

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, July 23,  
4 2003.

5

6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)  
7 Mrs. Lisa D. Ware, 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. Richard W. Glover (Brookland) Board of Supervisors  
11 Representative

12

13 Members Absent: Mr. C. W. Archer, C.P.C. (Fairfield)

14

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

28

29 **Mr. Richard W. Glover, the Board of Supervisors Representative, abstains on all cases**  
30 **unless otherwise noted.**

31

32 Mr. Jernigan - The Planning Commission will come to order. Good morning staff and  
33 fellow Commissioners. Ladies and gentlemen in the audience, on behalf of the Henrico  
34 County Planning Commission and the staff, we would like to welcome you to our Wednesday  
35 meeting for plans of development.

36

37 For those of you who may not have been here before, I will just briefly tell you how we work.  
38 Each case that is called, I will ask after that case is called if there is any opposition, and if  
39 there is, just raise your hand and you will have an appropriate time to speak. If you do want to  
40 speak, please come to the podium and state your name and address for the record. We have to  
41 pick you up at the podium because these hearings are audibly taped and that is where the  
42 microphone is. For those cases that do have opposition, the applicant will have 10 minutes to  
43 present a case. The opposition will have a total of 10 minutes to state their case. So, with  
44 that, I would like to turn the meeting over to our secretary, Mr. Marlles. First of all, we don't  
45 have anybody here from the press. Mr. Marlles.

46

47 Mr. Mariles - Good morning, Mr. Chairman, and members of the Commission. The  
48 first item on the agenda is Request for Deferrals and Withdrawals. We do have several of  
49 those, and they will be presented by Mr. Kevin Wilhite.

50

51 Mr. Jernigan - Good morning, Mr. Wilhite.

52

53 Mr. Wilhite - Good morning, Mr. Chairperson, and Commission members. The staff  
54 is aware of four requests for Deferrals and Withdrawals at this point. The first is on Page 12  
55 of your agenda.

56

57 **SUBDIVISION (Deferred from the May 28, 2003, Meeting)**

58

Mankin Industrial Park (A Dedication of Oakley's Lane Relocated) (April 2003 Plan)	<b>Engineering Design Associates for Godsey Properties, Inc.:</b> The 60.696-acre site is located along the north line of Oakleys Lane at 4450 Oakley's Lane approximately 600 feet west of Holly Avenue on parcel 817-721-5981. The zoning is M-1C, Light Industrial District (Conditional) and ASO (Airport Safety Overlay) District. <b>(Varina) 0 Lot</b>
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59

60 Mr. Wilhite- The applicant requests withdrawal of this case.

61

62 Mr. Jernigan - We don't have to have opposition on that, so I will just make a motion to  
63 withdraw Mankin Industrial Park.

64

65 Mr. Vanarsdall- I second it.

66

67 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All  
68 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

69

70 At the request of the applicant, the Planning Commission withdrew Mankin Industrial Park (A  
71 Dedication of Oakley's Lane Relocated) (April 2003 Plan) from further consideration by the  
72 Commission. Mr. Glover was absent.

73

74 **PLAN OF DEVELOPMENT**

75

POD-47-03 Virginia Credit Union @ Dominion Village - Laburnum Avenue	<b>Koontz-Bryant, P.C. and Skip Gelletly for VEPCO and EDJ Associates, Inc.:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, commercial bank. The 2.26-acre site is located southeast corner of Creighton Road and Laburnum Avenue on parcel 809-729- 7165. The zoning is B-3C, Business District (Conditional). County water and sewer. <b>(Fairfield)</b>
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76

77 Mr. Wilhite - The applicant requests deferral until August 14, 2003.

78

79 Mr. Jernigan - Is there any opposition to the deferral of POD-47-03?

80

81 Mr. Vanarsdall - I move that POD-47-03, Virginia Credit Union @ Dominion Village –  
82 Laburnum Avenue, be deferred at the applicant’s request until August 14, 2003.

83

84 Mr. Taylor - Second.

85

86 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in  
87 favor say aye. All opposed say no. The motion passes.

88

89 At the request of the applicant, the Planning Commission deferred POD-47-03, Virginia Credit  
90 Union @ Dominion Village – Laburnum Avenue, to its meeting on August 14, 2003. Mr.  
91 Glover was absent.

92

### 93 **SUBDIVISION**

94

The Manors of  
Sleepy Hollow  
(July 2003 Plan)

**Koontz-Bryant, P.C. for Julia Frauser Robins Estate and Wilton  
Development Corporation:** The 42.02-acre site is located on the east  
line of Sleepy Hollow Road between Sleepy Hollow Road and N.  
Parham Road, approximately 800 feet south of its intersection with  
Derbyshire Road, at 411 Sleepy Hollow Road on parcels 751-737-  
3739 and 751-738-3309. The zoning is R-1, One-Family Residence  
District and R-2, One-Family Residence District. County water and  
sewer. **(Tuckahoe) 50 Lots**

95

96 Mr. Wilhite - The applicant is also requesting deferral to August 14, 2003.

97

98 Mr. Jernigan - Is there any opposition to the deferral of The Manors of Sleepy Hollow  
99 Subdivision?

100

101 Mrs. Ware - Then I move that The Manors of Sleepy Hollow Subdivision (July 2003  
102 Plan) be deferred to the Rezoning meeting on August 14, 2003, at the applicant’s request. If  
103 there is anyone here concerning that case, that is a night meeting at 7:00 p.m.

104

105 Mr. Vanarsdall- Second.

106

107 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All  
108 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

109

110 At the request of the applicant, the Planning Commission deferred The Manors of Sleepy  
111 Hollow (July 2003 Plan) to its meeting on August 14, 2003. Mr. Glover was absent.

112

112 **PLAN OF DEVELOPMENT (ARCHITECTURAL PLANS) (Deferred from the June 25,**  
113 **2003, Meeting)**

114

POD-30-03  
Uno's @ Short Pump  
Town Center  
(POD-6-01 Revised)

**Carter Design for Short Pump Town Center, LLC and Short Pump Investment Group, LLC:** Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,722 square foot restaurant. The 1.49-acre site is located 680 feet north of W. Broad Street (U.S. Route 250) and approximately 1,500 feet west of Lauderdale Drive on parcel 736-764-3817. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. Private water and sewer. **(Three Chopt)**

115

116 Mr. Wilhite - The applicant has requested to withdraw the architectural plans.

117

118 Mr. Jernigan - OK. Well, we don't have to take action on that if it is a withdrawal.

119

120 Mr. Taylor - Mr. Chairman, I move that POD-30-03, Uno's @ Short Pump Town  
121 Center, be withdrawn at the applicant's request.

122

123 Mr. Vanarsdall - Second.

124

125 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All  
126 in favor say aye. All opposed say no. The motion passes.

127

128 At the request of the applicant, POD-30-03, Uno's @ Short Pump Town Center (POD-6-01  
129 Revised) was withdrawn from further action by the Planning Commission. Mr. Glover was  
130 absent.

131

132 Mr. Marlles - Mr. Chairman, the next items on the agenda are the Expedited Agenda.  
133 These are items for which staff is recommending approval. The Planning Commission  
134 member from the district has no issues, and there is no known citizen opposition. If there is  
135 citizen opposition, the item can be taken off of the Expedited Agenda and heard in its normal  
136 rotation. The Expedited Agenda will again be presented by Mr. Kevin Wilhite.

137

138 Mr. Wilhite - We have seven cases on the Expedited Agenda at this time, the first is on  
139 Page 4.

140

140 **PLAN OF DEVELOPMENT**

141

POD-42-03  
Steak Escape –  
3820 Gaskins Road

**Foster & Miller, P.C. for Circuit City Stores, Inc. and Little General Store, 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, 2,657 square foot restaurant. The 0.763-acre site is located on the northwest corner of Mayland Drive and Gaskins Road on part of parcel 751-758-9042. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Three Chopt)**

142

143 Mr. Wilhite - In your packet is a revised map and site plan. Staff recommends  
144 approval.

145

146 Mr. Jernigan - Is there any opposition to POD-42-03, Steak Escape? No opposition.

147

148 Mr. Vanarsdall - Mr. Chairman, I am not in opposition, but I have a question, and Proffer  
149 No. 25 says, “Employees shall be required to use the parking spaces provided at the rear of the  
150 building as shown on the approved plan.” That is just there to encourage employees and that  
151 is not enforceable. Is that what that is?

152

153 Ms. Goggin - Yes, sir.

154

155 Mr. Vanarsdall - Thank you. That is all the questions I had. Go ahead, Mr. Taylor.

156

157 Mr. Taylor - Mr. Chairman, Mr. Vanarsdall, I will go ahead and move POD-42-03,  
158 Steak Escape at 3820 Gaskins Road, be approved on the Expedited Agenda, subject to the  
159 annotations on the plans, the standard conditions for developments of this type and added  
160 conditions Nos. 23 through 37, and 34 on the Addendum.

161

162 Mr. Vanarsdall- Second.

163

164 Mr. Jernigan - All right, we have a motion by Mr. Taylor and a second by Mr.  
165 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

166

167 The Planning Commission approved POD-42-03, Steak Escape – 3820 Gaskins Road, subject  
168 to the annotations on the plans, the standard conditions attached to these minutes for  
169 developments of this type, and the following additional conditions. Mr. Glover was absent.

170

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

176 24. The developer shall provide fire hydrants as required by the Department of Public

- 177 Utilities and Division of Fire.
- 178 25. Employees shall be required to use the parking spaces provided at the rear of the  
179 building(s) as shown on the approved plans.
- 180 26. All repair work shall be conducted entirely within the enclosed building.
- 181 27. Outside storage shall not be permitted.
- 182 28. The proffers approved as a part of zoning cases C-7C-81 shall be incorporated in this  
183 approval.
- 184 29. The developer shall install an adequate restaurant ventilating and exhaust system to  
185 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
186 included with the building permit application for review and approval. If, in the  
187 opinion of the County, the type system provided is not effective, the Commission  
188 retains the rights to review and direct the type of system to be used.
- 189 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
190 a form acceptable to the County Attorney prior to final approval of the construction  
191 plans.
- 192 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
193 approved by the County Engineer prior to final approval of the construction plans by  
194 the Department of Public Works.
- 195 32. In the event of any traffic backup which blocks the public right-of-way as a result of  
196 congestion caused by the drive-up delivery facilities, the owner/occupant shall close the  
197 drive-up delivery facilities until a solution can be designed to prevent traffic backup.
- 198 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
199 drainage plans.
- 200 34. Insurance Services Office (ISO) calculations must be included with the plans and  
201 contracts and must be approved by the Department of Public Utilities prior to the  
202 issuance of a building permit.
- 203 35. Approval of the construction plans by the Department of Public Works does not  
204 establish the curb and gutter elevations along the Henrico County maintained right-of-  
205 way. The elevations will be set by Henrico County.
- 206 36. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
207 Planning Office and approved prior to issuance of a certificate of occupancy for this  
208 development.
- 209 37. The location of all existing and proposed utility and mechanical equipment (including  
210 HVAC units, electric meters, junction and accessory boxes, transformers, and  
211 generators) shall be identified on the landscape plans. All equipment shall be screened  
212 by such measures as determined appropriate by the Director of Planning or the  
213 Planning Commission at the time of plan approval.
- 214

214 **SUBDIVISION (Deferred from the June 25, 2003, Meeting)**

215

Hanover Estates  
(April 2003 Plan)

**Potts, Minter & Associates, P.C. for CGDS Development Company, LLC:** The 27.7-acre site is located on the east line of Hanover Road at 445 and 505 Hanover Road approximately 1,000 feet north of Graves Road on parcels 831-723-4522 and 5867. The zoning is A-1, Agricultural District and ASO (Airport Safety Overlay) District. County water and sewer.  
**(Varina) 20 Lots**

216

217 Mr. Jernigan - Is there any opposition to Subdivision Hanover Estates (April 2003 Plan)?  
218 **OK.** With that I will move for approval of Subdivision Hanover Estates (April 2003 Plan), subject  
219 to the standard conditions for subdivisions served by Public Utilities and the following conditional  
220 conditions, Nos. 12, 13 and 14, and on the Addendum.

221

222 Mr. Vanarsdall - Second.

223

224 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in  
225 favor say aye. All opposed say no. The ayes have it. The motion is passed.

226

227 The Planning Commission granted conditional approval to subdivision Hanover Estates (April  
228 2003) Plan, subject to the standard conditions attached to these minutes for subdivisions served by  
229 public utilities and the following additional conditions. Mr. Glover was absent.

230

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

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

237 14. The "20-foot strip to be conveyed to Theresa J. Jordan" shall either be conveyed or  
238 incorporated into Lots 16, 17, and 20 prior to recordation.

239

240 **SUBDIVISION**

241

Grey Oaks Park Drive  
(July 2003 Plan)

**Youngblood, Tyler & Associates, P. C. for Route 271, LLC and Loftis Real Estate Development, Inc.:** The 3.76-acre site is located on the west side of Pouncey Tract Road between Shady Grove Road and Nuckols Road on parcels 738-772-9227. The zoning is A-1, Agricultural District. County water and sewer.  
**(Three Chopt) 0 Lots**

242

243 Mr. Jernigan - Is there any opposition to Subdivision Grey Oaks Park Drive (July 2003  
244 Plan)?

245

246 Mr. Vanarsdall - Mr. Chairman, I am not in opposition, but I have a question of Proffer #13.  
247 Maybe Mike Kennedy can answer this. The zoning is A-1 and it has never been rezoned, and it  
248 says that Proffers of C-16C-03 shall be incorporated in this approval. I just wondered what the  
249 connection was.

250

251 Mr. Kennedy - The anticipation is that at such time that is approved, that those conditions  
252 will be satisfied.

253

254 Mr. Vanarsdall- OK, so it is in there. Thank you. That is all I had.

255

256 Mr. Taylor - Then I move approval of Subdivision Grey Oaks Park Drive (July 2003  
257 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by  
258 public utilities, and conditions Nos. 12 through 16.

259

260 Mr. Vanarsdall - Second.

261

262 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in  
263 favor say aye. All opposed say no. The ayes have it. The motion passes. Mr. Glover was  
264 absent.

265

266 The Planning Commission granted conditional approval subdivision Grey Oaks Park Drive (July  
267 2003 Plan), subject to the standard conditions attached to these minutes for subdivisions served by  
268 public utilities and the following additional conditions. Mr. Glover was absent.

269

270 12. The details for the landscaping to be provided within the 10-foot-wide planting strip  
271 easement along Grey Oaks Park Avenue shall be submitted to the Planning Office for  
272 review and approved prior to recordation of the plat.

273 13. The proffers approved as part of zoning case C-16C-03 shall be incorporated in this  
274 approval.

275 14. Any necessary offsite drainage easements must be obtained prior to approval of the  
276 construction plan by the Department of Public Works.

277 15. A County standard sidewalk shall be constructed along one side of Grey Oaks Park  
278 Drive.

279 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for  
280 the maintenance of the common area by a homeowners association shall be submitted to  
281 the Planning Office for review. Such covenants and restrictions shall be in form and  
282 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
283 of the subdivision plat.

284

284 **SUBDIVISION**

285

Mayland Townes  
(July 2003 Plan)

**Bay Design Group, P.C. for Jane Patterson Bernhard and Accent Builders & Developers, LLC:** The 7.6-acre site is located on the north line of Mayland Drive, approximately 820 feet west of Parham Road on parcel 757-753-0896. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt) 42 Lots**

286

287 Mr. Wilhite - On Page 4 of your Addendum there is a revised recommendation for  
288 approval as well as an added condition No. 16 that deals with the waiver of recreational vehicle  
289 parking requirements.

290

291 Mr. Jernigan - Is there any opposition to Mayland Townes Subdivision, July 2003 Plan?  
292 No opposition.

293

294 Mr. Taylor - Do we need to waive the time limits on Item 16?

295

296 Mr. Wilhite - No, sir.

297

298 Mr. Taylor - Then I move approval of Subdivision Mayland Townes (July 2003 Plan),  
299 subject to the standard conditions for subdivisions served by public utilities, and additional  
300 conditions Nos. 12 through 16.

301

302 Mrs. Ware - Second.

303

304 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor  
305 say aye. All opposed say no. The ayes have it. The motion is passed. Mr. Glover was absent.

306

307 The Planning Commission granted conditional approval to Mayland Townes Subdivision (July  
308 2003 Plan), subject to the standard conditions attached to these minutes for subdivisions served by  
309 public utilities and the following additional conditions. Mr. Glover was absent.

310

311 12. Any necessary offsite drainage easements must be obtained prior to approval of the  
312 construction plan by the Department of Public Works.

313 13. The proffers approved as part of zoning case C-62C-02 shall be incorporated in this  
314 approval.

315 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for  
316 the maintenance of the common area by a homeowners association shall be submitted to  
317 the Planning Office for review. Such covenants and restrictions shall be in form and  
318 substance satisfactory to the County Attorney and shall be recorded prior to recordation of  
319 the subdivision plat.

320 15. The detailed plant list and specifications for the landscaping to be provided within the 30-  
321 foot-wide landscaped buffer along Mayland Drive shall be submitted to the Planning  
322 Office for review and approval prior to recordation of the plat.

