,

3180 that's a little bit more difficult to get at. How to identify that type of road. But, we could  
3181 certainly take a look at that.

3182

3183 Mr. Kaechele - The aesthetics of many subdivisions are impaired by the entrance and  
3184 into the subdivision.

3185

3186 Ms. Dwyer - What's your example you are thinking of, Mr. Kaechele?

3187

3188 Mr. Kaechele - Well, there are several of them right off of Nuckols Road. The  
3189 entranceways, the homes are going up very close to the entrance roadways, side yards.

3190

3191 Ms. Dwyer - So, the side yards are along Nuckols Road, is that what you're saying?

3192

3193 Mr. Kaechele - No. Along the entrance road off from Nuckols.

3194

3195 Ms. Dwyer - Are those local roads or are those collectors.

3196

3197 Mr. Kaechele - They are subdivision roads.

3198

3199 Mr. Taylor - Another example is in the rear entrance to Church Run off of Pump. I  
3200 remember that the buildings the side yards are very close to the entrance there.

3201

3202 Mr. Kaechele - I'm referring to portions of Cambridge, some of the subdivisions of  
3203 Cambridge.

3204

3205 Mr. Jernigan - Did you hear all that, Randy?

3206

3207 Mr. Silber - I think I heard what Mr. Kaechele was referring to and I think, Mr.  
3208 Kaechele, if that's something that the Commission wants us to look at, we will need to study  
3209 that. We have not done that up to this point. We have been concentrating only on roads that  
3210 are on the Major Thoroughfare Plan. We will need to take a look at that and propose some  
3211 language. If that is the way you want us to go, we can do that. If we just want to move  
3212 forward with the suggestion that Elizabeth Dwyer had, I think that's an easy fix with the  
3213 ordinance. We could probably set a public hearing for the end of October. Either way is fine  
3214 with us. We will just need to study further.

3215

3216 Mr. Kaechele - That may not be very universal, but there are some glaring opportunities  
3217 to improve it.

3218

3219 Mr. Silber - I know the examples that you are referring to, Mr. Kaechele. I would  
3220 classify them as very undesirable design technique and I think that we probably, as a staff,  
3221 could take a closer look at this as each and every subdivision comes in. If the Commission  
3222 empowers staff to began to look at these corners and edges on major entrances and key feature  
3223 areas in subdivisions, we will make that a normal practice to just come to the Commission and  
3224 say we can not recommend these two or three lots because they are just too close corners. And

3225 if we have the support of the Commission we can began to do that and we can do that  
3226 administratively. That may be one option.

3227

3228 Mr. Vanarsdall - So, what do you want to do today?

3229

3230 Mr. Tyler - I think that could easily be fixed, Mr. Kaechele. If the staff would just  
3231 interpret the entrance lot that backs up to the main road, and sides to the entrance roads, as a  
3232 reverse corner lot. Therefore, it would require not the minimum side yard but a 25-foot rear  
3233 yard or side yard. If staff would just take the position, not an ordinance change, just take a  
3234 policy position that the entrance lot, rather there at the entrances, if it backs up to the main  
3235 road and the side to the entrance road, this reverse corner lot there for the side yard is  
3236 automatically 25 feet.

3237

3238 Mr. Silber - It's not a reverse corner lot according to the ordinance. You are just  
3239 saying as a policy, as a policy we can began to look at it that way.

3240

3241 Mr. Tyler - Reverse corner lots are often interpreted and I think you could exercise  
3242 that policy rather than a change in the ordinance. Reverse corners are often just subject to  
3243 very interesting interpretations, depending upon how the streets are lined up. And you can  
3244 easily take that position because you don't know how the street across the street is going to get  
3245 developed.

3246

3247 Mr. Taylor - That's a good point.

3248

3249 Mr. Archer - But, we do have a specific meaning of reverse corner lot in the  
3250 ordinance, don't we?

3251

3252 Mr. Silber - Yes, we do, Mr. Archer. It defines what a reverse corner lot is. I just  
3253 didn't think that the example that Mr. Tyler gave would have been defined as a reverse corner  
3254 lot. But, he's saying use that same principal and apply it to that lot to increase the side yard  
3255 setback so that the house is not right on the road. I think that can be done and I think that staff  
3256 is prepared and can make those recommendations. I need the support of Mr. Webb Tyler and  
3257 his other engineers to not argue at the time that we are costing him a lot or two. This will cost  
3258 a lot or two if we are talking about design aspects like this. I think it is important that if our  
3259 neighborhoods are going to look right we need to recognize that it may cost a lot or two.

3260

3261 Ms. Dwyer - We have this in the minutes, right?

3262

3263 Mr. Silber - Yes.

3264

3265 Mr. Kaechele - I think Hampton Forest is one of the subdivisions I'm talking about.

3266

3267 Ms. Dwyer - So, do you want something specific from us, such as leave the single-  
3268 family as is and for multi-family let's impose a 25-foot buffer and no exception and write that  
3269 in the ordinance and then have a public hearing on that. Is that what you are looking for, Mr.

3270 Silber?

3271

3272 Mr. Silber - I think so, Ms. Dwyer. If we are going to go to public hearing we need  
3273 to have a little more direction and we will prepare an ordinance and we will advertise that  
3274 ordinance. If you want us to come up with what we think is an acceptable increase setback for  
3275 multi-family, we can do that. Just say increase it and we will increase and we will advertise it  
3276 that way.