323 16. A request to waive the recreational vehicle parking requirement shall be approved by the  
324 Director of Planning prior to granting final approval of the subdivision plat.

325

326 **PLAN OF DEVELOPMENT**

327

POD-46-03                                    **Bay Design Group, P.C. for Jane Patterson Bernhard and**  
Mayland Townes – 8640                    **Accent Builders & Developers, LLC:** Request for approval of a  
Mayland Drive                                plan of development as required by Chapter 24, Section 24-106 of  
the Henrico County Code to construct 42, two-story, townhouse  
units. The 7.6-acre site is located on the north line of Mayland  
Drive, approximately 820 feet west of Parham Road on parcel 757-  
753-0896. The zoning is RTHC, Residential Townhouse District  
(Conditional). County water and sewer. **(Three Chopt)**

328

329 Mr. Wilhite -                                On Page 4 of your Addendum, there is a revised recommendation for  
330 approval, and added Condition No. 34 that also deals with waiver of recreational vehicle  
331 parking.

332

333 Mr. Jernigan -                                Is there any opposition to POD-46-03, Mayland Townes, 8640 Mayland  
334 Drive?

335

336 Mr. Taylor -                                No opposition, Mr. Chairman, so I will move approval of POD-46-03,  
337 Mayland Townes – 8640 Mayland Drive, subject to the annotations on the plans, standard  
338 conditions for developments of this type and added conditions Nos. 23 through 33 and the  
339 added condition 34.

340

341 Mrs. Ware -                                Second.

342

343 Mr. Jernigan -                                We have a motion by Mr. Taylor and a second by Mrs. Ware. All in  
344 favor say aye. The ayes have it. The motion is passed.

345

346 The Planning Commission approved POD-46-03, Mayland Townes – 8640 Mayland Drive,  
347 subject to the standard conditions attached to these minutes for developments of this type and  
348 the following additional conditions. Mr. Glover was absent.

349

350 23. The subdivision plat for Mayland Townes shall be recorded before any building permits  
351 are issued.

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

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

359 26. The detailed plant list and specifications for the landscaping to be provided within the

- 360 30-foot-wide landscape buffer along Mayland Drive shall be included with the required  
 361 landscape plans for review and approval.
- 362 27. The proffers approved as a part of zoning case C-62C-02 shall be incorporated in this  
 363 approval.
- 364 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 365 approved by the County Engineer prior to final approval of the construction plans by  
 366 the Department of Public Works.
- 367 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
 368 a form acceptable to the County Attorney prior to final approval of the construction  
 369 plans.
- 370 30. Insurance Services Office (ISO) calculations must be included with the plans and  
 371 contracts and must be approved by the Department of Public Utilities prior to the  
 372 issuance of a building permit.
- 373 31. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
 374 County standard and specifications. The developer shall post a defect bond for all  
 375 pavement with the Planning Office - the exact type, amount and implementation shall be  
 376 determined by the Director of Planning, to protect the interest of the members of the  
 377 Homeowners Association. The bond shall become effective as of the date that the  
 378 Homeowners Association assumes responsibility for the common areas.
- 379 32. Approval of the construction plans by the Department of Public Works does not  
 380 establish the curb and gutter elevations along the Henrico County maintained right-of-  
 381 way. The elevations will be set by Henrico County.
- 382 33. The location of all existing and proposed utility and mechanical equipment (including  
 383 HVAC units, electric meters, junction and accessory boxes, transformers, and  
 384 generators) shall be identified on the landscape plans. All equipment shall be screened  
 385 by such measures as determined appropriate by the Director of Planning or the  
 386 Planning Commission at the time of plan approval.
- 387 34. A request to waive the recreational vehicle parking requirement shall be approved by  
 388 the Director of Planning prior to granting final approval of the subdivision plat.

389  
 390 **Mr. Glover arrived at this time.**

391  
 392 **PLAN OF DEVELOPMENT**

393  
 394

POD-41-03 Chipotle Mexican Grill @ Short Pump Town Center	<b>McKinney &amp; Company for Short Pump Town Center, LLC and Chipotle Mexican Grill:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 2,790 square foot restaurant with outdoor dining. The 0.8-acre site is located approximately 350 feet north of W. Broad Street (U.S. Route 250) at its intersection with Spring Oak Drive on part of parcel 739-762-1061. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. Private water and sewer. <b>(Three Chopt)</b>
---	--

395 Mr. Wilhite - On Page 5 of your Addendum, there is a revised recommendation for  
396 approval. The architectural issues associated with this project have been worked out.

397

398 Mr. Jernigan - Is there any opposition to POD-41-03, Chipotle Mexican Grill @ Short  
399 Pump Town Center? No opposition.

400

401 Mr. Taylor - No opposition, Mr. Chairman, so I will move approval of POD-41-03,  
402 Chiptole Mexican Grill @ Short Pump Town Center, subject to the annotations on the plans,  
403 standard conditions for developments of this type, and conditions No. 23 through 29 and the  
404 conditions in the Addendum.

405

406 Mr. Vanarsdall - Second.

407

408 Mr. Jernigan- We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All  
409 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

410

411 The Planning Commission approved POD-41-03, Chipotle Mexican Grill @ Short Pump Town  
412 Center, subject to the annotations on the plans, the standard conditions attached to these  
413 minutes for developments of this type, and the following additional conditions:

414

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

417 24. Outside storage shall not be permitted.

418 25. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this  
419 approval.

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

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

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

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

436

437

437 **PLAN OF DEVELOPMENT & REVISED MASTER PLAN**

438

POD-45-03  
Highwoods Plaza –  
4650 Cox Road

**McKinney & Company for Highwoods Markel Associates, LLC and Highwoods Realty Limited Partnership:** Request for approval of a plan of development and revised master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a five-story, 120,000 square foot office building, a four-story, 110,000 square foot office building, and a two-story parking deck. The 36.117-acre site is located at 4650 Cox Road on parcels 749-766-9485; 749-766-6604; 749-765-7952; 750-765-0494, 4697 and 750-766-3162. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

439

440 Mr. Wilhite - On Page 6 of your Addendum, there is a revised recommendation for  
441 approval. There are no added conditions. The conditions that appear on your Agenda are the  
442 ones that staff recommends.

443

444 Mr. Jernigan - Is there any opposition to POD-45-03, Highwoods Plaza?

445

446 Mr. Vanarsdall - There is opposition.

447

448 Mr. Jernigan - Do you have questions or opposition, sir? OK. Let's pull that off of the  
449 regular agenda, and we will try it in sequence. Excuse me, I'd like to welcome Mr. Glover,  
450 our supervisor, who sits on the Commission. Glad to see you, Mr. Glover.

451

452 Mr. Glover - Traffic held me up.

453

454 Mr. Mariles - Mr. Chairman, the next item on the Agenda is Subdivision Extensions of  
455 Conditional Approval. Those will be presented by Mr. Wilhite. The first subdivision is  
456 actually for Planning Commission approval. Mr. Wilhite.

457

458 **FOR PLANNING COMMISSION APPROVAL**

459

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Glenwood Lakes (July 1997 Plan)	Fairfield	265	110	4	1 Year 07/28/04

460

461 Mr. Wilhite - The subdivision we have for extension of approval that the Planning  
462 Commission will have to act on is Glenwood Lakes (July 1997 Plan) in the Fairfield District;  
463 265 lots were originally approved. Six sections of this subdivision have been recorded to date.  
464 We had just granted final approval to Section 7 last week, for an additional 70 lots. There are  
465 only 40 lots remaining in the subdivision at this time. Staff would recommend a one-year  
466 extension until July 28, 2004.

467 **FOR INFORMATIONAL PURPOSE ONLY**

468

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Trivett Woods (May 2002 Plan)	Fairfield	8	8	0	1 Year 07/28/04

469

470 Mr. Wilhite - The other case we have is being extended administratively by the  
471 Director of Planning. This is Trivett Woods (May 2002 Plan), located in the Fairfield District  
472 for 8 lots.

473

474 Mr. Vanarsdall - Mr. Chairman, I move that Glenwood Lakes Subdivision for one year,  
475 7/28/04, be recommended for extension.

476

477 Mr. Taylor - Second.

478

479 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All  
480 in favor say aye. All opposed say no. The motion passes.

481

482 The Planning Commission approved Extension of Conditional Approval for Glenwood Lakes  
483 Subdivision (July 1997 Plan) for one year to July 28, 2004.

484

485 **PLAN OF DEVELOPMENT (Deferred from the June 25, 2003, Meeting)**

486

<p>POD-39-03 Promenade Shops – Shopping Center – 11647 W. Broad Street</p>	<p><b>Hulcher &amp; Associates, Inc. for First Union National Bank and Blackwood Associates, LLC:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 39,418 square foot neighborhood shopping center. The 4.56-acre site is located on the south side of W. Broad Street St. (U.S. Route 250) approximately 200 feet west of Spring Oak Drive on part of parcels 737-762- 4724 and 738-762-3715. The zoning is B-1C, Business District (Conditional), B-2C, Business District (Conditional) and WBOS, West Broad Street Overlay District. County water and sewer. <b>(Three Chopt)</b></p>
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487

488 Mr. Marlles - The staff report will be given by Ms. Christina Goggin.

489

490 Mr. Jernigan - Is there any opposition to POD-39-03, Promenade Shops? OK. Good  
491 morning, Ms. Goggin.

492

493 Ms. Goggin - Good morning. A revised plan and architectural are in the Commission  
494 packet that is in front of you. This plan provides a planting strip and a row of employee and  
495 customer parking between the building and the service area, addressing many of the concerns

496 from Traffic Design and Planning. Staff has requested and the applicant has agreed to  
497 additional condition No. 44 in your Addendum, to insure that the access road and building are  
498 constructed simultaneously. The applicant proposes a sidewalk within the proffered buffer if  
499 approved by the Planning Commission. Staff has requested that the applicant provide an  
500 additional landscape area between the access road and parking, but after further discussion it  
501 was decided that additional landscaping would be better utilized in the front along the West  
502 Broad Street elevation. Staff recommends approval of the revised plan, subject to annotations  
503 on the plan, and the standard conditions for developments of this type, and Conditions Nos. 23  
504 through 43 in the packet, and additional Condition No. 44 in the Addendum. I would be  
505 happy to answer any questions of the Commission, and the applicant is here, as well as his  
506 engineer if you all have any questions of them.

507

508 Mr. Jernigan - Are there any questions of Ms. Goggin from the Commission?

509

510 Mr. Taylor - I have one, Mr. Chairman, if I might. Ms. Goggin, I know this is a  
511 project that we were working on right up until the last few minutes, and I want to congratulate  
512 you for your diligence and all of your hard work, and beating the clock. But are you satisfied  
513 now that everything is in place?

514

515 Ms. Goggin - Yes, sir. I feel with the 6-foot brick wall, the 20-foot buffer, the 24-foot  
516 drive isle, the 6-ft. landscape strip that we have adequate buffering between the back of the  
517 building and the residential behind it, and the applicant has agreed to put additional landscaping  
518 in front just to make the site look better, as people drive along West Broad Street.

519

520 Mr. Taylor - Is there any reason to hear from the applicant?

521

522 Ms. Goggin - Not to my knowledge, but they are here if you have any questions.

523

524 Mr. Taylor - I do not have any questions unless the other members of the Commission  
525 do. Mr. Chairman, I know that Mr. Blackwood and his staff have worked very hard on this,  
526 and they have worked with the staff and with myself, and it is a very tight site, but I think that  
527 with the work that we've done and the work that Ms. Goggin has done, we are in good shape.  
528 So, I will go ahead and recommend approval of POD-39-03, Promenade Shops – Shopping  
529 Center – 11647 West Broad Street, subject to the annotations on the plans, standard conditions  
530 for developments of this type, and conditions Nos.23 though 43 and 44 in the Addendum.

531

532 Mr. Vanarsdall - Second.

533

534 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All  
535 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

536

537 The Planning Commission approved POD-39-03, Promenade Shops – Shopping Center, 11647  
538 West Broad Street, subject to the annotations on the plans, the standard conditions for  
539 developments of this type and the following additional conditions:

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

541 the County in a form acceptable to the County Attorney prior to any occupancy permits  
542 being issued. The easement plats and any other required information shall be submitted  
543 to the County Real Property Agent at least sixty (60) days prior to requesting  
544 occupancy permits.

545 24. The sidewalk and drainage facilities on W. Broad Street (U. S. Route 250) shall be  
546 approved by the Virginia Department of Transportation and the County.

547 25. A notice of completion form, certifying that the requirements of the Virginia  
548 Department of Transportation permit has been completed, shall be submitted to the  
549 Planning Office prior to any occupancy permits being issued.

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

552 27. Employees shall be required to use the parking spaces provided at the rear of the  
553 building(s) as shown on the approved plans.

554 28. All repair work shall be conducted entirely within the enclosed building.

555 29. Outside storage shall not be permitted.

556 30. The proffers approved as a part of zoning cases C-69C-95, C-59C-00 and C-5C-01  
557 shall be incorporated in this approval.

558 31. The developer shall install an adequate restaurant ventilating and exhaust system to  
559 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
560 included with the building permit application for review and approval. If, in the  
561 opinion of the County, the type system provided is not effective, the Commission  
562 retains the rights to review and direct the type of system to be used.

563 32. This business shall not remain in operation after midnight and no exterior signs shall  
564 remain lighted after 12:00 midnight.

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

568 34. Deviations from County standards for pavement, curb or curb and gutter design shall be  
569 approved by the County Engineer prior to final approval of the construction plans by  
570 the Department of Public Works.

571 35. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
572 of the Henrico County Code.

573 36. Insurance Services Office (ISO) calculations must be included with the plans and  
574 contracts and must be approved by the Department of Public Utilities prior to the  
575 issuance of a building permit.

576 37. Approval of the construction plans by the Department of Public Works does not  
577 establish the curb and gutter elevations along the Henrico County maintained right-of-  
578 way. The elevations will be set by Henrico County.

579 38. Approval of the construction plans by the Department of Public Works does not  
580 establish the curb and gutter elevations along the Virginia Department of Transportation  
581 maintained right-of-way. The elevations will be set by the contractor and approved by  
582 the Virginia Department of Transportation.

583 39. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
584 Planning Office and approved prior to issuance of a certificate of occupancy for this  
585 development.

- 586 40. The location of all existing and proposed utility and mechanical equipment (including  
587 HVAC units, electric meters, junction and accessory boxes, transformers, and  
588 generators) shall be identified on the landscape plans. All equipment shall be screened  
589 by such measures as determined appropriate by the Director of Planning or the  
590 Planning Commission at the time of plan approval.
- 591 41. The ground area covered by all the buildings shall not exceed in the aggregate 25  
592 percent of the total site area.
- 593 42. No merchandise shall be displayed or stored outside of the building(s) or on  
594 sidewalk(s).
- 595 43. If the final construction plans for the access road and brick wall are proposed with another  
596 POD, final plans for this project (building and parking) will not be approved until plans for  
597 the access road and brick wall are approved. A building permit will not be issued until the  
598 road and wall are built or bonded and no temporary or final certificate of occupancy will  
599 be issued until road and wall construction is complete and ready for public use.
- 600 44. The access road construction plan, including associated drainage structures, will be  
601 included with this POD. Both the access road and Promenade shops will be constructed  
602 simultaneously.  
603

604 **PLAN OF DEVELOPMENT**

605

POD-44-03  
W. Broad Retail –  
7712 W. Broad Street

**Balzer & Associates, Inc. for Victor Moes and MGT Construction:** 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, 7,800 square foot retail building. The 0.74-acre site is located on the southeastern corner of W. Broad Street (U.S. Route 250) and Cardinal Road on parcel 765-751-3714. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

606

607 Mr. Mariles - The staff report will be given by Ms. Goggin.

608

609 Mr. Jernigan - Is there any opposition to POD-44-03, West Broad Retail? No  
610 opposition. Ms. Goggin, you may proceed.

611

612 Ms. Goggin - Thank you. You have a revised plan, revised map and revised  
613 architecturals in your packet in front of you. This revised plan addresses Traffic and Fire  
614 comments concerning the entrance off of Broad Street, drive isle width and turning radii within  
615 the site. To do this, the applicant had to redesign the whole building, but he was able to keep  
616 the same amount of square footage for retail use. Staff has requested that the architect provide  
617 some additional architectural design, such as repeating pilasters, window and awning details,  
618 along the street frontage elevations. The revised architecturals in your packet provide those  
619 additional details. Both architectural submissions propose a flat roof, and staff has requested  
620 that the applicant consider a roof façade or some additional features to provide some visual  
621 texture on West Broad Street and to raise the standard for future construction in that area. I do  
622 have large plans if the Commission would like to see them, and we can put them on the camera

623 table. Staff recommends approval of the revised plan, subject to the annotations on the plan,  
624 and the standard conditions for developments of this type, and conditions Nos. 23 through 37  
625 in the packet. I will be happy to answer any questions. I know that the engineer is here, but I  
626 am not sure about the architect or the developer.

627

628 Mr. Jernigan - Are there any questions for Ms. Goggin from the Commission?

629

630 Mr. Vanarsdall - I think I would like to see those, and I'd like for the rest of the  
631 Commission to see those prints. You say that Gene Riley is not here.

632

633 Mr. Goggin - I have not seen him.

634

635 Mr. Vanarsdall - No one from the architectural firm, Jack Shady? I wanted to ask him  
636 about your suggestion and what we talked about yesterday, doing something with the flat roof,  
637 but if they are not here, I can't ask it.

638

639 Ms. Goggin - Well, I have seen in other cases where we have deferred the  
640 architectural to a later date, so they could still work on their site plan, or at least the ground,  
641 the clearing...

642

643 Mr. Vanarsdall - I think they have come pretty far on this, especially since they changed  
644 the original plan to an L-shape. I wonder if they will be here later. I could set it aside.

645

646 Ms. Goggin - I can place a call. I told them yesterday that this was not on Expedited,  
647 that we were going to talk about this project, so I am not sure.

648

649 Mr. Vanarsdall - Mr. Chairman, I'd like to bypass this for the time being and see if he  
650 does come, and then I will make a decision on it.

651

652 Mr. Jernigan - That will be fine.

653

654 Mr. Vanarsdall - And for Ms. Goggin's benefit, she worked very hard and got this into  
655 very good shape so far.

656

657 Ms. Goggin - Thank you very much.

658

659 Mr. Jernigan - All right, Mr. Secretary, just set that case aside. We will catch it at the  
660 end of the agenda. OK, next case, Mr. Marilles.

661



694 which may meet the Department of Health criteria. There has been no formal submission to  
695 the Health Department and no approval has been granted, but this, unfortunately, is not  
696 grounds to hold up the conditional approval. The conditional plan does meet all applicable  
697 code requirements. Staff can recommend approval, subject to the conditions for subdivisions  
698 not served by public utilities and the following additional conditions, 4 Amended, plus 11  
699 through 19. I'd be happy to answer any questions.

700

701 Mr. Jernigan - Are there any questions for Mr. McGarry from the Commission? I  
702 know this has been a tough case, and this has been deferred eight times, and this case has been  
703 going on since around 1995, and I know Mr. McGarry has worked very hard on this. Ted, at  
704 this point I don't have any questions for you. We have opposition. I am going to let Mr.  
705 Nelson from EDA come up and state the case, and I thank you. Ms. Isaac is going to state the  
706 case, rather than Mr. Nelson. Good morning, Ms. Isaac.

707

708 Ms. Isaac - Good morning. I am Laraine Isaac, not Mr. Nelson.

709

710 Mr. Marilles - Ms. Isaac, would you like to reserve some time for rebuttal?

711

712 Ms. Isaac - Yes. I just have a few comments to make right now. First, I would like  
713 to thank the staff, particularly Mr. McGarry, who has put in a lot of time, as late as 4:00 p.m.  
714 last night. We are finally here before the Commission requesting approval. We have read the  
715 conditions and I only have one comment concerning the conditions. I would like the  
716 elimination of Condition No. 19. The staff is requesting a 25-foot natural buffer strip in an  
717 area where we have 100-ft. RPA buffer, so the RPA buffer is much better and more restrictive  
718 and this would buffer would be redundant.

719

720 Mr. Jernigan - Well, that was put in when we had the neighborhood meeting, and  
721 everybody came up. I don't think they were aware at the time, and I wasn't either. We had  
722 two or three staff members there, but nobody picked it up. But, since we have looked at the  
723 plans, there is a 100-foot RPA buffer through there, so that won't be a problem, because we'd  
724 much rather have a 100 than 25.

725

726 Ms. Isaac - Great. I have no other comments. Do you have questions of me?

727

728 Mr. Jernigan - Are there any questions from the Commission? Thank you, Ms. Isaac.  
729 All right. Who would like to be the first one to speak? Mr. Marshall.

730

731 Mr. Marshall - Mr. Chairman, members of the Commission, and my dear friend, Mr.  
732 Glover, who probably had a hard time finding a parking space. It probably wasn't the traffic.  
733 I am Watson Marshall and I live at 9740 Osborne Landing, which is on the river. I have lived  
734 there for 30 years and I think this is an ill-conceived plan of development. This land, twice  
735 since I have lived there, and I think it was 1973, and maybe 1974 and 1975 has been under  
736 water. I live probably 400 feet off of Kingsland Road. It is one of those houses on the river  
737 there, and when they had the flood, the water backed all the way back up to my driveway, so  
738 all of this land that they are proposing to build houses on was under water. It is in the flood

739 plain. Now, I understand that they have some idea about filling in the flood plain. Well, if  
740 you fill it in, that water is going somewhere, and it is either in my yard or some of the  
741 neighbor's yards, and we have wells down there, and 31 wells is what they propose to drill. I  
742 have a shallow well that is about 30 feet deep. It has only got three feet of water in it, and so I  
743 am concerned about 31 wells being put over there. This Mead's Hole, they call it, is an old  
744 gravel pit. Oakley Mead owned this property, and that old gravel pit where I think it was  
745 Southern Materials mined gravel, it is the cleanest piece of river, of the James River down  
746 there. A lot of boaters go up in there, recreational people use it, and I read somewhere in the  
747 paper that that was one of the cleanest parts of the river. And it just doesn't make sense to me,  
748 when Mr. Mead first got approval to build houses down Kingsland Road, and that was fine,  
749 because that is not in the flood plain. Anything else they build down there is going to be in the  
750 flood plain, and I just think that it is a bad idea for you all to approve conditionally or any  
751 other way what you are going to do there. It just doesn't make sense. And I am opposed to it.

752

753 Mr. Jernigan - OK. Are there any questions for Mr. Marshall from the Commission?  
754 Thank you, Mr. Marshall. Good morning, Mr. Snyder.

755

756 Mr. Buzz Snyder - Mr. Chairman, members of the Commission, Supervisor Glover, Mr.  
757 Marlles, for the record my name is Col. Ret. Buzz Snyder. I am a resident of eastern Henrico  
758 and adjacent property owner to the proposed development. I would first like to thank you, Mr.  
759 Chairman, for your time on this with the adjacent property owners, and a special  
760 congratulations and big flag to the staff members and the people in Henrico for helping us  
761 understand certain things. I'd like to say at the outset that it appears at least that this  
762 subdivision is a little different than most subdivisions, and I say that because they are technical  
763 challenges, which in my view translates to risk and risk always raises a red flag to adjacent  
764 property owners because of failures. I am going to explain that to you the best that I can and  
765 what we feel these risks are, and the first, of course, is the sewage treatment system. We are  
766 aware of the fact that on the northern side of the property, along Kingsland Road, there are  
767 home sites, out of the floodplain, on undisturbed land that will accept septic tanks. That is  
768 fine. An additional seven homes, some of which might be a little bit into the floodplain, but  
769 still out of the floodplain basically, with disturbed land, they will not accept septic tanks, so  
770 they will have to go to an alternative system. The other 16 homes are in the floodplain, which  
771 requires a substantial amount of fill, from nine feet down to zero at the flood, at the 100-year  
772 floodplain line, and with that is required a compensatory channel. That compensatory channel,  
773 basically, is to absorb the water that normally would recede into the area that is being filled.  
774 That particular channel, as I see the sketch on the map, is like an Isosceles triangle with a  
775 smaller side being the base, and that is right up against, this is a personal thing, our property  
776 line. The County's made great strides in trying to hold down standing water throughout the  
777 County, and I can tell you that this is going to bring in standing water, because when the  
778 floods start to recede, that area is going to be filled with water, and it won't dissipate until  
779 probably drought season, if then, and that is going to breed mosquitoes. It is a great heaven  
780 for that, and we all know that West Nile is on the rise in Virginia. But I look at what the  
781 developer proposes, as I understand the last information I had, experimental engineered,  
782 sewage treatment systems for the 16 homes on the fill sites. Now, when experimental comes  
783 up, it sort of ruffles my feathers. Having worked in my career in research, development and

784 testing for a good period of time, I do know that to do proper testing it takes time. So I feel  
785 assurance of liability, maintainability, and confidence that things won't fail. And you also  
786 have to determine if the specs, what that life span is going to be of that system, so I want the  
787 Commission to understand, and I hope I am right here, that this isn't going to be a one-week  
788 kind of test thing plan, but it is going to take probably a year, and even more. That is my  
789 opinion. So, that is a very big concern to us. We are not, we don't have the confidence yet,  
790 because we don't know what it is, nothing has been submitted to the State Health Department  
791 as far as the design, or the specs for that design, so that is an unknown. A technical challenge,  
792 you bet.

793

794 The next item is the flood plain fill. I understand the process, having researched it pretty well.  
795 FEMA does not have permitting authority. They are not a permitting agency. The authority  
796 for approval is the County Engineer, since we have our own floodplain ordinance. I do know  
797 that FEMA checks what the developer wants to do when he gives them a conditional letter of  
798 map revision, the coordinates and the amount of area that is going to be filled and what FEMA  
799 does is check that to make sure that doesn't interfere with certain things that they are  
800 concerned about, like the floodway. Then a final letter of map revision will go to FEMA, and  
801 that has to be certified by a Registered Engineer that they fill exactly what they have to fill and  
802 no more. We have a little bit of concern on that, in the fact that no request has been made to  
803 FEMA as of this date, for a conditional letter of MAP revision, and I don't know when that is  
804 going to be done. So, another concern of ours. The last, as mentioned by Mr. Marshall, and  
805 that is the 30 or so shallow wells. It is not my fear that there is not going to be water there or  
806 that it is going to drain the water off of the neighbors. It might. My fear is that you might get  
807 some back seepage from the river. Remember, this is all disturbed land there. I don't know  
808 what the aquifers are like. A request having gone to the State Health for soil samples or check  
809 this land to see whether or not this is even feasible. So, that is another concern. Let me say in  
810 closing we have three major items of concern of the adjacent property owners, the septic  
811 sewers, the sewage treatment systems, your fill, and the attending compensatory channels, and  
812 then lastly, the wells. And I am speaking generally for all of the adjacent property owners,  
813 and these are our concerns. Oh, one last thing, please. I would ask, Mr. Chairman, in your  
814 deliberations with the County Engineer, that you would work to try not to give approval or  
815 him give approval for a floodplain filled until final or until this engineered sewage system is  
816 checked out and approved by the State. Thank you for your attention. Do you have any  
817 questions?

818

819 Mr. Jernigan - Are there any questions for Mr. Snyder from the Commission? Now,  
820 you say that the approval comes through the County Engineer.

821

822 Mr. Snyder - It is in the ordinance. You have a floodplain ordinance in the County,  
823 and that is so stated. FEMA is not a permitting agency. They don't approve that. They just  
824 oversee to make sure that certain things won't occur when there is a flood with this amount of  
825 fill that is being requested, like the floodway, which is a cross-section of the river. And, as a  
826 matter of fact, when the same developer wanted to do that marina, the 380-slip marina, which  
827 was denied, they did submit that conditional letter of map revision, of which I think you have a  
828 copy, Mr. Chairman, and it came back with everything there except for the fee costs, which

829 they didn't provide, but that is sort of their routine, but they don't approve that. That has to  
830 come from the County Engineer. So, I would request that you would please work with the  
831 County Engineer to hopefully get that inserted as a condition, or whatever, so they do not start  
832 filling that floodplain until either final or at least until this experimental engineered design  
833 sewage treatment system is approved by the State.

834

835 Mr. Jernigan - Well I know they can't until they have FEMA approval, and you say...

836

837 Mr. Snyder - They are just an overseer to make sure, and then when the final letter of  
838 map revision comes in to FEMA, they will make a correction on this area, as far as the  
839 floodplain map, to draw a new line for the 100-year floodplain.

840

841 Mr. Jernigan - And I will have to clear this up, because I know that floodplain fills did  
842 used to come through the County, but I think now, you'll have to fill me in, because I believe  
843 now it was taken out of the County hands and put into FEMA. Am I correct?

844

845 Mr. Glover - Can I tell you, Mr. Snyder, presented his case very eloquently and, Col.  
846 Snyder, excuse me. But it seems that most everything you have talked about, and I am very  
847 interested in this, because I have floodplain in my area, most everything you have talked about  
848 is decided by professionals and arbitrary decisions by elected and appointed officials are not  
849 something that you would want us to do, I know. And as a result, it seems to me that Mr.  
850 Marles should have an answer to this question, do we as appointed or elected body have the  
851 right to deny a subdivision, or is that done by the professionals due to floodplain, wetlands, all  
852 of those conditional uses, and it seems to me that what you have talked about, the wells, the  
853 fill, and the septic system is all either State or Federal mandate by laws.

854

855 Mr. Snyder - Or State.

856

857 Mr. Glover - I thought I said State, the Health Department and so forth, sir. Could  
858 be. I don't disagree with you that this may not be the best situation, but I think the decision to  
859 those questions you have raised probably are with the professionals, and their professionalism  
860 overrides the arbitrary decision of an appointed and elected body. Now that does not mean  
861 that that appointed and elected body can vehemently oppose and recommend, but I am not sure  
862 that as an elected or appointed body that we are in a position to make arbitrary decisions.

863

864 Mr. Snyder - I understand. Thank you, sir.

865

866 Mr. Glover - I understand the desire not to have that area developed. I also think that  
867 in the denial of the case you mentioned concerning, on the river for a marina, that was, I think,  
868 denied based on a safety factor. I am not sure. I don't think it had anything to do with flood  
869 plain or fill or that type of thing.

870

871 Ms. Snyder - I just want to say that it is like putting the cart before the horse here  
872 without some answers on some very technical and very important things, that before one goes  
873 pushing off into something, and not having that confidence that it would be accomplished, it

874 just concerns us all.

875

876 Mr. Glover - I think those points that you made, that the professional has the ability, if  
877 they decide to, that it falls within the area of the welfare, safety and health and welfare of the  
878 citizens, I think they have the right to deny, at the construction level or at the final decision.  
879 But that is the professional again, and they are not held to an arbitrary decision the way that we  
880 are. When we make an arbitrary decision, the County is not, does not represent us in a Court  
881 of Law. So, we are stepping into an area that is not something that we would want to do now.  
882 If I am wrong, Mr. Marlles, I would like for you to correct me.

883

884 Mr. Marlles - No, sir. I think you are correct.

885

886 Mr. Glover - Yes, but I do understand the citizen.

887

888 Ms. Snyder - And you are our representative, sir. Thank you very much.

889

890 Mr. Jernigan - Thank you, Mr. Snyder. Would anybody else like to speak? OK.

891

892 Ms. Snyder - Nelba Snyder, 9900 Arrahaheck Trail, an adjacent property owner.

893

894 Mr. Jernigan - Good morning, Mr. Jernigan.

895

896 Ms. Snyder - Good morning, Mr. Chairman, and Commissioners, Mr. Marlles, Mr.  
897 Glover. If anyone is looking for it, I have a copy of the County Floodplain Ordinance, that  
898 has some of the things that were talked about recently. I have short comments, more general  
899 in nature to this and other cases that might be similar. Someone who buys land for future  
900 development, just as someone who buys stock, has no guarantee of making a killing. It is not  
901 right for the County and the surrounding community to bear the burden of someone's risk, in  
902 this case the developer. There are several questionable possibly damaging risks and elements  
903 to this case. Some have been covered. One, a large disturbance to the floodplain and wetlands  
904 might possibly change flood waters. Two, a compensatory channel for flood waters could  
905 create a large area of standing water. Three, experimental sewage system may or may not be  
906 safe and effective. Should the Health Department allow a testing ground here along the James  
907 River in our community without objective private sector experts to evaluate the risks. Each  
908 person to whom we have spoken, and there have been quite a few, in the Health Department,  
909 has a different opinion and different regulations. It is perplexing. Should the decision to  
910 consider and approve such a system rest with one or two people. In this case, it would be Mr.  
911 Campbell and Mr. Walker. What about a chain of command review process within the Health  
912 Department? What about an oversight committee? What about outside experts hired by the  
913 County. Use of experimental systems would set a precedent and probably not a good one, but  
914 also I bet that if I wanted to put one of these systems on my property that you wouldn't allow  
915 it.

916

917 We ask the County to be especially vigilant through every step of this process. Please use  
918 outside experts in any area in which your resources may not be very expert. Please protect

919 your major treasures, the James River, and your citizens living along it. We will ask the same  
920 of the Health Department. We assume this is their liability. We have asked the Director of  
921 Planning to meet with us before any final approval is given to apprise us of the plans and the  
922 compliance with requirements for the issues we have mentioned, and he has graciously agreed.  
923 We would like to thank Mr. Marlles for his consideration. There are three possible conditions  
924 we would like for you to consider. They have all been brought up already. One is a  
925 replacement of any wells that could go dry after they drill 30 some wells. Two is the flood  
926 plain fill. I know you are going to check on that, Mr. Jernigan. It is not a question of what  
927 they do. It is a question of when they do it. Even when they are (unintelligible) the  
928 Commission for map revision, which means they can fill, if the County could require them not  
929 to do the filling until they already have the Health Department approval for those experimental  
930 systems. That way, it wouldn't all be done in vain, if the Health Department finally says "No,  
931 we can't find anything that will work here." So all of that land upheaval won't have already  
932 been done for nothing. It would just be a matter of timing. Three, perhaps the County where  
933 it does not feel it has the very best to evaluate some of these things, Health Department staff  
934 included, could hire experts outside, objective; somebody not so involved as all of us. And  
935 would those be condition materials. Maybe Mr. McGarry could answer or Mr. Marlles or  
936 whomever. Do you think so would be protective for the citizen? Could they be used?