3277

3278 Mr. Vanarsdall - Ray, do you have any thoughts on that?

3279

3280 Mr. Jernigan - When you said that, are you talking about an additional 25 feet?

3281

3282 Ms. Dwyer - Instead of an additional 35, it would be an additional something. I just  
3283 threw 25 out so that we would have something to talk about.

3284

3285 Mr. Vanarsdall - Instead of doubling, she's saying lessen up on it.

3286

3287 Ms. Dwyer - We could ask staff to increase it to whatever amount you think is  
3288 appropriate and then they will bring that back to us.

3289

3290 Mr. Jernigan - Let them come back with a number of what they think.

3291

3292 Ms. Dwyer - Okay. That sounds good. And then that will be what we discuss at the  
3293 public hearing. But that would entail no exceptions and we are reducing it from the 35. Is that  
3294 correct?

3295

3296 Mr. Silber - That's correct. I would think that we may come back, Ms. Dwyer, with  
3297 something less than 25. It maybe something more like 15 feet.

3298

3299 Mr. Archer - Mr. Silber, when we have the public hearing, it probably would be  
3300 appropriate if we could have some more visual examples, like we did today, but just have a  
3301 few more of them. I think, at least for the public that would give them a little bit more insight  
3302 on what we are trying to accomplish by changing the ordinance. I can think of some glaring  
3303 examples too, I'm sure we all can.

3304

3305 Mr. Silber - We can do that. Okay. So, we will move forward with October 24,  
3306 2001, public hearing with that guidance.

3307

3308 Mr. Archer - Do we need a motion for that, Mr. Secretary?

3309

3310 Mr. Silber - I don't think it's necessary.

3311

3312 Mr. Archer - All right. Do we need to set a time for it?

3313

3314 Mr. Silber - We will have to advertise a time. We may need to look at the agenda. I

3315 would recommend that it be after the PODs and subdivisions. So, we will find a time and tack  
3316 it onto the end of your agenda. We might advertise it for like ten o'clock or something like  
3317 that.

3318

3319 Mr. Archer - They don't want to advertise it too late because if we have a short agenda  
3320 that would mean we would have to stay here for it. All right, moving right along.

3321

3322 Mr. Vanarsdall - You are going to let us know when it is going to be, Randy?

3323

3324 Mr. Archer - He hasn't set the time yet, but he will let us know.

3325

3326 Ms. Dwyer - It will be October 24.

3327

3328 The Planning Commission discussed to set a public hearing for Residential Set Back Ordinance  
3329 for the October 24, 2001, meeting.

3330

3331 Mr. Vanarsdall - All right, next item.

3332

3333 **WORK SESSION: 2010 Plan Environmental Element Update - Chesapeake Bay Act**  
3334 **Compliance**

3335

3336 Mr. Silber - Okay. The next item on the agenda is a work session on the 2010 Plan.  
3337 This is an environmental element of the County's Comprehensive Plan, it's Land Use Plan.  
3338 I'll let Audrey get into the details, but basically we are having to make some changes that are  
3339 the result of two conditions of approval that were granted to us when the Chesapeake Bay  
3340 Local Assistance Board reviewed our Land Use Plan and approved our Land Use Plan. It was  
3341 with two conditions that they approved it. We are now having to address those two conditions  
3342 and it means changes to the Environmental Element of the Land Use Plan relative to the  
3343 Chesapeake Bay Act. Audrey.

3344

3345 Mr. Archer - Good afternoon, Ms. Anderson.

3346

3347 Ms. Anderson - Good afternoon, Mr. Chairman and members of the Commission. I'll  
3348 just add a bit more detail to the background that Mr. Silber just gave you. The Board of  
3349 Supervisors adopted the Henrico 2010 Land Use Plan on December 13, 1995. Then in May of  
3350 1996, the Chesapeake Bay Local Assistance Board found Henrico County's Comprehensive  
3351 Plan consistent with the Chesapeake Bay Preservation Act based upon its review of the Land  
3352 Use Plan and particularly the content of the Environmental Element section of the Land Use  
3353 Plan. The Environmental Element is one of the three sections that represent the official 2010  
3354 Land Use Plan. The plan was found consistent with two exceptions that are to be resolved by  
3355 March 31, 2002. At its September 11, 2001, meeting the County Board of Supervisors  
3356 approved a resolution directing staff to recommend appropriate amendment to the Land Use  
3357 Plan Environment Element in order to meet the requirements for full compliance with the Bay  
3358 Act and its Regulations. And then to submit the draft amendment to the Planning Commission  
3359 for review and to recommend any additional revisions or amendments to the Plan, which is  
3360 where we are today with this work session. Any recommendations that staff receives from the  
3361 Planning Commission, and others will be used, where appropriate, to update the draft  
3362 amendment in preparation for the Planning Commission's public hearing on this item, which  
3363 staff recommends to be scheduled for it's October 24 meeting. The draft will then be  
3364 presented to the Board in a work session and a public hearing.