937

938 Mr. Marlles - Ms. Snyder, I think the comment that I would have is that I think that all  
939 of the issues that I have heard are really within the review of other State or Federal agencies  
940 that have the expertise, I believe, to review the issues and to address the concerns that you are  
941 bringing up. I don't feel the County needs to hire additional experts. I think the experts are  
942 with FEMA or with the State Health Department. Regarding the comment on the replacement  
943 of the flood plain fill and the timing issue, that raises concerns to me, because I am not sure  
944 that if you prevented the fill, or did not allow the fill, how are they going to be able to test the  
945 system, to know if the systems will work. So, any condition is possible, but I do believe that  
946 most of the issues that I am hearing would be addressed by those State and Federal agencies.

947

948 Mr. Snyder - And the County is OK with our community being used as a test plot?

949

950 Mr. Glover - No, ma'am. I can answer that. The County is not OK with it. It is not  
951 a matter of having a jurisdiction and if the County feels, or if the citizen feels...I don't even  
952 know if the citizens, and maybe Mr. Marshall might be able to help me in his legal expertise, I  
953 don't believe we as a body have a right as an aggrieved party; it is the applicant that is  
954 aggrieved if we should deny. So, if we approve it, I am not even sure the citizens have a right  
955 for an appeal process. Is that correct, Mr. Marlles?

956

957 Mr. Marlles - I believe that is correct.

958

959 Mr. Glover - Subdivision laws are not like zoning. We are legislative when it comes  
960 to zoning, and you know I probably feel for what you all are saying more than you might  
961 realize, and sometimes I have a tendency to step in the wrong area, but I really do feel that you  
962 all are very sincere, and your desires are sincere, but I hope you understand that the County  
963 isn't somebody that says "Oh, that is OK. Let them do whatever they can do down there, and

964 we won't step in the way of it." As I said, we can vehemently oppose, but the appeal process,  
965 from a standpoint of a decision by the Health Department, may be possible by the citizens, and  
966 I don't know that that is. I think that becomes a citizen appeal and not the County appeal,  
967 because it is a State action, and we exist because the State of Virginia allows us to exist, and  
968 gives us the enabling legislation. We can't make that legislation take place unless the State  
969 gives it to us, and in this particular case, they haven't given it to us. So, please don't think  
970 that we just are going to allow something to happen because we don't care, because we do.  
971 And I know that the Supervisor in that area cares very deeply.

972

973 Ms. Snyder - Yes, I do, too. And I thank you for your comments. We understand the  
974 process. We understand that this is going to be passed today, and we understand why, because  
975 the County doesn't have a legal reason not to do so, but what we think we are asking is within  
976 the conditions, that the County just put a little bit more teeth into the checks on this, so that we  
977 can feel a little bit more confident that all of the requirements are met to the letter, that  
978 everything is inspected, that the cart doesn't go before the horse, and the floodplain isn't all  
979 torn up, when, in fact, the Health Department may decide they can't even put those systems  
980 there, because perhaps we will appeal to the Health Department in some manner, talk to them.

981

982 Mr. Glover - You know, you had mentioned the cart and the horse several times. The  
983 only thing we don't have is the reins.

984

985 Ms. Snyder - I wish we did and I think you do, too.

986

987 Mr. Glover - Sure we do.

988

989 Mr. Jernigan - Now like Mr. Glover said, when it comes to the Health issues, we are  
990 overridden by the State.

991

992 Ms. Snyder - We understand that.

993

994 Mr. Jernigan - The State has control of that, and I know that you know right now, the  
995 County is not excited about this.

996

997 Ms. Snyder - We know that.

998

999 Mr. Jernigan - So, I am sure that they have looked into every area, but it is where it is.

1000

1001 Mr. Glover - And they won't stop looking, because that is where the professional end  
1002 of the picture, after this body makes a decision.

1003

1004 Ms. Snyder - That is good news.

1005

1006 Mr. Glover - Well, they do, very much so.

1007 Mr. Jernigan - Are there any more questions for Ms. Snyder? All right, Buzz. We've  
1008 run out of the 10 minutes, but we want to hear about this.

1009

1010 Mr. Buzz Snyder - All I want to say, Mr. Chairman, is when you read the Floodplain  
1011 Ordinance, once again the County Engineer has the authority to approve the flood plain fill.  
1012 And if you agree with that, after you read it, then you have some options to not fill that until  
1013 the systems are checked. That is all I wanted to say. Thank you, sir.

1014

1015 Mr. Jernigan - OK. Thank you. Ms. Isaac, did you want to say anything in rebuttal?

1016

1017 Ms. Isaac - I think Mr. Glover has dealt with most of the rebuttals for me. I just  
1018 want to say that yes, the well and septic tanks have to be approved by the State prior to the  
1019 County approving the subdivision plats, before they can go to record, before any lots can be  
1020 sold. So there are checks and balances in place. We have to have the proof up front before  
1021 we can even get final approval. The flood plain fill, I know is a concern, and that is controlled  
1022 by FEMA, and FEMA is a permitting agency, and we have an existing FEMA permit based  
1023 upon a prior subdivision, to fill in this area. We will have to amend that permit and that will  
1024 be done prior to final approval. The conditions address these concerns and we are bound by  
1025 these conditions for final approval. This is conditional approval. Right now you would be  
1026 giving us the go ahead based upon a road layout and a lot layout to then pursue the conditions  
1027 of approval prior to final. I have no other comments.

1028

1029 Mr. Jernigan - Thank you. Are there any more questions for Ms. Isaac? OK. Thank  
1030 you, ma'am. This has been a long case, and goes back many years. Bill, we are out of time.  
1031 We have run way over the limit now, and I know what your concern is and it is being  
1032 addressed and it will be addressed. Mr. McGarry, did you want to say something?

1033

1034 Mr. McGarry - No, sir.

1035

1036 Mr. Jernigan - As I said again, this has been a long process and it is no secret, I am not  
1037 excited about this project either and Mr. Nelson and Ms. Isaac both know, and the reason is  
1038 because of the flood plain fill. I think that it sets a bad precedent to start filling flood plains  
1039 along the James River, because I think that once it starts it will keep on going. But, saying  
1040 that, I called a meeting with the County Attorney, the County Manager, Mr. Donati and  
1041 several members of the staff to see exactly where we were on this. This case has been  
1042 deferred at least eight times. We have had problems here and problems there, and I went to  
1043 the Attorney to find out exactly how we stood legally on this case. Now, this is a conditional  
1044 subdivision plat, which means that the road layout and the lot layout is correct, and that does  
1045 meet staff, it is not recommended by staff, but it is correct by County Code. Now, I asked the  
1046 Attorney, can I deny this case, and the County Attorney and also Mr. Hazelett agreed no. By  
1047 law, this case needs to move on. Now, we could hold it up in the Planning Commission from  
1048 now on, but the bottom line is, it is going to get passed, and that is the reason I held the  
1049 meetings so we could verify exactly what we had to do. Now, the conditions which are No. 4,  
1050 which was amended, No. 19, which had been in there before was deleted, and another No. 19  
1051 was put in, which I am going to delete that No. 19, because we have 100-foot buffer now.  
1052 There is no sense in having a 25-foot buffer when we already have 100, but the wording has  
1053 been changed in these conditions to where every agency will have to go and check on this, and

1054 this does go to the professionals. It goes to FEMA. It goes to the State. I am sure the Corps  
1055 of Engineers will be involved in this, too, but if we don't move this case on, we can't get the  
1056 approval or disapproval of the other bodies. So, I want everybody to know that it is a bad  
1057 precedent, I am not excited about it. Mr. Nelson knows I am not excited about it, but he  
1058 knows – I have talked to him – I met with him yesterday and we have to do what we have to  
1059 do. Now, Mr. Goode, I am not worried about the quality of the homes that will go in there. I  
1060 know that they will be nice homes. That doesn't bother me. I know that the area, if this is  
1061 approved, will be a nice area. But, with that, anyway, we are going to move this on. I feel  
1062 that the County Attorney rewrote these conditions to protect everybody, and we are where we  
1063 are. So, with that I will move for approval of Newstead Landing Subdivision (September 2002  
1064 Plan), subject to the standard conditions for subdivisions not served by public utilities and the  
1065 following additional conditions, No. 4 Amended, Nos. 11 through 18, and No. 19 deleted.

1066

1067 Mr. Vanarsdall - Second.

1068

1069 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All  
1070 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

1071

1072 The Planning Commission approved Newstead Landing (A Resubdivision of Newstead  
1073 Landing, Section A, and a portion of Newstead Farms) (September 2002 Plan), subject to the  
1074 standard conditions for subdivisions not served by public utilities and the following additional  
1075 conditions:

1076

1077 **4. AMENDED** – This approval is of the conditional plat only. Final approval shall be  
1078 limited to Lots 1-8 and 17-22, Block A until such time as the Virginia Department of  
1079 Health has granted approval for sewage disposal on remaining lots or until a final plat is  
1080 prepared that conspicuously indicates all lot(s) not receiving Virginia Department of  
1081 Health approval for sewage disposal and states that there shall be no construction on  
1082 lots without such approval. Details of approved sewage disposal systems and reserved  
1083 areas for such systems shall be included with the final construction plan prior to  
1084 construction plan approval.

1085 11. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on  
1086 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate  
1087 floodplain as a "Variable Width Drainage & Utilities Easement."

1088 12. The detailed plant list and specifications for the landscaping to be provided within the  
1089 25-foot-wide planting strip easement along Kingsland Road and Osborne Landing shall  
1090 be submitted to the Planning Office for review and approval prior to recordation of the  
1091 plat.

1092 13. Each lot shall contain at least one acre, exclusive of the flood plain areas. The buildable  
1093 area for each lot shall be outside the 100 year floodplain after filling is approved as set  
1094 forth in conditions 16 and 17.

1095 14. Prior to requesting final approval, a draft of the covenants and deed restrictions for the  
1096 maintenance of the common area by a homeowners association shall be submitted to the  
1097 Planning Office for review. Such covenants and restrictions shall be in form and  
1098 substance satisfactory to the County Attorney and shall be recorded prior to recordation of

- 1099 the subdivision plat.
- 1100 15. Prior to final approval, evidence shall be provided to the Planning Office that the 16-  
1101 foot access easement and service road shown on the plat (to be removed), across lots  
1102 15-22 and the proposed public road, has been quit claimed and/or relocated.
- 1103 16. Engineered fill shall be used for filling within the buildable area for a principal  
1104 structure or accessory structure. All material shall be deposited and compacted in  
1105 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
1106 guidelines established by a professional engineer. A detailed engineering report shall  
1107 be submitted for review and approval by the Building Official prior to the issuance of a  
1108 building permit on any lot with engineered fill. A copy of the report and  
1109 recommendations shall be furnished to the Directors of Planning and Public Works.
- 1110 17. The fill and revisions to the 100 year floodplain shall be specifically approved in  
1111 writing by the Federal Emergency Management Agency (FEMA). Evidence of this  
1112 approval shall be submitted to the Director of Public Works and Planning prior to final  
1113 approval of the construction plans.
- 1114 18. Prior to recordation of the plat, the developer shall provide a buildable area plan  
1115 showing information for each lot within the subdivision. These plans shall be a part of  
1116 the revised construction plans submitted for review and for signature. The buildable  
1117 area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable  
1118 area for the principal structure, all setback dimensions, the minimum lot width (front  
1119 building line), the area of each lot found to be suitable for the location of the septic  
1120 drainfield system and reserved drainfield area on the lot, or alternative system, and if  
1121 applicable, the 100 year floodplain location, the area of each lot exclusive of floodplain,  
1122 and Chesapeake Bay Act Preservation areas and setback dimensions when applicable.

1123

1124 **SUBDIVISION**

1125

Fort Gilmer Estates **Engineering Design Associates for William Rush and Dorothy W.**  
(July 2003 Plan) **Gardner and Lee Conner Realty:** The 45.51-acre site is located  
approximately 1,500 feet north of Mill Road at the eastern terminus of  
Fortress Place on parcel 809-687-5989. The zoning is A-1, Agricultural  
District. Individual well and septic tank/drainfield. **(Varina) 34 Lots**

1126

1127 Mr. Marlles - The staff report will be given by Mr. McGarry.

1128

1129 Mr. Jernigan - All right, Mr. McGarry, I am going to defer this, so you don't have to  
1130 make a speech on this. Is there any opposition to the deferral of the subdivision Fort Gilmer  
1131 Estates? OK. No opposition. With that I will make a motion to defer Fort Gilmer Estates (July  
1132 2003 Plan) to the August 14, 2003 zoning meeting.

1133

1134 Mrs. Ware - Second.

1135

1136 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mrs. Ware. All in  
1137 favor say aye. All opposed say no. The ayes have it. The motion is passed.

1138



1174 Mr. Glover - Can I get a clarification on that?  
1175  
1176 Mr. Jernigan - Yes, sir.  
1177  
1178 Mr. Glover - What was the remark about 20% on a 62 and older, we are talking  
1179 about.  
1180  
1181 Mr. Jernigan - On 55. They had changed it to 55 when they came to the podium last  
1182 time, and that is the reason we deferred it. We advertised it as 62 and then the applicant  
1183 decided he wanted to do 55. So, I had mis-stated to Ms. Isaac that it wasn't necessary. It was  
1184 that they could allow 20% of the houses.  
1185  
1186 Mr. Glover - So this is a Fair Housing Act development? Is that correct?  
1187  
1188 Mr. Jernigan - This is FHA financing?  
1189  
1190 Mr. Glover - No, it doesn't matter who finances it. What I am asking is, is it a 55 and  
1191 older Fair Housing Act that governs, or is this just a statement by the developer?  
1192  
1193 Mr. Jernigan - This is 62.  
1194  
1195 Mr. Glover - Well, no he can't have anybody who is under 55 then.  
1196  
1197 Mr. Marlles - Mr. Glover, maybe this can help. As part of the County's support for the  
1198 Tax Credit Application for tax credits from the Virginia Housing Development Authority, the  
1199 applicant agreed to limiting the apartment to residents 62 years old and older. It was actually  
1200 part of their agreement for the County support for the Tax Credit Application.  
1201  
1202 Mr. Glover - But it is not governed by the Fair Housing Act that governs 62 and  
1203 older, nor is it governed by the 55 and older. Is that correct?  
1204  
1205 Mr. Marlles - That is correct. That is the way that I view it.  
1206  
1207 Mr. Glover - Well, are you viewing it and making a decision that that is correct, or  
1208 are you just...  
1209  
1210 Mr. Marlles - Well, it may be a Fair Housing Act project in addition to the  
1211 commitment they made as part of the...  
1212  
1213 Mr. Glover - Well, if it is a Fair Housing Act for 62 and older, you cannot have  
1214 anyone under 62. If it is 55 and older, you can permit up to 20%. Which is it?  
1215  
1216 Mr. Jernigan - Sixty-two. Everybody there is going to be 62.  
1217  
1218 Mr. Glover - So it is not a 55 and older, so what does that have to do with what you

1219 just said?

1220

1221 Mr. Jernigan - No, what happened, Mr. Glover...

1222

1223 Mr. Glover - Why are we talking about something that does not exist?

1224

1225 Mr. Jernigan - Wait a minute. I was clearing Ms. Isaac up. When she came to the  
1226 podium last month, we had advertised it at 62. They changed it to age 55 at the podium. I  
1227 deferred the case because we had advertised it at 62, but I made a statement that in age 55, that  
1228 you could have 20% of the people could be under the age of 55, could be reserved for  
1229 anybody. I was clearing the fact up that they don't have to be that, but they may let 20% of  
1230 the people be less than 55.

1231

1232 Mr. Glover - Today?

1233

1234 Mr. Jernigan - Today it is age 62, back to where it was originally. I was just clearing  
1235 up a statement that I made.

1236

1237 Mr. Glover - Thank you for confusing me.

1238

1239 Mr. Jernigan - OK, you're welcome. We are age 62 today. With that I will move for  
1240 approval of POD-104-00, Sandston Senior Retirement Community (Formerly Sandston  
1241 Plateau) (Reconsideration) 600 Old Williamsburg Road, subject to the annotations on the plans,  
1242 the standard conditions for developments of this type, and the following addition conditions,  
1243 Nos.23 through 35.

1244

1245 Mr. Taylor - Second.

1246

1247 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor. All in  
1248 favor say aye. All opposed say no. The ayes have it. The motion is passed.

1249

1250 The Planning Commission approved POD-104-00, Sandston Senior Retirement Community  
1251 (Formerly Sandston Plateau) (Reconsideration), 600 Old Williamsburg Road, subject to the  
1252 annotations on the plans, the standard conditions for develops of this type, and the following  
1253 additional conditions:

1254

1255 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1256 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1257 being issued. The easement plats and any other required information shall be submitted  
1258 to the County Real Property Agent at least sixty (60) days prior to requesting  
1259 occupancy permits.