3365

3366 As far as the conditions are concerned, the two conditions to be met in order to obtain full  
3367 compliance with the Bay Act are to include in the Land Use Plan the environmental features  
3368 maps used to develop the County's Chesapeake Bay Map with a description of how the County  
3369 uses environmental features in determining land classifications and land management policies.  
3370 And to add statements of the Act's requirement for a 10% reduction in stormwater pollutants  
3371 loadings for redevelopment; and considerations for undertaking a study to identify areas  
3372 suitable for reestablishment of the 100-foot riparian buffer. In meetings with the County staff,  
3373 including the Planning Office and the Public Works Department, the Chesapeake Bay Local  
3374 Assistance Department staff determined that by adding the referenced maps and appropriate  
3375 text amendments, the County's proposed amendments would meet the requirements for full  
3376 compliance. The staff's recommended text amendments are highlighted in red in the  
3377 information that was sent to you in your packets. And sections to be deleted are shown with

3378 the double strike through. The majority of the amendment shown are related to the first  
3379 condition to describe how the County uses information on environmental features to determine  
3380 land classifications and management policies. Basically, the amendments state that the County  
3381 has clearly defined policies related to water quality protection and the policies are used in the  
3382 Comprehensive Plan development process and management tools such as Zoning and Erosion  
3383 and Sediment Control Ordinances, and in evaluating capabilities of land for development.

3384

3385 The section on physical constraints to development needed to be developed more to include a  
3386 statement under each subsection, such as floodplain areas and topography including steep  
3387 slopes, to describe how the information provided is used in making land use decisions. The  
3388 majority of the text used to satisfy this condition was pulled from the Element, Goals,  
3389 Objectives and Policies, and the Implementation Measures; the Land Use Plan; Land Use Plan  
3390 Map Classifications; and other sections of the Plan. The CBLAD staff recognized that the  
3391 information that they were asking for was already included in other areas of the Plan that I just  
3392 described, but they consider and that for the convenience of other readers, it would be helpful  
3393 to include this information within the body of the Environmental Element.

3394

3395 The last piece to satisfy this first condition was to include with the Environmental Element the  
3396 individual sensitive features maps: highly erodible soils, including steep slopes, highly  
3397 permeable soils, hydric soils, wetlands, 100-year floodplain and soil suitability for septic  
3398 tanks. Those maps went into making up the composite Bay Map. Those maps are included in,  
3399 what is noted as Appendix A at the back of the draft amendment. Previously, the element  
3400 referred to these maps as being on file in the Planning Office, and CBLAD recommended that  
3401 they also be included in the Element for the convenience of the reader. The base line  
3402 information needed to produce these maps are now available in the County GIS System and the  
3403 maps can be readily generated. To satisfy the second condition required, two text amendments  
3404 that were supplied by the Public Works Department. They should be noted on page 118 in the  
3405 draft amendment. Additional text related to stormwater management requirements and the  
3406 second text amendment to describe how the County has identified areas suitable for  
3407 reestablishment of the riparian buffer. A new paragraph was added to describe how  
3408 opportunities for buffer restoration was recently identified as part of the County's Stream  
3409 Assessment Watershed Program. In addition, there were some minor text edits done to reflect  
3410 the change in the County's septic pump out program, where the County's Board of Supervisors  
3411 amended the ordinance to require the pump out only in areas identified as Chesapeake Bay  
3412 Preservation Areas. Previously, the ordinance covered the entire County. This concludes my  
3413 report. If you have any questions, I'll be happy to answer those questions at this time. And,  
3414 also, Mr. Jeff Perry is here from Public Works if you have any questions on the section that  
3415 they provided.

3416

3417 Mr. Archer - Thank you, so much. Does the Commission have questions?

3418

3419 Ms. Dwyer - Is it fair to say that we are not really changing our policies, we are really  
3420 just putting writing into the plan that we already have so that the Local Assistance Board is  
3421 satisfied that we have everything in writing that we need to have in writing.

3422

3423 Ms. Anderson - Right. That's absolutely correct. We are only identifying those policies  
3424 that we have currently in place and just basically fine-tuning what we presented to them in the  
3425 Element in the first place. Putting it in different areas. One new area does include the  
3426 Assessment Program that Public Works has just completed for the riparian buffers. The Bay  
3427 Department asked us to consider doing that type of study. And, back in 1996 when they  
3428 reviewed the Plan, and since that time, Public Works has addressed that issue. The other issue  
3429 was the environmental maps. We had originally said that we had those maps on file in the  
3430 Planning Office and they were available for public review. But that was one other area where  
3431 the Bay Board recommended that at some point we include those maps within the Land Use  
3432 Plan and so we have done that.

3433

3434 Ms. Dwyer - Thank you.

3435

3436 Mr. Vanarsdall - Some of it had been misinterpreted also, hadn't it? A lot of it was  
3437 misinterpreted by the people reading it.

3438

3439 Ms. Anderson - Do you mean the public reading of it?

3440

3441 Mr. Vanarsdall - Yes.

3442

3443 Ms. Anderson - That has happened on an occasion or two.

3444

3445 Mr. Archer - All right. Are there any more questions of Ms. Anderson? Thank you,  
3446 ma'am. What about Mr. Perry?

3447

3448 Ms. Dwyer - I see a list of inactive wells. Are those private wells that a person might  
3449 have associated with their home and they have just been identified?

3450

3451 Ms. Anderson - No, some of those wells are public wells as well. And that list, when we  
3452 get to the full body of the Comprehensive Plan Update, will need to be reviewed and updated  
3453 as well. But, that's a list that was included at the time of the Plan being done back in 1995.  
3454 So, the overall body of the Environment Element will need to be reviewed along with the rest  
3455 of the Comprehensive Plan when we get to that point. But, just those two conditions are for  
3456 the 1996 compliance. It's basically what we have addressed today.

3457

3458 Ms. Dwyer - That just caught my attention because there has been a lot of discussion  
3459 in the media about weapons of mass destruction and how water sources might be contaminated.  
3460 And, I'm wondering is this part of our Emergency Preparedness?

3461

3462 Ms. Anderson - Right.

3463

3464 Ms. Dwyer - I guess this is part of what the County is doing, is looking at alternative  
3465 water supplies, through these wells. Is that something that has been supplied to the Emergency  
3466 Preparedness people?

3467

3468 Ms. Anderson - I don't have any information on that. That would be handled by the  
3469 Utilities Department. But, that is something to be considered.

3470

3471 Mr. Archer - Ms. Anderson, let me ask one question, since Ms. Dwyer brought up the  
3472 questions of wells. I know that there are probably some owned wells that serve communities.

3473

3474 Ms. Anderson - Yes.

3475

3476 Mr. Archer - Do we have any jurisdiction over how those wells are operated in terms  
3477 of their safety and environmental impact on the communities that they serve? I know Sydnor  
3478 Hydro Dynamics....

3479

3480 Mr. Silber - Yes, Sydnor has a number of private wells. I think you are asking  
3481 questions that probably go beyond the expertise of Ms. Anderson and myself. Those are  
3482 questions that probably the Department of Public Utilities could answer. But, generally, Mr.  
3483 Archer, there are many private wells out there that serve more than just a lot owner. Ms.  
3484 Dwyer was asking about these being private wells serving a lot owner, no. These are typically  
3485 private wells that serve a group of homes or a subdivision or a community. Sydnor is a private  
3486 provider of water, typically well water. They have a number of private wells, especially in the  
3487 east end.

3488

3489 Mr. Archer - I think there are some along Route 1 between Parham and I-295.

3490

3491 Mr. Silber - Yes, there are some in that area. The reason these are included in this  
3492 Element is because from the environmental standpoint, and I think we were required or  
3493 suggested that we include those active wells as well as inactive wells. Ms. Dwyer, we can't  
3494 answer your question relative to whether these wells are being protected or if there is anything  
3495 now of greater interest after September 11. Certainly, that is something that we could pass on,  
3496 something that we can help coordinate. Whether they're being done from our Emergency  
3497 Preparedness Group, I don't know.

3498

3499 Mr. Archer - Thank you, Ms. Anderson. I don't have any more questions I don't  
3500 know about the others.

3501

3502 Ms. Dwyer - So, we just need to set a public hearing?

3503

3504 Mr. Silber - Not unless you want to hear from Mr. Perry. Ms. Anderson, what is the  
3505 public hearing date for this?

3506

3507 Ms. Anderson - It's October 24, 2001.

3508

3509 Mr. Kaechele - I have a question on the septic systems. Are we still requiring a reserve  
3510 septic field?

3511

3512 Ms. Anderson - Yes.

3513 Mr. Kaechele - Any septic system has to have a reserve field.  
3514

3515 Ms. Anderson - That's right, reserved 100% equal to the primary drainfield.  
3516

3517 Mr. Kaechele - Plus five-year pump out.  
3518

3519 Ms. Anderson - That's right in Chesapeake Bay Areas. It is not countywide any more.  
3520

3521 Mr. Kaechele - Well, that's good.  
3522

3523 Mr. Archer - Thank you, again, Ms. Anderson.  
3524

3525 Ms. Anderson - Thank you.  
3526

3527 Mr. Silber - Would the Commission like to hear from Mr. Perry?  
3528

3529 Mr. Taylor - I would like to hear from Mr. Perry. I would like to ask him a couple of  
3530 questions on the exhibits, if I might, or the appendix.  
3531

3532 Mr. Perry - Good morning, Mr. Taylor.  
3533

3534 Mr. Taylor - In the appendix, we've got a number of maps that are wetland area,  
3535 hydric soils, highly erodible soils, septic absorption limits they are not defined in this  
3536 appendix, are they, even though it's the environmental appendix? Where would those be  
3537 defined?  
3538

3539 Mr. Perry - As far as, for instance, what a plustrain forested wetland is or....  
3540

3541 Mr. Taylor - Yes. You have the codes but.... For instance, you've got, let me pick  
3542 the last one, just septic absorption limitation. You've got very limited, somewhat limited, not  
3543 rated. Are those further defined into gallons per period?  
3544

3545 Mr. Perry - I didn't put those together, so I really don't know.  
3546

3547 Ms. Anderson - The maps that are included in this appendix are strictly the maps that  
3548 were used to make up the Chesapeake Bay Maps. These make up that composite and they  
3549 aren't a part of what Public Works is working on....  
3550

3551 Mr. Taylor - Okay. So, they are really not defined in this area?  
3552

3553 Ms. Anderson - The areas that they are noting are defined in the body of the text. Right  
3554 at the beginning of the text.  
3555

3556 Mr. Taylor - There is one acronym in here on map 47 called a map and I would like to  
3557 know what the acronym drastic means.