1260 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1261 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
1262 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
1263 easement shall be granted to the County prior to the issuance of any occupancy permits.

- 1264 25. The entrances and drainage facilities on (U.S. Route 60) shall be approved by the  
1265 Virginia Department of Transportation and the County.
- 1266 26. A notice of completion form, certifying that the requirements of the Virginia  
1267 Department of Transportation entrances permit have been completed, shall be submitted  
1268 to the Planning Office prior to any occupancy permits being issued.
- 1269 27. The developer shall provide fire hydrants as required by the Department of Public  
1270 Utilities and Division of Fire.
- 1271 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1272 a form acceptable to the County Attorney prior to final approval of the construction  
1273 plans.
- 1274 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1275 approved by the County Engineer prior to final approval of the construction plans by  
1276 the Department of Public Works.
- 1277 30. Insurance Services Office (ISO) calculations must be included with the plans and  
1278 contracts and must be approved by the Department of Public Utilities prior to the  
1279 issuance of a building permit.
- 1280 31. Approval of the construction plans by the Department of Public Works does not  
1281 establish the curb and gutter elevations along the Virginia Department of Transportation  
1282 maintained right-of-way. The elevations will be set by the contractor and approved by  
1283 the Virginia Department of Transportation.
- 1284 32. The owners shall not begin clearing of the site until the following conditions have been  
1285 met:
- 1286
- 1287 (a) The site engineer shall conspicuously illustrate on the plan of development or  
1288 subdivision construction plan and the Erosion and Sediment Control Plan, the  
1289 limits of the areas to be cleared and the methods of protecting the required  
1290 buffer areas. The location of utility lines, drainage structures and easements  
1291 shall be shown.
- 1292 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
1293 clearing or grading operations of the site, the owner shall have the limits of  
1294 clearing delineated with approved methods such as flagging, silt fencing or  
1295 temporary fencing.
- 1296 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
1297 have been staked in accordance with the approved plans. A copy of this letter  
1298 shall be sent to the Planning Office and the Department of Public Works.
- 1299 (d) The owner shall be responsible for the protection of the buffer areas and for  
1300 replanting and/or supplemental planting and other necessary improvements to  
1301 the buffer as may be appropriate or required to correct problems. The details  
1302 shall be included on the landscape plans for approval.
- 1303 33. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1304 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1305 development.
- 1306 34. The location of all existing and proposed utility and mechanical equipment (including  
1307 HVAC units, electric meters, junction and accessory boxes, transformers, and  
1308 generators) shall be identified on the landscape plans. All equipment shall be screened

1309 by such measures as determined appropriate by the Director of Planning or the  
1310 Planning Commission at the time of plan approval.

1311 35. The subdivision plat for Pine Creek South shall be recorded or an alternate secondary  
1312 fire access drive shall be provided in accordance with the requirements of the Fire  
1313 Marshall, prior to the issuance of an occupancy permit.  
1314

1315 The following conditions are recommended to apply to the special exception authorizing  
1316 construction of a three -story building:  
1317

1318 1. The improvements to be constructed on the portion of the property zoned R-5 General  
1319 Residence shall provide independent multi-family residential living accommodations and  
1320 related services only for the elderly and/or handicapped persons (exclusive of  
1321 management personnel), their spouses, children, brothers, sister or aides but in no  
1322 event in excess of two (2) persons per bedroom or three (3) persons per apartment. For  
1323 the purposes hereof the term “elderly” shall mean persons sixty-two (62) years of age  
1324 or older.

1325 2. Any building constructed on the portion of the property zoned R-5 General Residence  
1326 shall be constructed substantially in accordance with and of the same exterior building  
1327 materials as the building elevation shown on the plan entitled “Sandston Senior  
1328 Retirement Community, Henrico County, Virginia” prepared by Edward Winks James  
1329 Snowa Architects, P.C. dated 6/5/03 unless otherwise specifically requested by the  
1330 Developer and approved by the Planning Commission. Such building shall contain at  
1331 least the following features:  
1332

1333 a) The building shall be completely fire sprinklered.  
1334 b) The following amenities shall be provided for the benefit of residents: elevator, two (2)  
1335 card or game rooms, a library, an 850 square foot community meeting room with a  
1336 service kitchen, trash chutes, and tenant storage rooms with individual storage cubicles,  
1337 laundry rooms shall be provided on each floor and additional services appropriate to  
1338 age restricted housing may be offered.  
1339 c) Perimeter landscaping and lighting shall comply with multi-family design standards.  
1340 d) The following security measures shall be provided: emergency pull-cords in all  
1341 bedrooms and bathrooms, which shall be monitored by management or by a monitoring  
1342 service and a locked vestibule with controlled access

1343 3. Any portion of the property, which may be located within the one hundred-year (100-  
1344 year) flood plain, as determined at the time of plan of development review, shall only  
1345 be used for open space and passive recreational activities. No permanent or enclosed  
1346 building (excluding buildings such as gazebos or picnic shelters), or parking spaces  
1347 shall be constructed within such portion of the property.

1348 4. No building constructed on the property shall exceed three (3) stories in height,  
1349 exclusive of decorative architectural features.  
1350

1350 **PLAN OF DEVELOPMENT**

1351

POD-48-03  
Dominion Chevrolet Parking  
Deck – W. Broad Street

**Timmons Group for The Linhart 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 three-story parking deck. The 9.13-acre site is located on the north line of W. Broad Street (U.S. Route 250) east of North Gayton Road extended (12050 W. Broad Street) on part of parcel 734-764-5375. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

1352

1353 Mr. Mariles - Staff report will be given by Mr. Michael Kennedy.

1354

1355 Mr. Kennedy - You have being distributed now a revised elevation plan, which is just  
1356 for your information only, at this point. The revised plan is for a temporary parking area to be  
1357 used during the construction of the parking deck. There are parking problems in the area.  
1358 There are concerns not only for the County, but the adjoining property owners as well as Mr.  
1359 Linhart, who operates this facility. He wants to address this before it becomes a problem. At  
1360 this point, staff still has some concerns about the exterior design of the building and those  
1361 concerns have also been expressed by the adjoining property owner, Breeden Company, which  
1362 owns The Reflections @ West Creek Apartment Complex, which is being developed to the  
1363 north of the site, the 300 unit apartment complex, which is located right behind the dealership,  
1364 and so at this time, after meeting with Mr. Condlin, who represents the applicant, what we  
1365 have partially agreed to is to approve the design of the parking deck, the conceptual design,  
1366 and the architectural, lighting and landscaping come back at the August 14, 2003 meeting, and  
1367 at that time they feel that those issues can be resolved after having time to meet with the  
1368 adjoining property owners. So, what we have is a conceptual plan, which is before you, but  
1369 the architectural would not be addressed at this time. Staff has some concern about making  
1370 sure this request is high quality design, because it is in such a high visibility location right at  
1371 that North Gayton interchange, which has really become moved up in priority in the County.  
1372 It is close to the mall and we want to make sure the design is appropriate. And, so after  
1373 meeting with the applicant and meeting with the adjoining property owners, we feel the best  
1374 way of moving forward with this to address the parking issues is to approve the design of the  
1375 deck with the architectural, lighting and landscaping to come back at the August 14, 2003  
1376 meeting.

1377

1378 Mr. Glover - I only have one question. Is this being approved with or without the  
1379 inflated gorilla?

1380

1381 Mr. Jernigan - I didn't ask. Is there any opposition to POD-48-03, Dominion Chevrolet  
1382 Parking? We have opposition. OK. Mr. Taylor, we have opposition. Are there any questions  
1383 for Mr. Kennedy from the Commission?

1384

1385 Mr. Kennedy - We do have the tentative layout, the tentative design to show you, if you  
1386 have any questions about that, if you want to specifically talk about it, but what we are trying

1387 to do is put that off and give more time to resolve those issues between the parties. Those are  
1388 those color elevations in front of you.

1389

1390 Mr. Taylor - Mr. Chairman, let us hear from the opposition first, and then we will go  
1391 back to the case.

1392

1393 Mr. Jernigan - All right, sir. Would you come up, please? Good morning.

1394

1395 Mr. Kent Little - Good morning. My name is Kent Little. I am President of The Breeden  
1396 Company. We are the management company for the apartment complex. I just want to make  
1397 sure that Mike and I, Mike has really been very supportive and helpful in getting us in this  
1398 process. I guess conceptually we are not opposed to the parking deck, but one thing that I  
1399 want to make clear, we are not agreeable to the conceptual design. Maybe this is semantics.  
1400 In terms of location of the parking deck, I don't think we have a problem, but we do have a  
1401 problem with the design. We don't think it is compatible with our project next door, and we  
1402 are certainly willing to talk about that. We think it is feasible to get to a design that works, but  
1403 when I hear Mike say we are approving the conceptual design, that is not my understanding.  
1404 We are approving the location, the layout of the site plan, but in terms of the architectural  
1405 design, it would be our desire to revisit that extensively and look at the design carefully. So, it  
1406 is the conceptual layout that we are agreeable to consider, if we are going to do it today. Now,  
1407 in my experience, doing it piece-meal, you know sometimes it is a little bit troublesome, but  
1408 we understand it is a parking issue here, and we do think that they are trying to address the  
1409 issue, which we want to support, but we want to make sure we see the final product before we  
1410 can really say where we are going to be.

1411

1412 Mr. Jernigan - All right. Are there any questions for Mr. Little from the Commission?

1413

1414 Mr. Taylor - I have a couple from Mr. Little. With regard to your statement sir,  
1415 about the final product, are you, you say you are not opposed to the elevations or the concept,  
1416 but the final product, would that be landscaping or how the deck looks, or would it be the  
1417 entire site? Before you answer that, please let me say this. I have looked over the current site  
1418 and I've looked over your particular site, and I have also kept in mind the fact that the area out  
1419 there is going to dramatically change over the next few years, and I am not sure this is  
1420 generally known, but the County is contemplating a bridge across Route 64 at that particular  
1421 point, which is a continuation of Gayton Road. There is also a concept of roads coming from  
1422 Short Pump Town Center parallel to Broad Street intersecting with that road between the  
1423 Dominion facility and your facility, and with that oncoming project and development, both  
1424 your project and Mr. Linhart's project on the other side are really going to have to work with  
1425 the County and with each other, to bring forth the necessary changes in drainage and  
1426 landscaping, lighting and parking and access, and I would like you to know that, and comment  
1427 on it, from the standpoint that I think whatever we do here today, whether we pass this in  
1428 concept or whatever, we have a need to work with both you and Dominion Chevrolet,  
1429 Dominion Motors or whatever, so it works out well.

1430

1431 Mr. Little - Well, we certainly agree with that. We want to cooperate, certainly with

1432 the owners, but Mr. Linhart and with the County to arrive at a transportation plan which is  
1433 vital to all of us. We recognize that. And we think our property is strategically located, the  
1434 bridge is helpful to everybody concerned. There is going to be a lot of traffic generated by the  
1435 mall. We think, and I pointed this out to Michael, which he probably has a better  
1436 understanding than me, probably, that we think the road design is inadequate for what we are  
1437 going to wind up with, with traffic counts. Right now it is a little bit too small, we think. But,  
1438 nonetheless, the current parking issue, which is before us today, there is an issue here. There  
1439 is no doubt about that. And in your earlier, right in the beginning of that statement, you said  
1440 we were agreeable to the elevations. That is not the case. We are agreeable to the concept of  
1441 a parking deck and the location of the parking deck, on the property, but the elevations we  
1442 want to revisit.

1443

1444 Mr. Taylor - In regard to the size of the parking deck or whether there would be a  
1445 parking deck, or the design?

1446

1447 Mr. Little - I don't think we object to the size. I don't think we object to the  
1448 location. I think we currently object to the design of the appearance, exterior appearance of it.

1449

1450 Mr. Taylor - OK, so the exterior appearance with regard to material?

1451

1452 Mr. Little - The materials and the spaces between the decks being left open are our  
1453 concern. And then, I think the sheer wall being visible at the top are a concern, and we think  
1454 that there ought to be significant landscaping certainly around the parking garage and probably  
1455 integrated in the parking garage. We have seen situations where planners have placed along  
1456 the top wall of it and they drape over with ivy or some kind of vegetation, which softens the  
1457 situation, and if we could do some type of screening, a smoked glass or grill work or  
1458 something between the open areas of it, it would give, in our opinion, more of an appearance  
1459 that is consistent with the entire dealership and work well with the residential community that  
1460 will be behind it. There is going to be a lot of residents here. There are 290 units, which I am  
1461 sure you are aware of, and we invested a lot, and I am sure Mr. Linhart has, as well, and we  
1462 want to be reasonable, but we have a lot of investment here, and the County required us to do  
1463 substantial upgrading, which we do not object to, in terms of the architecture and the  
1464 landscaping on our project, and we just want to make it consistent with what we have done  
1465 already.

1466

1467 Mr. Taylor - I understand that, and I think we are all working on that same effort and  
1468 I think...

1469

1470 Mr. Little - Mike has really tried to explain the process and work with the situation  
1471 to make it work, and we all know that there are considerations and concern about the east/west  
1472 access situation, which we have got to work with here.

1473

1474 Mr. Taylor - I understand that and working towards that end, of course, both  
1475 Dominion and Reflections @ West Creek, people are going to have to work together with  
1476 regard to not only this edifice, I mean if you are saying that the bulk of the edifice, the façade

1477 to the edifice, the three decks, all of that is, in your mind acceptable, then it is a question of  
1478 materials, form and landscaping, certainly, and then putting some ivy on it or actually the  
1479 appearance of it. My quandary at this point is whether to defer this for two weeks, because I  
1480 understand that you have not really discussed that.

1481

1482 Mr. Little - We received the plans yesterday, the day before yesterday, excuse me, in  
1483 the afternoon, and I have a number of principals who very, I was able to cover with them, very  
1484 briefly, and this is an important issue to us. We pointed out in our letter that I think I wrote to  
1485 Michael that we want to cooperate and we want to be reasonable, but we think we ought to  
1486 take some time here to look at this design, and we ask for a deferral of the entire process, and  
1487 come back in two weeks and say, what is this really going to work, and have a completed  
1488 package. Now, I was approached this morning and they said, "Would you agree to go along  
1489 with the location of the parking garage?" I spoke with my principals on the telephone, and we  
1490 are agreeable to the location, but we want to talk and our concerns are substantial, but we want  
1491 to talk about this design in some detail with both the principal and the architect, who is  
1492 designing the situation.

1493

1494 Mr. Taylor - OK. Thank you very much.

1495

1496 Mr. Jernigan - Let me clear it up a little bit because I am a little confused now. You are  
1497 OK with the parking deck, it is the position of it?

1498

1499 Mr. Little - Yes.

1500

1501 Mr. Jernigan - OK. Now, what do you want it to look like? I mean, I know you said  
1502 ivy and...but basically, parking decks are concrete, and the material on it. What do you want  
1503 it to look like?

1504

1505 Mr. Little - Well, we have a picture here that was done – that was actually approved  
1506 by the Planning Commission here, which we like the appearance of that parking deck. We  
1507 recognize it is going to be concrete, and it has got to be structural steel. It is a big thing. It  
1508 has to be a big thing. We understand. But I guess what we don't want to have is an  
1509 institutional looking concrete structure there. There are ways to soften that and make it more  
1510 appealing.

1511

1512 Mr. Glover- Since you don't disagree with the parking deck, it is just the appearance  
1513 when the finished product is there. Approving the site plan doesn't firm up the landscaping  
1514 that might take place or what the ivy might be, or how he would, and I believe Mr. Linhart  
1515 would be more than happy to work with the people that are going to buy his Saturns and those  
1516 kinds of things, and those 290 some apartment people are probably going to buy a Chevrolet  
1517 every now and then, don't you think?

1518

1519 Mr. Little - Oh, I suspect so. And we have no desire to not work with Mr. Linhart.

1520

1521 Mr. Glover - But approving the site plan does not firm up totally...

1522 Mr. Little - Oh, I recognize that, approving the location. We agree that it is probably  
1523 going to be a parking garage here if Mr. Linhart, if we can get to the agreement on how it is  
1524 designed. But, in terms of the location, we don't have any objections to that, and we don't  
1525 have any objection to the size of it, but we do have objection to how it is drawn now, in terms  
1526 of what the final product will be, and it needs to be dramatically enhanced, we think, from an  
1527 architectural standpoint, with both landscaping and architectural features.

1528

1529 Mr. Glover - Dramatically is a tough word, you know.

1530

1531 Mr. Little - In our opinion, there is a difference between where the picture we have  
1532 here today, and where we are at now. So, there is no need in sugar coating that. We are not  
1533 supposed to talk about it, in our opinion.

1534

1535 Mr. Glover - In other words, approving the site plan would not be objectionable. It is  
1536 just making sure that we reserve the right to discuss with the applicant the architectural and  
1537 landscaping of the building itself.

1538

1539 Mr. Little - That is exactly right.

1540

1541 Mr. Taylor - Mr. Little, with that in mind, would you be willing to accept the fact that  
1542 we will approve the basic architectural project now, and we will bring this back to the  
1543 Commission for the landscape and lighting plan, and in the meantime we will work with both  
1544 parties to get a reasonable compromise.