3558 Ms. Anderson - Let me see if I can find it. It should be in here but it's been a while  
3559 since I've looked at it.

3560

3561 Mr. Silber - While she's looking that up, DRASTIC map is a map that is prepared  
3562 based on several physical features dealing with soil permeability and slope and soil type, etc.  
3563 What it basically does is map out areas where there is high potential for groundwater  
3564 contamination. So, I'm not sure DRASTIC what stands for, but you can see from that map  
3565 that there are different levels. The lower the number, I believe, is the greater possibility or the  
3566 greater chance of contamination of groundwater. This is used by staff if we have a use that has  
3567 potential for groundwater contamination, like a land fill or a major dump site. We would not  
3568 want to locate those in an area where there is high permeability and likelihood for groundwater  
3569 contamination.

3570

3571 Mr. Taylor - Well, I guess that's somewhat my point, Randy, is that drastic area that's  
3572 the dark ranges up in the landfill. So, I think that that means that black would indicate that  
3573 there isn't a potential for pollution of the Chickahominy from the land fill up there. Is that  
3574 correct or am I reading it up side down?

3575

3576 Mr. Silber - Actually, Mr. Taylor, you are absolutely correct. The higher the  
3577 number is the worse the condition. So, the 180 to 199 range is the area you need to be most  
3578 concerned with. The dark color is very much in the Piedmont area. We don't have a lot of  
3579 ground wells in that area. It's not likely to be contaminated. That's correct, those are the low  
3580 numbers. I wish I could tell you what DRASTIC stands for but I can't recall.

3581

3582 Mr. Taylor - It's an interesting word. It captures your attention.

3583

3584 Ms. Anderson - I'll have to make a note of that to actually write out what that acronym  
3585 means the next time around. I remembered back in 1995 but I don't remember now.

3586

3587 Mr. Archer - Suppose it's not an acronym, Ms. Anderson?

3588

3589 Ms. Anderson - I don't know if Randy said groundwater pollution potential. That's what  
3590 it defines. But as far as what the actual words are I can't tell you right now.

3591

3592 Mr. Taylor - Thank you.

3593

3594 Mr. Silber - Are there any other questions or comments about this? If not, I guess we  
3595 need to set a public hearing, also for October 24, 2001.

3596

3597 Mr. Archer - Okay. And we don't need a motion to do that either?

3598

3599 Mr. Silber - We probably should have a motion to set a public hearing.

3600

3601 Mr. Vanarsdall - I move that we set a public hearing for 2010 Plan Environmental  
3602 Element Update - Chesapeake Bay Act Compliance and the changes on October 24.

3603 Mr. Taylor - Second.

3604

3605 Mr. Archer - It was motioned by Mr. Vanarsdall and seconded by Mr. Taylor. All in  
3606 favor say aye...all opposed say nay. The motion carries.

3607

3608 Mr. Vanarsdall - Randy, I guess you all will decide whether you want it before or after the  
3609 PODs and subdivisions.

3610

3611 Mr. Archer - It will have to be after. They can set the time I believe depending on the  
3612 length of the agenda, I suppose.

3613

3614 Mr. Silber - Yes, sir.

3615

3616 The Planning Commission approved to set a Public Hearing on the 2010 Environmental  
3617 Element Update – Chesapeake Bay Act Compliance on October 24, 2001.

3618

3619 Mr. Silber - The next item on the agenda is a work session on the Williamsburg  
3620 Road/Technology Boulevard Land Use Transportation Study.

3621

3622 **WORK SESSION: Williamsburg Road/Technology Boulevard Land Use Transportation**  
3623 **Study**

3624

3625 Mr. Silber - All of you, I think with the exception of Mr. Kaechele, attended the tour  
3626 of this study area last week and hopefully you have gotten over your car sickness.

3627

3628 Mr. Vanarsdall - I think Mr. Bittner should get some kind of driving award for the way he  
3629 drove that thing. It was a half a block long.

3630

3631 Mr. Silber - Mr. Bittner, do you want to walk us through where we are at this point,  
3632 please.

3633

3634 Mr. Bittner - Yes. I have a very brief presentation today. As you are aware in  
3635 August, we had a previous work session on this matter. And considering the size and the  
3636 scope of the study area, we thought we should have another one to allow the Commission more  
3637 time to digest and become familiar with the study area and the recommendations that we have  
3638 at this point. Of course, we had the van tour, and also the reason why we wanted to have a  
3639 second work session is because we indicated we were fine tuning part of the plan in the  
3640 Williamsburg Road Corridor between the Technology Boulevard interchange and the proposed  
3641 Memorial and Williamsburg interchange. That's what we passed out to you today. That is the  
3642 only change that we've made to the recommendations versus what you saw in August. And I  
3643 would like to point out, if you do not have copies of our recommendations with you today, we  
3644 have some printed copies and we also have it here on the computer for you to look at.