1545

1546 Mr. Little - I would be troubled by the use of the word "basic architectural". In my  
1547 understanding, we are indicating what the footprint and the envelope of this parking garage is  
1548 going to be.

1549

1550 Mr. Taylor - Correct.

1551

1552 Mr. Little - We are not approving, in my mind, any architectural features here.

1553

1554 Mr. Taylor - That is good. I think if we get the footprint, the bulk of the elevation,  
1555 the architectural features become a matter or really those two things, the bulk, the shape and  
1556 the location. And then we will bring back for the landscape and lighting and some of the  
1557 details, as well as the architectural treatment.

1558

1559 Mr. Glover - Would you be willing, you have been working with Mr. Kennedy, to  
1560 work with the staff and the applicant in bringing about an appearance of this architectural.

1561

1562 Mr. Little - Oh, certainly.

1563

1564 Mr. Glover - So, in other words, you don't see the need to come back and cause all  
1565 these people to come back to a meeting, and talk about a piece of ivy on the building. I use  
1566 that just as gesture.

1567 Mr. Little - But we are looking for more than that, obviously.  
1568  
1569 Mr. Glover - But you are willing to work with the staff and the applicant to bring this  
1570 about?  
1571  
1572 Mr. Little - The applicant's attorney has approached me and asked for a meeting at  
1573 10:30 on Monday, which we are happy to be here, and I think we are going to do it here at the  
1574 County, and meet with the architectural people and perhaps the County. We are certainly  
1575 happy to do that.  
1576  
1577 Mr. Taylor - I think really that is the most constructive way to do this.  
1578  
1579 Mr. Little - Again, we don't want to be obstructional. We recognize that.  
1580  
1581 Mr. Taylor - I recognize that, and what we want to do, from the County is we will  
1582 help that by coming back to the County and working on those details, if that is acceptable to  
1583 you.  
1584  
1585 Mr. Jernigan - So, Mr. Taylor, are we going to approve the site plan but not the  
1586 elevations.  
1587  
1588 Mr. Glover - Approving everything and he is going to work with the County, from  
1589 what I understand, and the applicant, to bring about a satisfactory appearance, which I agree  
1590 that there needs to be some architectural...  
1591  
1592 Mr. Little - I don't want to be argumentative, but when you say that we are  
1593 approving everything, that is not what I thought.  
1594  
1595 Mr. Jernigan - The way I understand it is that we are going to approve the site plan and  
1596 your footprint, but not the architecturals.  
1597  
1598 Mr. Glover - You are approving it, with the idea, from what I understood, that the  
1599 staff and the applicant and the apartment people would work out the design, so it is not a  
1600 matter of excluding anything. It is a matter of approving, because he just said the location,  
1601 footprint, everything about it. So it is just a matter of approving, through administrative  
1602 process, the appearance of it.  
1603  
1604 Mr. Little - So you are saying that we are not coming back for another vote on  
1605 August 14 for the architecturals?  
1606  
1607 Mr. Glover - Well, I am not saying that, but I don't see any need for it. That is up to  
1608 you, though, up to the rest of the Commission. I think we have a staff that is very capable and  
1609 Mr. Kennedy and Mr. Marlles, and I think that the applicant understands that the County of  
1610 Henrico is interested in the appearance of the design. Now, if the Commission wants to bring  
1611 it back and take time with the developer and...

1612 Mr. Little - Well, that was my understanding, that today we were approving, I guess,  
1613 part of the application, and that the architectural was coming back on August 14 to approve the  
1614 balance of the application, which I have not seen that approach, but I think it would work for  
1615 us, as long as we are coming back to have a vote and approve the balance of the application.

1616

1617 Mr. Jernigan - Mr. Marlles.

1618

1619 Mr. Taylor - The balance being, I think I'd better have. We need to make it clear,  
1620 when I make my motion, where the dividing line falls, so let me just, sir, if I might, let our  
1621 staff clarify this for us, so that we all understand it together.

1622

1623 Mr. Kennedy - Final elevations, the lighting and the landscaping would be returned on  
1624 the August 14 meeting, and part of the concern with the lighting, of course, was also, with a  
1625 three-story deck, with the top level roof parking and lighting, just having control of that. So,  
1626 basically, what we will be doing is coming back with final elevations for approval.

1627

1628 Mr. Jernigan - Mr. Marlles, am I correct in saying that administratively that Mr. Taylor  
1629 could meet with the applicant, Mr. Little, staff, and pass that on his own, without bringing that  
1630 back to the Commission.

1631

1632 Mr. Marlles - Yes, that is true, Mr. Jernigan. Although I think the staff  
1633 recommendation in this case – the staff recommendation is to bring back the elevations back to  
1634 the Commission on August 14.

1635

1636 Mr. Kennedy - There is enough concern between the two parties that we feel it should  
1637 come back to the Commission.

1638

1639 Mr. Jernigan - Mr. Taylor.

1640

1641 Mr. Little - May I make a comment on behalf of Mr. Linhart?

1642

1643 Mr. Marlles - Mr. Condlin, if you would please clarify this, I would be delighted.

1644

1645 Mr. Condlin - If I could do that, that and the other cases, so I don't think I want to.  
1646 My name is Andy Condlin from Williams Mullen and I appreciate the time Mike Kennedy and  
1647 Mr. Taylor have put into this, and certainly Mr. Little, for being willing to work with us.  
1648 Also, I appreciate the approval of the layout and the concept that we are talking about.  
1649 Certainly we would appreciate being in support of approving the entire thing and just working  
1650 administratively, but also I understand and appreciate you have to follow your staff's  
1651 recommendation. We do understand, on behalf of the applicant, that these issues, while they  
1652 may have only seen the elevations in the last few days, the elevation has been a part of the case  
1653 all along, and only the last few issues have we heard about as of yesterday. We got little time  
1654 to look at the options and, quite frankly, the critical issue is the cost of addressing these  
1655 concerns. Mr. Little did say "dramatic enhancement" and the question became that this is a  
1656 parking deck, and these items will be critical to the success of this and it is a private. It is for

1657 the employees, not for the public to use, and it is a different animal what we are looking at,  
1658 and we feel we can accomplish a solution. We think we can come to a reasonable conclusion  
1659 with this matter, but it will be in a manner consistent with the existing buildings in the overlay  
1660 district. However, this is an open-air deck. The police, we've had a lot of issues, I'm talking  
1661 on both sides of us, some building code issues for open air decks, as well as the police wanting  
1662 to have views and be able to see inside of the deck for safety purposes. So, given all of the  
1663 parameters that we are looking at, we just wanted to acknowledge that we hope we will get  
1664 continued flexibility in looking at the different options, and also acknowledge that this is going  
1665 to be a parking deck, and it is going to solve long-term parking issues and circulation issues,  
1666 and that's all we wanted to state. If you have any questions, we have plenty of people here that  
1667 are able to answer both engineering and architectural questions. If you feel it would be more  
1668 appropriate for the 14<sup>th</sup> that will be fine then as well.

1669

1670 Mr. Taylor - Thank you, Mr. Condlin.

1671

1672 Mr. Jernigan - Are there any more questions for Mr. Condlin from the Commission?

1673 Thank you.

1674

1675 Mr. Taylor - Mr. Chairman, I'm ready for a motion. I move to approve POD-48-03,  
1676 Dominion Chevrolet Parking Deck on W. Broad Street with items Nos. 9 and 11 amended and  
1677 Nos. 23 through 27 with the provision that the final elements of the landscape and lighting plan  
1678 and those decorative elements associated with that will be brought back to our Commission  
1679 meeting on the 14<sup>th</sup> of August.

1680

1681 Mr. Vanarsdall - Second.

1682

1683 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in  
1684 favor say aye...all opposed say nay. The motion is passed.

1685

1686 The Planning Commission approved POD-48-03, Dominion Chevrolet Parking Deck – W. Broad  
1687 Street, subject to the annotations on the plan, the standard conditions attached to these minutes for  
1688 developments of this type and the following additional conditions. The architectural elevations  
1689 were deferred to the Planning Commission's August 14, 2003, Rezoning meeting at 7:00 p.m.

1690

1691 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1692 review and Planning Commission approval prior to the issuance of any occupancy  
1693 permits.

1694 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1695 depictions of light spread and intensity diagrams, and fixture and specifications and  
1696 mounting height details shall be submitted for Planning Office review and Planning  
1697 Commission approval.

1698 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1699 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1700 being issued. The easement plats and any other required information shall be submitted  
1701 to the County Real Property Agent at least sixty (60) days prior to requesting

1702 occupancy permits.  
1703 24. The developer shall provide fire hydrants as required by the Department of Public  
1704 Utilities and Division of Fire.  
1705 25. The proffers approved as a part of zoning case C-62C-98 shall be incorporated in this  
1706 approval.  
1707 26. Insurance Services Office (ISO) calculations must be included with the plans and  
1708 contracts and must be approved by the Department of Public Utilities prior to the  
1709 issuance of a building permit.  
1710 27. The location of all existing and proposed utility and mechanical equipment (including  
1711 HVAC units, electric meters, junction and accessory boxes, transformers, and  
1712 generators) shall be identified on the landscape plans. All equipment shall be screened  
1713 by such measures as determined appropriate by the Director of Planning or the  
1714 Planning Commission at the time of plan approval.

1715  
1716 Mr. Jernigan - The Planning Commission will now take 15-minute break. It's 10:35

1717

1718

1719 **AT THIS TIME THE COMMISSION TOOK A BREAK AND RECONVENED AT 10:50**  
1720 **A.M.**

1721

1722 **PLAN OF DEVELOPMENT**

1723

POD-44-03  
W. Broad Retail –  
7712 W. Broad Street

**Balzer & Associates, Inc. for Victor Moes and MGT Construction:** 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, 7,800 square foot retail building. The 0.74-acre site is located on the southeastern corner of W. Broad Street (U.S. Route 250) and Cardinal Road on parcel 765-751-3714. The is zoning B-3, Business District. County water and sewer. **(Brookland)**

1724

1725 Mr. Jernigan - Is there any opposition to POD-44-03, W. Broad Retail? No opposition.

1726

1727 Mr. Vanarsdall - Mr. Chairman, we sidestepped it to see if we could get a better  
1728 architectural look to it and also the applicant wasn't here then. Gene Sykes I here from the  
1729 architectural firm of Freeman & Morgan and Ms. Goggin has already talked to him and they  
1730 went on and got it straight. Go ahead, Ms. Goggin.

1731

1732 Ms. Goggin - I would like for you to know that there was a mix up. The architect was  
1733 suppose to be here and the developer didn't realize that there was a missed communication and  
1734 he came in from out of the field so that's why Mr. Logan is in jeans and a tee shirt. I talked to  
1735 Mr. Logan and he is completely willing to work with staff and the Planning Commission to  
1736 add some additional details and roof design to help break up the flat roof on the new building.  
1737 Mr. Logan is here and he did a quick, quick, preliminary sketch that I can put on the document  
1738 table. Neither one of us being an architect, used a pen. I can put this up if you would like to

1739 see it. Like I said, Mr. Logan is here if you have any questions of him.

1740

1741 Mr. Vanarsdall - Where is the drawing you had?

1742

1743 Ms. Goggin- Let me grab that right quick. As previously mentioned, this is the wrong  
1744 architectural set (referring to rendering on the document table). This is when the building was  
1745 L-shaped but it is what we had to draw on outside. But if you look at the top line, Mr. Logan  
1746 added some additional pilaster details and some minor little triangles and pilaster and parapets  
1747 just to help break up the roofline. But, obviously, we will need to sit down and come up with  
1748 a little bit more finished product.

1749

1750 Mr. Vanarsdall - And he is willing to do that.

1751

1752 Ms. Goggin - Yes, sir, he is.

1753

1754 Mr. Vanarsdall - And I appreciate that.

1755

1756 Ms. Goggin - He is totally willing to work with staff and the Planning Commission.

1757

1758 Mr. Vanarsdall - I appreciate your help on it. Thank you. I don't have any more  
1759 questions, Mr. Chairman.

1760

1761 Mr. Jernigan - Are there any more questions of Ms. Goggin by the Commission?  
1762 Thank you, Ms. Goggin.

1763

1764 Mr. Vanarsdall - I appreciate you coming in from out of the cold.

1765

1766 Mr. Logan - Out of the heat.

1767

1768 Mr. Vanarsdall - Mr. Chairman, I recommend POD-44-03, W. Broad Retail – 7712 W.  
1769 Broad Street, be approved with the annotations on the plan, the standard conditions for  
1770 developments of this type, and then we have some additional conditions Nos. 23 through 37.

1771

1772 Mr. Taylor - Second.

1773

1774 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All  
1775 in favor say aye...all opposed say nay. The motion is passed.

1776

1777 Mr. Vanarsdall - Just so that I can get it on record, they will be working with staff and  
1778 Ms. Goggin and the rest of the staff on the elevation of the building.

1779

1780 Mr. Jernigan - Thank you, Mr. Vanarsdall.

1781

1782 The Planning Commission approved POD-44-03, W. Broad Retail – 7712 W. Broad Street,  
1783 subject to the annotations on the plan, the standard conditions attached to these minutes for

1784 developments of this type and the following additional conditions:

1785

1786 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1787 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1788 being issued. The easement plats and any other required information shall be submitted  
1789 to the County Real Property Agent at least sixty (60) days prior to requesting  
1790 occupancy permits.

1791 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
1792 approved by the Virginia Department of Transportation and the County.

1793 25. A notice of completion form, certifying that the requirements of the Virginia  
1794 Department of Transportation entrances permit have been completed, shall be submitted  
1795 to the Planning Office prior to any occupancy permits being issued.

1796 26. The developer shall provide fire hydrants as required by the Department of Public  
1797 Utilities and Division of Fire.

1798 27. All repair work shall be conducted entirely within the enclosed building.

1799 28. Outside storage shall not be permitted.

1800 29. The certification of building permits, occupancy permits and change of occupancy  
1801 permits for individual units shall be based on the number of parking spaces required for  
1802 the proposed uses and the amount of parking available according to approved plans.

1803 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1804 a form acceptable to the County Attorney prior to final approval of the construction  
1805 plans.

1806 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1807 approved by the County Engineer prior to final approval of the construction plans by  
1808 the Department of Public Works.

1809 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
1810 of the Henrico County Code.

1811 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
1812 drainage plans.

1813 34. Insurance Services Office (ISO) calculations must be included with the plans and  
1814 contracts and must be approved by the Department of Public Utilities prior to the  
1815 issuance of a building permit.

1816 35. Approval of the construction plans by the Department of Public Works does not  
1817 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1818 way. The elevations will be set by Henrico County.

1819 36. Approval of the construction plans by the Department of Public Works does not  
1820 establish the curb and gutter elevations along the Virginia Department of Transportation  
1821 maintained right-of-way. The elevations will be set by the contractor and approved by  
1822 the Virginia Department of Transportation.

1823 37. The location of all existing and proposed utility and mechanical equipment (including  
1824 HVAC units, electric meters, junction and accessory boxes, transformers, and  
1825 generators) shall be identified on the landscape plans. All equipment shall be screened  
1826 by such measures as determined appropriate by the Director of Planning or the  
1827 Planning Commission at the time of plan approval.

1828

1829 **LANDSCAPE & ALTERNATIVE FENCE HEIGHT PLAN**

1830

LP/POD-61-86

Stony Run Townhouses –  
Rocky Creek Lane and  
Ridgefield Parkway

**Winston D. Spain for Stony Run Townhouse Associates:**  
Request for approval of a landscape and alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.11-acre site is located at 2026 Rocky Creek Lane on parcel 744-752-0544. The zoning is RTH, Residential Townhouse District. **(Tuckahoe)**

1831

1832 Mr. Jernigan - Is there anyone in the audience in opposition to the landscape and  
1833 alternative fence height plan for LP/POD-61-86, Stony Run Townhouses? No opposition, Mr.  
1834 Kennedy.

1835

1836 Mr. Kennedy - This will revise a landscape plan that was approved in 1986 along a  
1837 portion of Ridgefield Parkway where it abuts the Stony Run Townhouses. At that location  
1838 there were large Photinias that were planted 20 years ago, approximately. When those  
1839 Photinias died they got leaf blight and now those townhouses at that location are now subject to  
1840 the noise and road from Ridgefield Road, which has actually grown over time. So, what this  
1841 would do is permit them to replace those Photinias, which have died with a fence which would  
1842 be in a front yard that require alternate fence height. In front of the fence they will plant Wax  
1843 Myrtles. The object is that at this time these Photinias are 20 feet high and provides substantial  
1844 buffer for noise and from the road and the fence would try to approach that whereas without  
1845 the alternative fence height a three and a half foot fence would not do that. So, staff is  
1846 recommending approval of both the landscape plan and the alternative fence height.

1847

1848 Mr. Jernigan - Thank you, Mr. Kennedy. Are there any questions of Mr. Kennedy by  
1849 the Commission? All right, go ahead, Mrs. Ware.