3645

3646 What you are looking at would become the alternative MTP Plan for the State Fairground area.  
3647 In the event that it was determined that the State Fairgrounds would not happen, this is the  
3648 alternate plan for the roads. And you will see that we labeled the two intersections with  
3649 circles, one of which is larger than the other. The idea being that, the larger circle, which is  
3650 Memorial and Williamsburg, would be planned and designed to become the major intersection  
3651 of that corridor because it is farther away from the I-64 interchange. It could handle more  
3652 traffic more efficiently. And, then, the smaller circle would be at Technology and  
3653 Williamsburg. We are recommending, in consultation with our consultant Dick Keller, that  
3654 both of these some day become separated-grade interchanges with Memorial being perhaps a  
3655 full cloverleaf interchange that can handle more traffic. And then Technology Boulevard  
3656 would still be separated-grade perhaps, although, not to the extent that Memorial is but perhaps  
3657 it could have a separate straight through traffic movement along Technology over to the  
3658 Harmon Tract. But, as I said, that is the only change we have made versus what you saw in  
3659 August. I'll be happy to answer any questions you may have on either the MTP  
3660 recommendations, the Land Use Plan, or the alternative to the State Fairgrounds Plan. Also,  
3661 we were hoping today to schedule a public hearing on these items for the Planning  
3662 Commission. We hadn't targeted a date, although, I was thinking perhaps the November  
3663 zoning meeting could be appropriate for this. But, again, it depends on if there are any  
3664 concerns or questions from the Commission and I'll be happy to answer or address those  
3665 concerns right now.

3666

3667 Mr. Archer - Thank you, Mr. Bittner. Are there any questions or comments from the  
3668 Commission? Mr. Bittner, I would just like to say that the van tour was very informative from  
3669 my standpoint. I haven't been in that part of Varina for a long time and it's amazing how  
3670 much undeveloped land there is in Varina.

3671

3672 Mr. Bittner - Right, and I think going on that van tour helped us all appreciate the size  
3673 of the area we are dealing with here. It's extremely large.

3674

3675 Mr. Taylor - It did. It was very educational. In fact, I think one of the things that we  
3676 might consider, as an afterthought of that trip, and it's value, is to have additional  
3677 opportunities to do that in other areas. Do the Three Chopt magisterial district, do all of them  
3678 so that we keep up-to-date. We really live in what is becoming a fast paced state of  
3679 development in Henrico County. Just trying to keep abreast of things in the east end in the  
3680 west end it's difficult unless you have that kind of an organized tour. Not only was your  
3681 driving good, your information that you provided and your running commentary was also very  
3682 good. I thought it was very beneficial and I would move that we consider additional trips like  
3683 that in the future.

3684

3685 Mr. Bittner - I think that's a good idea.

3686

3687 Mr. Archer - All right. Are there any other questions or comments?

3688

3689 Mr. Silber - Mr. Bittner, I guess we would need with this, that you are handing out,  
3690 the two circles, the large and smaller circle. That there would need to be some text that  
3691 ultimately be approved with this document so that when development occurs within the circle,  
3692 or in close proximity to the circle, a potential developer of that property will recognize some of  
3693 the requirements as far as reserving those land masses for possible roadways. Do we not have  
3694 some kind of text to be approved with this?

3695

3696 Mr. Bittner - We don't have any text prepared at the moment although I was  
3697 anticipating that there would be some backup documentation to go along with this. Anyone  
3698 picking that up would probably have questions about what it is that we are exactly talking  
3699 about. Yes, we would need to have something to show them. But we could perhaps prepare  
3700 something between now and the public hearing to help better explain that or we could go  
3701 forward with the plan and then have the documentation prepared after it is approved. As a  
3702 way to sort of build up the information underlying the plan.

3703

3704 Mr. Silber - So, it's appropriate that we set a public hearing.

3705

3706 Mr. Archer - What date did you suggest, Mark?

3707

3708 Mr. Bittner - I was considering the November Rezoning meeting. I think the October  
3709 Rezoning meeting would be to soon. We would like to inform some people in the are about it.  
3710 And I think I recall hearing that there are already a couple of other work sessions scheduled for  
3711 your October POD meeting.

3712 Mr. Kaechele - Just one question. On the map, the intersection of I-295 and I-64. Isn't  
3713 there a new fly-over built there?  
3714  
3715 Mr. Silber - Yes, sir. I believe there is a new leg or two to that. I don't think this  
3716 represents that.  
3717  
3718 Mr. Bittner - No, it does not. It does not reflect the new construction that was  
3719 completed there recently.  
3720  
3721 Mr. Jernigan - And they have already had a massive wreck there.  
3722  
3723 Mr. Silber - Our tour didn't include those ramps, Mr. Kaechele.  
3724  
3725 Mr. Kaechele - I think the map should show it.  
3726  
3727 Mr. Silber - You are right. I think the map should be corrected to show that.  
3728  
3729 Mr. Jernigan - I don't know what went in on the planning of that exit but if you haven't  
3730 been on it, it's tight. The speed limit is 45. It drops from 65 to 45 and I think three or four  
3731 days after it open we had a tractor trailer roll over. When you get right in the middle of the  
3732 corner you can feel it, right in the apex.  
3733  
3734 Mr. Archer - Okay, then, will that be acceptable to set the session for November 15.  
3735  
3736 Ms. Dwyer - Sounds good to me. Do we need a motion?  
3737  
3738 Mr. Silber - Yes.  
3739  
3740 Mr. Archer - I suppose we need to set a time for this one.  
3741  
3742 Mr. Silber - We don't know the number of zoning cases at this point for November.  
3743 I would like to have it at the end of the agenda, but we may just have to advertise it at seven.  
3744  
3745 Mr. Taylor - Could it be possible that we put it earlier in the evening or late in the  
3746 afternoon and go from that meeting right into the zoning.  
3747  
3748 Mr. Jernigan - I think Mr. Taylor is right. I don't know if we want to put it on the tail  
3749 end of a zoning meeting because that could get long. I think we would do better to put it at the  
3750 beginning.  
3751  
3752 Mr. Archer - We can put it at the beginning at seven o'clock.  
3753  
3754 Mr. Taylor - And we could use the upstairs conference room and bring in sandwiches  
3755 or something and keep working.  
3756

3757 Mr. Silber - This is a public hearing, Mr. Taylor, and I think we need to do the  
3758 public hearing down here.

3759

3760 Mr. Taylor - Do you think we will get that many people? The last one we had up  
3761 there was really a public hearing and we only had a half a dozen people that joined us.

3762

3763 Mr. Silber - To be honest with you, I don't expect a lot of conversation on this from  
3764 the public. I think we could do it at the beginning of the agenda, set it at seven o'clock, do it  
3765 right away and I would think we could get on the rest of the agenda by, certainly, no later than  
3766 7:30 p.m.

3767

3768 Mr. Taylor - That will be fine.

3769

3770 Ms. Dwyer - Why don't we do it at 6:30 p.m. Is 6:30 p.m. too early to get this out of  
3771 the way? People are accustomed to coming at seven o'clock for zoning cases.

3772

3773 Mr. Taylor - They are just going to be sitting there wondering what we are doing up  
3774 here. My thought would be to perhaps have the meeting in the conference room, advertise it  
3775 as a public meeting because I don't think too many people will come, and then go from there to  
3776 here. Have the seven o'clock meeting here.

3777

3778 Ms. Dwyer - Or, if is not going to be that long, we just do it here at 6:30 p.m.

3779

3780 Mr. Bittner - I think that would work best.

3781

3782 Mr. Silber - Okay. Six thirty.

3783

3784 Mr. Archer - All right. Ms. Dwyer, would you like to rephrase your motion and put a  
3785 time in it?

3786

3787 Ms. Dwyer - Yes. Rephrased.

3788

3789 Mr. Archer - All right. We have a motion for November 15, 2001, at 6:30 p.m.

3790

3791 Mr. Taylor - Second.

3792

3793 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All  
3794 in favor say aye...all opposed say nay. The rephrased motion is passed.

3795

3796 The Planning Commission set a public hearing on the Williamsburg Road/Technology  
3797 Boulevard Land Use and Transportation Study for November 15, 2001, at 6:30 p.m.

3798

3799 Mr. Silber - Okay. The last item on the agenda is to consider the Planning  
3800 Commission's 2002 Calendar. Does everyone have a copy? I have extra copies if you don't  
3801 have it. I think we were pretty much set on the calendar the only question was whether there  
3802 should a second meeting in August.

3803

3804 Mr. Vanarsdall - It would be August 28, 2002, if we didn't have it. Mr. Chairman, I  
3805 would like to have a discussion on that.

3806

3807 Mr. Archer - All right. We are open for discussion, Mr. Vanarsdall.

3808

3809 Mr. Vanarsdall - I went to Mr. Silber and told him how I felt about it. And since I've  
3810 been on this Commission he has never failed to do anything I ever asked and his attitude has  
3811 always been excellent and I don't know of anybody that knows anymore about it then he does.  
3812 So, I just didn't want to vote against it without him being forewarned and I told him that I did  
3813 not we have given it a good test, one time. And that I enjoyed being off that August meeting.  
3814 So, he was very nice and cordial about it and so I'm just throwing that out for what it's worth.

3815

3816 Mr. Archer - Well, so that everyone will know because I know we haven't discussed  
3817 this as a group, but I have asked all of the Commissioners if they would think about it  
3818 independently and bring their thoughts back so that we could discuss it independently and just  
3819 say how we feel. So, we will start at the end with Mr. Taylor and then work our way back  
3820 this way.

3821

3822 Mr. Vanarsdall - Mr. Silber said he knew how we felt about it.

3823

3824 Mr. Silber - Let me also say that staff can handle it either way. It's not that big of a  
3825 deal. I think we have a lot of staff over there that also enjoyed having the second August off.

3826

3827 Mr. Archer - Well, I would just like to say that we certainly didn't intend to push  
3828 anymore work on anybody at any level, and I have to echo what Mr. Vanarsdall said. I really  
3829 enjoyed it. This was the first time I've taken a two-week vacation with no encumbrance  
3830 without having to pay any kind of transition fee in many a year. So, I sort of feel the same  
3831 way as Mr. Vanarsdall. I think if we give this thing a chance to work itself out, it may smooth  
3832 out in the time to come. We could always revisit it again later if it didn't.

3833

3834 Mr. Taylor - Well, I'll start by saying like everybody, I certainly enjoyed it. It was  
3835 pleasurable, but it did kind of crowd the schedule in September. So, I would say, personally,  
3836 I'm just neutral to whether we do it or whether we take the month off.