1850

1851 Mrs. Ware - Okay. I'll make a motion to approve LP/POD-61-86, Stony Run  
1852 Townhouses, subject to the annotations on the plan and the standard conditions for landscaping  
1853 plans.

1854

1855 Mr. Vanarsdall - Second.

1856

1857 Mr. Jernigan - We have a motion by Mrs. Ware and seconded by Mr. Vanarsdall. All  
1858 in favor say aye...all opposed say nay. The motion is passed.

1859

1860 The Planning Commission approved the landscape and alternative fence height plan for  
1861 LP/POD-61-86, Stony Run Townhouses – Rocky Creek Lane and Ridgefield Parkway, subject  
1862 to the annotations on the plan and the standard conditions attached to these minutes for  
1863 landscape and lighting plan.

1864 **SUBDIVISION**

1865

W. Hermitage Park

**TIMMONS and J. Thomas O'Brien, Jr. for The Tetra**

July 23, 2003

(July 2003 Plan)  
Greenway Avenue and  
Impala Drive

**Company:** The 0.83-acre site is located at the northwest corner of the intersection of Greenway Avenue and Impala Drive, approximately 300 feet from the intersection of Impala Drive and Dumbarton Road on parcel 776-775-6163. The zoning is R-4, One-Family District. County water and sewer.  
**(Brookland) 4 Lots**

1866

1867 Mr. Jernigan - Is there anyone in the audience in opposition to W. Hermitage Park (July  
1868 2003 Plan)? No opposition. Mr. Kennedy.

1869

1870 Mr. Kennedy - This subdivision would realign lots of formally phased Greenway  
1871 Avenue. There were four lots, and they were nonconforming lots. They were 50 feet wide  
1872 and the last one was 45 feet wide. The last one did not meet the exception standards so they  
1873 went to the Board of Zoning Appeals and the Board of Zoning Appeals turned it down because  
1874 they felt that they could meet the current zoning requirements by doing rearrangement. They  
1875 have now come back with the rearrangements of lots. There has been some opposition  
1876 expressed by adjourning property owners. The original plan for this included the vacation of  
1877 the alley that runs along the back of the lots. That alley serves some garages on the lots to the  
1878 north. The lots to the north are also concerned about drainage in this area. There are wetlands  
1879 on this site. It's a small wetlands area. As a requirement they would have to get a permit  
1880 from the Army Corps of Engineers to fill in the wetlands and that would deal with the drainage  
1881 issue as well. They will have to have adequate drainage at the time of construction plan  
1882 approval. But, it appears that those conditions can be met. The lots do meet standard zoning  
1883 conditions for R-4 Districts. They will now all be a minimum of 65-foot-wide and a minimum  
1884 of 8,000 square feet. So, there will be no exception lots authorized under the Code. No  
1885 nonconforming lots. All lots meet the current Code requirements for a R-4 District, for which  
1886 it is zoned. And with that, we can recommend approval.

1887

1888 Mr. Jernigan - Thank you, Mr. Kennedy. Are there any questions of Mr. Kennedy by  
1889 Commission members?

1890

1891 Mr. Vanarsdall - Mr. Kennedy, this is the plan that we are working from right here?

1892

1893 Mr. Kennedy - Yes, sir.

1894

1895 Mr. Vanarsdall - What's the date of it?

1896

1897 Mr. Kennedy - It's the July 14 plan.

1898

1899 Mr. Jernigan - This one is dated July 18. My plan is dated July 18.

1900

1901 Mr. Vanarsdall - His bifocal is messing up on him.

1902 Mr. Jernigan - Excuse me. I apologize, I see it.

1903

1904 Mr. Vanarsdall - I've never found Mr. Kennedy to be wrong, I'll take his word for it.

1905

1906 Mr. Kennedy - That's okay. Thank you, sir.

1907

1908 Mr. Vanarsdall - Mr. Chairman, I recommend subdivision W. Hermitage Park (July 2003  
1909 Plan) Greenway Avenue and Impala Drive, be approved with the annotations on the plans, the  
1910 standard conditions for subdivisions served by public utilities and additional conditions Nos. 12  
1911 and 13.

1912

1913 Mr. Taylor - Second.

1914

1915 Mr. Jernigan - We have a motion my Mr. Vanarsdall and a second by Mr. Taylor. All  
1916 in favor say aye...all opposed say nay. The motion is passed.

1917

1918 Mr. Vanarsdall - Thank you, Mr. Kennedy, for straightening that out. And, Mr. O'Brian,  
1919 I didn't mean to miss you, you didn't want to talk did you?

1920

1921 Mr. O'Brian - That's okay.

1922

1923 The Planning Commission granted conditional approval to subdivision W. Hermitage Park  
1924 (July 2003 Plan) subject to the standard conditions attached to these minutes for subdivisions  
1925 served by public utilities, the annotations on the plans and the following additional conditions.  
1926 Mr. Glover was absent.

1927

1928 12. Each lot shall contain at least 8,000 square feet, exclusive of the flood plain areas.

1929 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
1930 construction plan by the Department of Public Works.

1931

1932 **PLAN OF DEVELOPMENT (Deferred from the May 28, 2003, Meeting)**

1933

POD-22-03	<b>Engineering Design Associates for Hugh W. Owens:</b> Request
Bethlehem Road Office	for approval of a plan of development, as required by Chapter
Building - Bethlehem Road	24, Section 24-106 of the Henrico County Code, to construct a
	two-story, 6,450 square foot office building. The 2.58-acre site
	is located at 6501 Old Bethlehem Road on parcels 769-745-
	9774 and 770-745-1768. The zoning is O-2C, Office District
	(Conditional). County water and sewer. <b>(Brookland)</b>

1934

1935 Mr. Jernigan - Is there anyone in the audience in opposition to POD-22-03, Bethlehem  
1936 Road Office Building? No opposition. Ms. News, good morning.

1937

1938 Ms. News - Good morning, Mr. Chairman, members of the Commission. The  
1939 revised plan in your addendum packet address the concerns of several departments and now  
1940 can be recommended for approval. The Department of Public Works has determined that there  
1941 is currently excess right-of-way for Bethlehem Road along the frontage of this site. To meet  
1942 the requirement of the Major Thoroughfare Plan for a minor collector, only 33 feet from the

1943 center line of the road is required. Subsequently, with the vacation of this excess right-of-way, 1944 sufficient width has been added to the developable area of the site to accommodate the required 1945 15-foot landscape strip across the front of the site.

1946

1947 Also, encroachment into the RPA has now been eliminated with the exception of the access 1948 road which is permitted. Access to the building has been provided to the satisfaction of the 1949 Fire Marshall. The plan generally is consistent with the plan provided at the time of rezoning. 1950 With these revisions, staff can recommend approval of the revised plan subject to the 1951 annotations on the plan, the conditions in your agenda, and the additional conditions Nos. 32 1952 through 35 in the addendum. I'll be happy to answer any questions.

1953

1954 Mr. Jernigan - Are there any questions of Ms. News by the Commission?

1955

1956 Mrs. Ware - I have none.

1957

1958 Mr. Jernigan - Thank you, Ms. News.

1959

1960 Mr. Vanarsdall - I don't have any. Ms. News and I have been talking about this for 1961 several months. Ms. Isaac has a grin on her face because she thought she was going to get it 1962 through, but I found a flaw in it that I didn't mention - and I just want to see your face 1963 (Joking). Ms. News, thank you for all your patience.

1964

1965 Ms. News - You're welcome.

1966

1967 Mr. Vanarsdall - Mr. Chairman, I move POD-22-03, Bethlehem Road Office Building on 1968 Bethlehem Road, I refer to it as the office in the creek, be approved with the annotations on the 1969 plans, the standard conditions for developments of this type, additional conditions Nos. 23 1970 through 31 on the agenda and then on the addendum, page 2, that picks up Nos. 32, 33, 34 and 1971 35.

1972

1973 Mrs. Ware - Second.

1974

1975 Mr. Jernigan - We have a motion by Mr. Vanarsdall and seconded by Mrs. Ware. All 1976 in favor say aye...all opposed say nay. The ayes have it, the motion is passed.

1977

1978 The Planning Commission approved POD-22-03, Bethlehem Road Office Building - 1979 Bethlehem Road, subject to the standard conditions attached to these minutes for developments 1980 of this type, the annotations on the plans and the following additional conditions. Mr. Glover 1981 was absent.

1982

1983 23. The easements for drainage and utilities as shown on approved plans shall be granted to 1984 the County in a form acceptable to the County Attorney prior to any occupancy permits 1985 being issued. The easement plats and any other required information shall be submitted 1986 to the County Real Property Agent at least sixty (60) days prior to requesting 1987 occupancy permits.

- 1988 24. 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 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
- 1993
- 1994 26. The proffers approved as a part of zoning case C-51C-02 shall be incorporated in this approval.
- 1995
- 1996 27. 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.
- 1997
- 1998
- 1999 28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
- 2000
- 2001
- 2002 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
- 2003
- 2004 30. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 2005
- 2006
- 2007 31. 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.
- 2008
- 2009
- 2010 32. Trash pickup and parking lot cleaning shall not be done on Sunday and will be limited to the hours of 7:30 a.m. and 8:30 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 8:30 p.m. on Saturday.
- 2011
- 2012
- 2013 33. A zoning case to rezone the environmentally sensitive areas on the site to C-1, Conservation District shall be submitted prior to the approval of final construction plans by the County of Henrico.
- 2014
- 2015
- 2016 34. Prior to signature at construction plans, the developer must furnish a letter from **Dominion Virginia Power** stating that this proposed development does not conflict with their facilities.
- 2017
- 2018
- 2019 35. A vacation request for the portion of the existing Bethlehem Road right-of-way to be vacated across the frontage of the site, as shown on the approved plans, shall be approved by the County prior to approval of construction plans.
- 2020
- 2021
- 2022

2022 **SUBDIVISION**

2023

Winterberry  
(July 2003 Plan)

**Engineering Design Associates for Barbara Rozeta Jones Deberry, Frances Delores Jones Davis and Godsey Properties, Inc.:** The 6.00-acre site is located along the western line of Springfield Road (State Route 157), at the intersection of Springfield Road and Olde Milbrooke Way on parcels 755-768-1347 and 2764. The zoning is R-3C, One-Family District (Conditional). County water and sewer.  
**(Brookland) 13 Lots**

2024

2025 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Winterberry  
2026 (July 2003 Plan)? Good morning, Mr. Cooper.

2027

2028 Mr. Cooper - Good morning, Mr. Chairman and members of the Commission. This  
2029 plan calls for a 13-lot subdivision located along Springfield Road. This site was rezoned on  
2030 June 17 of this year with the rezoning case C-8C-03. The original plan submitted did not  
2031 accurately reflect all required setbacks. The revised plan, which you see before you today,  
2032 however now addresses those concerns and therefore staff can recommend approval of this  
2033 subdivision. The applicant's engineer is here today and I am also available to answer any  
2034 questions.

2035

2036 Mr. Jernigan - Are there any questions of Mr. Cooper by the Commission?  
2037

2038 Mr. Vanarsdall - The only thing that I see on this, I don't know how we can change this,  
2039 but if you will notice that across the street, on the plan, is Milbrooke subdivision. And over in  
2040 here, they have continued the Old Brookway that had to be offset. In other words, you have  
2041 the same name across the street and I know it must be confusing to emergency vehicles. So, I  
2042 just wanted to notate that. I don't know what we can do about it. I remember one time while  
2043 putting up political signs for Mr. Glover years ago, two of us working together on a Saturday  
2044 morning and we came to a neighborhood that had Mill Court, Mill Lane, Mill Road, Mill  
2045 Drive and how would an ambulance or fire driver would ever find the emergency is beyond  
2046 me. I just don't think it's a good idea to have those names across the street, but I just wanted  
2047 to throw that out for what it's worth. Do anybody agree with my view on this?

2048

2049 Mr. Cooper - Mr. Commissioner, we have made a comment pertaining to that issue.  
2050

2051 Mr. Vanarsdall - That's good, you did put it on there.  
2052

2053 Mr. Cooper - Yes, sir.  
2054

2055 Mr. Vanarsdall - I looked at it and then looked down and said, "Well, he did his  
2056 homework." All right. Thank you. With that, I move that the subdivision Winterberry (July  
2057 2003 Plan) with 13 lots be approved, with the annotations on the plans, the standard conditions  
2058 for subdivisions served by public utilities and additional conditions Nos. 12 through 17.

2059 Mr. Taylor - Second.  
2060

2061 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All  
2062 in favor say aye...all opposed say nay. The motion is passed.  
2063

2064 The Planning Commission granted conditional approval to subdivision Winterberry (July 2003  
2065 Plan) subject to the standard conditions attached to these minutes for subdivisions served by  
2066 public utilities, the annotations on the plan and the following additional conditions. Mr.  
2067 Glover was absent.  
2068

2069 12. Each lot shall contain at least 11,000, square feet.

2070 13. The final plat shall contain a statement that this subdivision is on an abandoned coal mine  
2071 site. The wording shall be approved by the Planning Staff and the County Attorney, and  
2072 shall be conspicuously on the face of the plat.

2073 14. Before the plat is recorded, the developer shall submit to the Planning Office a detailed  
2074 report prepared by a qualified professional engineer specifying the proposed treatment of  
2075 mine shafts and scars. The report shall be reviewed by the Design Division of Public  
2076 Works, and shall be made a part of the construction plans approved for the subdivision.

2077 15. Any necessary offsite drainage easements must be obtained prior to approval of the  
2078 construction plan by the Department of Public Works.

2079 16. The proffers approved as part of zoning case C-8C-03 shall be incorporated in this  
2080 approval.

2081 17. The detailed plant list and specification for the landscaping to be provided within the 25-  
2082 foot-wide landscape strip along Springfield Road shall be submitted to the Planning Office  
2083 for review and approval prior to recordation of the plat.  
2084

2085 **PLAN OF DEVELOPMENT (Deferred from the June 25, 2003, Meeting)**  
2086

2087 2088 <u>Mr. Jernigan</u> - 2089 - Town Center @ Twin Hickory	<b>POD-38-03</b> <b>Retail Shops – Town Center</b> <b>@ Twin Hickory</b>	<b>Hankins &amp; Anderson for Retlaw 100, LCC:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 7,000 square foot retail center in an existing shopping center. The 0.67-acre site is located approximately 800 feet north of the intersection of Nuckols and Twin Hickory Roads on parcel 746-773-1046. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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2087  
2088 Mr. Jernigan - Is there anyone in the audience in opposition to POD-38-03, Retail Shops  
2089 – Town Center @ Twin Hickory? No opposition. Mr. Cooper.  
2090

2091 Mr. Cooper - As you are aware, this plan was deferred from last's month agenda. The  
2092 plan cause for a 7,000 square retail building to be located just west of McDonald's and north  
2093 of Miller's Neighborhood Market in the existing Town Center at Twin Hickory Shopping  
2094 Center. At that time, at last's month meeting, staff had concerns with the overall conceptual  
2095 master plan for this shopping center and its inability to meet the proffer requirements for open

2096 space. As well, there were citizens concern for lack of amenities throughout the shopping  
2097 center, particularly park benches and bike racks. Since last month's PC meeting staff has met  
2098 with the developer and the engineer for this project. They have submitted a revised master  
2099 conceptual plan which meets the open space requirements. As well, the applicant and  
2100 RealtiCorp, who has been involved with the entire shopping center since the beginning, met  
2101 with the citizens of Twin Hickory. During that meeting, RealtiCorp agreed to provide  
2102 additional park benches and bike racks throughout the entire site. In furtherance of that  
2103 commitment, staff has added two conditions of approval which you can find in your  
2104 addendum. These conditions require the park benches and bike racks to be approved and  
2105 installed throughout the site prior to issuing a certificate of occupancy for the building  
2106 associated with this POD.

2107

2108 In addition, all owners of the parcels within this shopping center will be required to submit  
2109 letters authorizing these park benches and bike racks to be placed on their property. Based on  
2110 the discussions with the applicant, the engineer and the citizens of Twin Hickory and the  
2111 commitments made in regards to those discussions, staff can recommend approval of this plan  
2112 of development. The applicant is here today as is his engineer. I'll be glad to answer any  
2113 questions as well.

2114

2115 Mr. Jernigan - Are there any questions for Mr. Cooper from the Commission?

2116

2117 Mr. Taylor - I have one, Mr. Chairman. Mr. Cooper, after we met with the citizens  
2118 in Twin Hickory with Mr. Goode and we expressed what we are doing. Have we had any  
2119 feedback from them or are they generally satisfied, everybody accepts the approach?

2120

2121 Mr. Cooper - Yes, sir. I've spoken with Mr. Goode and with Evan Paner of  
2122 RealtiCorp as well as several of the citizens following our meeting and also discussing these  
2123 added conditions, which are on your addendum. Everybody is in agreement and willing to  
2124 work toward that.

2125

2126 Mr. Taylor - Good, thank you. That's all the questions that I have, Mr. Chairman.

2127

2128 Mr. Jernigan - Okay, Mr. Taylor.

2129

2130 Mr. Taylor - With that, I will move approval of POD-38-03, Retail Shops - Town  
2131 Center @ Twin Hickory, subject to the annotations on the plan, the standard conditions for  
2132 developments of this type and conditions Nos. 9 and 11 amended, additional conditions Nos.  
2133 23 through 34 on the agenda and Nos. 35 and 36 on the addendum.