3837

3838 Ms. Dwyer - If staff experienced it as a huge hassle, then I would say let's not do it.  
3839 But, if staff experience was something that may have been a crunch for the work in September  
3840 in order to get as many expedited cases as we had, but enjoyed the time or break, then I say  
3841 lets go with it. I mean if it is manageable from that perspective then I think we should do it,  
3842 take the day off.

3843 Mr. Archer - Mr. Jernigan.

3844  
3845 Mr. Vanarsdall - Staff has not been affected that much, doesn't seem like it, I don't know.  
3846  
3847 Ms. Dwyer - That's the only question in my mind.  
3848  
3849 Mr. Vanarsdall - And we haven't had any complaints from the development community  
3850 either.  
3851  
3852 Mr. Jernigan - I'm fine with it. I haven't heard any complaints and if staff does have a  
3853 complaint I would want them to say something about it. But, it seems to me that it worked  
3854 okay. Here it is, we handled these PODs and it's 12:46 p.m. right now. I mean we have had  
3855 three work sessions and everything so we took care of the load. So, I'm okay with it like is.  
3856  
3857 Ms. Dwyer - We took care of the load but I mean staff put a lot of work into getting  
3858 these expedited cases out.  
3859  
3860 Mr. Jernigan - Oh, they did. But, what I mean it shows when you get the team work,  
3861 even though we didn't have it last month, we blew it all right through.  
3862  
3863 Mr. Taylor - One advantage of doing it next year or in the future, is this year it caught  
3864 a lot of people somewhat by surprise and we didn't know what the impact was going to be.  
3865 Next year if we move some of the cases to July and some to September, and the developing  
3866 community knows that we are not probably going to be here, they could adjust to one or the  
3867 other. I don't think anyone was encumbered by it, but next year, with a little experience,  
3868 working on the July agenda a little bit harder and working on the September a little bit harder,  
3869 we can close the gap actually from two directions.  
3870  
3871 Ms. Dwyer - Randy, what's the downside do you see to taking that meeting off?  
3872  
3873 Mr. Silber - Let me say first, I don't think we need to spend a lot of time talking  
3874 about this. Staff is fine. We can work with whatever schedule you give us. It's not that big  
3875 of a deal. I think the downside, from my perspective, was there was a lot of items that came  
3876 through that was ordinance related, study related, the Board of Supervisors was asking the  
3877 Planning Commission to hop on some of these things. We couldn't find agendas to put them  
3878 on. The normal agenda load was maybe heavier than normal. It took some balancing and that  
3879 type of stuff. We can handle it, it's not that big of a deal. I really appreciate all of the thought  
3880 that's gone into this by each Commission members, but it's not that big of a deal. I think that  
3881 we should just go ahead and move on this calendar and we can adjust and go forward.  
3882  
3883 Mr. Vanarsdall - I move that we do not have a POD meeting in the year 2002, which  
3884 would normally be scheduled for August 28, 2002.  
3885  
3886 Ms. Dwyer - Second.  
3887 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.  
3888 All in favor say aye...all opposed say nay. The motion is carried.

3889

3890 The Planning Commission approved the Planning Commission Calendar for 2002, excluding  
3891 the August 2002 Planning Commission meeting.

3892

3893 Mr. Archer - I would like to interject just one thing, and in respect of this motion and  
3894 schedule for next year. We had a tremendous schedule today and I would just like to  
3895 compliment the Director, the Assistant Director, and the staff on how very well we handled  
3896 this in such a short period of time. It was quite amazing.

3897

3898 Mr. Silber - And they really worked hard.

3899

3900 Mr. Jernigan - As a matter of fact, it was about the same time as our normal meetings.

3901

3902 Mr. Archer - And it took a lot of coordination in order for them to pull this off and I  
3903 think y'all did an excellent job.

3904

3905 Mr. Silber - If you think back about a year or two ago, we used to have maybe two or  
3906 three expedited items, now about two thirds of the agenda is expedited.

3907

3908 Mr. Archer - I remember when there were none.

3909

3910 Mr. Silber - There's a lot of paper to keep track of up here.

3911

3912 Ms. Dwyer - You have to have about six piles. And I know we, probably to the  
3913 audience, we probably look like we have no idea of what we are doing.

3914

3915 Mr. Taylor - And it's also team work with the staff working with the Commissioners  
3916 and everybody working together that makes it happen.

3917

3918 Mr. Silber - I have one other calendar comment. Does everyone have the revised  
3919 2001 calendar? We notice that there was an error made on that. It's the November date for  
3920 2001. It should be November 28.

3921

3922 Mr. Archer - Don't we have a motion for adjournment, by the way?

3923

3924 Ms. Dwyer - I move.

3925

3926 Mr. Vanarsdall - Second.

3927

3928 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall  
3929 for adjournment. Let the record show, we adjourned at 12:50 p.m. Thank you for your  
3930 attendance.

3931

3932 On a motion by Ms. Dwyer and seconded by Mr. Vanarsdall, the Planning Commission  
3933 adjourned its meeting for September 26, 2001, meeting at 12:50p.m.

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

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John R. Marles, AICP, Secretary