2134

2135 Mr. Vanarsdall - Second.

2136

2137 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All  
2138 in favor say aye...all opposed say nay. The motion carries.

2139 The Planning Commission approved POD-38-03, Retail Shops - Town Center @ Twin  
2140 Hickory, subject to the standard conditions attached to these minutes for developments of this

2141 type, the annotations on the plan and the following additional conditions. Mr. Glover was  
2142 absent.

2143

2144 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2145 review and Planning Commission approval prior to the issuance of any occupancy  
2146 permits.

2147 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2148 depictions of light spread and intensity diagrams, and fixture and specifications and  
2149 mounting height details shall be submitted for Planning Office review and Planning  
2150 Commission approval.

2151 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2152 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2153 being issued. The easement plats and any other required information shall be submitted  
2154 to the County Real Property Agent at least sixty (60) days prior to requesting  
2155 occupancy permits.

2156 24. The developer shall provide fire hydrants as required by the Department of Public  
2157 Utilities and Division of Fire.

2158 25. Outside storage shall not be permitted.

2159 26. The proffers approved as a part of zoning cases C-19C-94, C-56C-94, C-49C-96 and  
2160 C-68C-99 shall be incorporated in this approval.

2161 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
2162 a form acceptable to the County Attorney prior to final approval of the construction  
2163 plans.

2164 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2165 approved by the County Engineer prior to final approval of the construction plans by  
2166 the Department of Public Works.

2167 29. Insurance Services Office (ISO) calculations must be included with the plans and  
2168 contracts and must be approved by the Department of Public Utilities prior to the  
2169 issuance of a building permit.

2170 30. The location of all existing and proposed utility and mechanical equipment (including  
2171 HVAC units, electric meters, junction and accessory boxes, transformers, and  
2172 generators) shall be identified on the landscape plans. All equipment shall be screened  
2173 by such measures as determined appropriate by the Director of Planning or the  
2174 Planning Commission at the time of plan approval.

2175 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
2176 Planning Office and approved prior to issuance of a certificate of occupancy for this  
2177 development.

2178 32. No merchandise shall be displayed or stored outside of the building(s) or on  
2179 sidewalk(s).

2180 33. Written approval from the adjacent property owner to the east (parcel 746-773-2756)  
2181 authorizing the site work on his property is required prior to Planning Office approval  
2182 of the construction plans.

2183 34. The ground area covered by all the buildings shall not exceed in the aggregate 25  
2184 percent of the total site area.

2185 35. A letter indicating the authorization for the installation of park benches and bike racks

2186 as shown on the approved amenity plan shall be submitted by Read F. Goode, Jr. and  
2187 signed by all owners within the shopping center. This letter to be submitted to the  
2188 Planning Office prior to amenities plan approval.  
2189 36. An amenities plan, to include park benches and bike racks, for the entire shopping  
2190 center shall be submitted to the Planning Office for review and approval, and shall be  
2191 installed prior to granting certificate of occupancy for this building.

2192

2193 **PLAN OF DEVELOPMENT & REVISED MASTER PLAN**

2194

POD-45-03  
Highwoods Plaza –  
4650 Cox Road

**McKinney & Company for Highwoods Markel Associates, LLC and Highwoods Realty Limited Partnership:** Request for approval of a plan of development and revised master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a five-story, 120,000 square foot office building, a four-story, 110,000 square foot office building, and a two-story parking deck. The 36.117-acre site is located at 4650 Cox Road on parcels 749-766-9485; 749-766-6604; 749-765-7952; 750-765-0494, 4697 and 750-766-3162. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

2195

2196 Mr. Jernigan - Is there anyone in the audience in opposition to POD-45-03, Highwoods  
2197 Plaza? No opposition. Good morning, Mr. Strauss, you may proceed, sir.

2198

2199 Mr. Strauss - Good morning, Mr. Chairman, members of the Commission. This site  
2200 has been before the Commission and the Board on many occasions and it has a fairly long  
2201 history. It was the subject of at least seven rezonings dating back to 1984. It was also the  
2202 subject to numerous POD reviews, the most recent in the year 2000. The original master plan  
2203 which the applicant seeks to amend today, was approved by the Commission in May of 1997 as  
2204 a part of POD-52-97 for 27 acres. The master plan included administrative approval for two  
2205 additional buildings. The last one which is on the corner of Sadler and Cox was to be a six-  
2206 story building and that was approved by the Commission but never built. Now, since that  
2207 time, and I imagine given the office market what it is today, the applicant has been looking at  
2208 this site and he is now proposing to amend the master plan by adding an additional eight and a  
2209 half acres that was not originally included - part of the Mercer Plaza project. With this plan of  
2210 development they want to construct a two-level parking deck optimizing the site to allow,  
2211 instead of the six-story building, a four-story and a five-story building to be built and of course  
2212 there is a parking deck also involved.

2213

2214 The agencies have reviewed the plan, and staff has reviewed the plan of the applicant. We  
2215 have had all our questions answered with respect to the deck and the parking so we are  
2216 recommending approval today. Mr. Terry Blankinship was here this morning. He represents  
2217 the Cedars neighborhood, which is the adjacent neighborhood to the west. He met with the  
2218 traffic engineer. He had a number of questions with respect to future improvements in the  
2219 vicinity, not particularly related to this development but in his mind maybe had an effect. His

2220 questions have been answered. The traffic engineer met with him and the Traffic Department  
2221 is going to do a traffic analysis and update traffic counts in the vicinity, particular Sadler and  
2222 Nuckols. That was fine. Mr. Blankinship was okay with that. So with that, we can answer  
2223 any questions you may have and we have no further concerns.

2224

2225 Mr. Jernigan - Are there any questions of Mr. Strauss from the Commission?

2226

2227 Mr. Taylor - I think that pretty much covers it, Mr. Chairman, for me.

2228

2229 Mr. Jernigan - Thank you, Mr. Strauss. All right, Mr. Taylor.

2230

2231 Mr. Taylor - Mr. Chairman, I just wanted to note in passing this that a lot of work  
2232 that Mr. Strauss has done and a lot of work on behalf of the applicant for which we are pleased  
2233 that everybody in the community is satisfied. So, I will move approval of POD-45-03,  
2234 Highwoods Plaza – 4650 Cox Road, subject to the annotations on the plans, the standard  
2235 conditions for developments of this type and additional conditions Nos. 9 and 11 amended and  
2236 Nos. 23 through 29.

2237

2238 Mr. Vanarsdall - Second.

2239

2240 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All  
2241 in favor say aye...all opposed say nay. The motion passes.

2242

2243 Mr. Vanarsdall - Mr. Chairman, I want to point out that we have an old face in the back  
2244 of the room and I don't mean O L D, in mean O L E, Mr. Stacy Burcin. He's working his  
2245 way up to be president of McKinney & Company (laughing).

2246

2247 The Planning Commission approved POD-45-03, Highwoods Plaza – 4650 Cox Road, subject  
2248 to the standard conditions attached to these minutes for developments of this type, the  
2249 annotations on the plans and the following additional conditions. Mr. Glover was absent.

2250

2251 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2252 review and Planning Commission approval prior to the issuance of any occupancy  
2253 permits.

2254 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2255 depictions of light spread and intensity diagrams, and fixture and specifications and  
2256 mounting height details shall be submitted for Planning Office review and Planning  
2257 Commission approval.

2258 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2259 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2260 being issued. The easement plats and any other required information shall be submitted  
2261 to the County Real Property Agent at least sixty (60) days prior to requesting  
2262 occupancy permits.

2263 24. The developer shall provide fire hydrants as required by the Department of Public  
2264 Utilities and Division of Fire.

- 2265 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
 2266 a form acceptable to the County Attorney prior to final approval of the construction  
 2267 plans.
- 2268 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 2269 approved by the County Engineer prior to final approval of the construction plans by  
 2270 the Department of Public Works.
- 2271 27. Insurance Services Office (ISO) calculations must be included with the plans and  
 2272 contracts and must be approved by the Department of Public Utilities prior to the  
 2273 issuance of a building permit.
- 2274 28. Approval of the construction plans by the Department of Public Works does not  
 2275 establish the curb and gutter elevations along the Henrico County maintained right-of-  
 2276 way. The elevations will be set by Henrico County.
- 2277 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 2278 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 2279 development.

2280

2281 **PLAN OF DEVELOPMENT (Deferred from the June 25, 2003, Meeting)**

2282

POD-33-03  
 Victory Nissan –  
 W. Broad Street

**Bay Design Group for Victory Automotive Group:** 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, 24,000 square foot automotive sales and service facility. The 5.94-acre site is located at the intersection of W. Broad Street (U.S. Route 250), John Rolfe Parkway and Old Three Chopt Road on parcel 740-761-8451. The zoning is B-3, Business District and A-1, Agricultural District. County water and sewer. **(Three Chopt)**

2283

2284 Mr. Jernigan - Is there anyone in the audience in opposition to POD-33-03, Victory  
 2285 Nissan – W. Broad Street? No opposition. Mr. Strauss.

2286

2287 Mr. Strauss - Thank you, Mr. Chairman. This case was deferred at our last meeting  
 2288 to allow the applicant time to respond to various staff concerns relating to architectural designs,  
 2289 utility extensions and in particular, that would be the waterline along W. Broad Street, and a  
 2290 number of site design issues. Since our last meeting, the applicant has submitted a revised site  
 2291 plan which addresses the concern of the Department of Public Utilities. They are now  
 2292 recommending approval. The parking has been redesigned to allow more onsite vehicular  
 2293 display and storage as well as off loading spaces for the new cars. The streetscape buffer  
 2294 along W. Broad Street has been increased from 35 feet in width to 50 feet in width and the  
 2295 applicant is proposing a transitional buffer with an eight-foot screen wall along the southern  
 2296 property line adjoining the future expansion of the Short Pump Park, which is directly south of  
 2297 this site.

2298

2299 Perhaps the most significant improvement we have seen this last month is the revised design of  
 2300 the two-story car dealership building. The applicant had originally proposed a flat roof gray

2301 metal and gray block building. This project is in the W. Broad Street Overlay District. If you  
2302 have been there you noticed that the building design is not really that type and staff is  
2303 concerned about the look and appearance of that building. The applicant has worked very  
2304 diligently, and we have met with them a number of times, they have agreed to do something a  
2305 bit different which I'm going to show you in this next graphic. The building is now going to  
2306 be predominantly a kind of a burgundy and maybe a mahogany colored brick and integral color  
2307 split-face block. What you see before you is the revised elevation that we received last week.  
2308 The elevation that I am pointing to right now is the north elevation facing W. Broad Street.  
2309 They retained part of their look at the entrance, here. That was very important to them, but  
2310 the rest of the building is going to be brick. And they have added, instead of the flat roof, they  
2311 have added a gable or mansard seam metal roof, which matches some of the roofs we have  
2312 seen in the W. Broad Street district and other locations. This elevation that I am pointing to  
2313 faces John Rolfe. The lower one is facing west and the very top one faces south and that's  
2314 going to be a split-face block and of course there will be the screen wall associated with that.

2315

2316 Like I said, staff thinks this represents a significant improvement and hopefully will result in a  
2317 building much more compatible with the surrounding development and design style in the W.  
2318 Broad Street Overlay District. So, with that, staff is recommending approval of the revised  
2319 plans and there are some additional conditions on your addendum this morning, Nos. 31, 32  
2320 and 33 they relate to the offsite storage facility which the applicant has been encouraged to  
2321 procure for future storage of cars because these dealerships have way too many cars for their  
2322 operations. If you have any further questions, I'll be glad to answer those and I might note  
2323 that there is also a condition that the applicant can file a rezoning to rezone a thin strip of A-1  
2324 property that is currently on the site to B-3. I believe the architect is here also with the civil  
2325 engineer to answer any other questions you may have.

2326

2327 Mr. Jernigan - Are there any questions of Mr. Strauss?

2328

2329 Mr. Taylor - I have one, Mr. Strauss. Do you have an item No. 33 or did you say,  
2330 well you said 33 or does it stop at No. 32?

2331

2332 Mr. Strauss - The addendum, I believe, has 31, 32, and 33.

2333

2334 Mr. Taylor - Oh, I'm sorry. I stand corrected.

2335

2336 Mr. Jernigan - I have a question. How far does this set back off W. Broad Street?

2337

2338 Mr. Strauss - It sets 50 feet. It's normally 35 feet. Now there is surrounding  
2339 development to the east that we have been looking at that is 50 feet and they are willing to give  
2340 us the 50.

2341

2342 Mr. Jernigan - Now the two service bays that are on the front, are they for entrance into  
2343 the service or coming out?

2344

2345 Mr. Strauss - There are actually 19 service bays on the left portion of the building and

2346 there is an entranceway... The building is kind of divided into two and there is an entranceway  
2347 through the middle where you can drop cars off for service. There is a service center, but I'll  
2348 let the architect describe that.

2349

2350 Mr. Jernigan - Are there any more questions of Mr. Strauss? Thank you, Mr. Strauss.

2351

2352 Mr. Taylor - Mr. Chairman, do you want the architect to explain the architectural  
2353 features?

2354

2355 Mr. Jernigan - Yes, please. Good morning.

2356

2357 Mr. Caskie - Good morning. I'm Dan Caskie and I'm with Bay Design Group. This  
2358 is Kevin Layo and he's with Huff Morris. They actually have a rendering that you guys may  
2359 not have received. It shows a little bit better how it will look from the street. The setback that  
2360 we are talking about is actually, the 50 feet is to the parking lot. The building is beyond that.  
2361 The building is another 70 feet I think pass that. The entry in the middle that you were talking  
2362 about is more of a service reception. The cars are taken into that area where the advisor can  
2363 write up what needs to be done to the car and then they are taken into the building, in this  
2364 case, on the west side of the building to have them service.

2365

2366 Mr. Jernigan - The reason I questioned that because I know that you have night drop  
2367 offs and people bring their cars up there and fill out the paper work and put them in. I'm  
2368 saying that's going to be a stacking lane right there in the front. I just didn't want you to have  
2369 too many stacked in there.

2370

2371 Mr. Caskie - That's correct. That is a night dropoff area. We've jogged that down  
2372 from the main entrance so that we... And we have parking in the front right there adjacent to it  
2373 so that we do have, depending on how many people come, we do have the ability....

2374

2375 Mr. Jernigan - I was just concerned about congestion in the front because you know at  
2376 some dealerships they will have one door going in but they may have three or four stacking  
2377 lanes where the cars back up going into there. For example, Patrick Chevrolet. I don't know  
2378 if you are familiar with them but their entrance to their shop is about 20 bays and it's on the  
2379 side. But, their stacking lane out in the parking lot has four deep lanes that are about 70 or 80  
2380 feet long that you can stack the cars in there. I'm just saying with a 50-foot setback and you  
2381 are bringing cars in, I was more interested in if this is where the cars are coming in or whether  
2382 you were bringing them out. I didn't know if maybe you were going to load them in the back.

2383

2384 Mr. Caskie - Well, it goes all the way through, so I think they have the ability to do it  
2385 either way. I think during the day it's a pretty much drive through situation.

2386

2387 Mr. Jernigan - I was more or less looking at before you open because you will have  
2388 those cars stacked in there. I just wanted to clear that up. You may have a problem with that  
2389 down the road, but I'm sure you can adjust to it.

2390

2391 Mr. Caskie - Sure. And like I said, we have offset the main entrance so that we do  
2392 have some stacking ability. We have the ability to get the cars off of Broad Street and if they  
2393 end up in the parking areas right in front of the business then that's what happens.

2394

2395 Mr. Jernigan - Okay. Thank you, gentlemen. Are there any more questions for these  
2396 gentlemen from the Commission? Thank you. All right, Mr. Taylor.

2397

2398 Mr. Taylor - Mr. Chairman, I certainly want to thank the architects and people  
2399 associated with Victory Nissan and all of their diligent efforts. When we first looked at this  
2400 project it really was a little bit different for this particular area and we worked with them very  
2401 diligently to make sure that it met the expectations and aspirations of the West Broad Street  
2402 Overlay District and I want to congratulate and thank you for all of the effort that you lavished  
2403 on this project. I think your work has been very diligent and it's been harmonious with us and  
2404 I want to thank you for the effort. With that, I'll recommend approval of POD-33-03, Victory  
2405 Nissan on W. Broad Street subject to the annotations on the plans, the standard conditions for  
2406 developments of this type and additional conditions Nos. 9 and 11 amended and Nos. 23  
2407 though 33.

2408

2409 Mrs. Ware - Second.

2410

2411 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in  
2412 favor say aye...all opposed say nay. The motion is passed.

2413

2414 The Planning Commission approved POD-33-03, Victory Nissan on W. Broad Street, subject  
2415 to the standard conditions attached to these minutes for developments of this type, the  
2416 annotations on the plan and the following additional conditions. Mr. Glover was absent.

2417

2418 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2419 review and Planning Commission approval prior to the issuance of any occupancy  
2420 permits.

2421 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2422 depictions of light spread and intensity diagrams, and fixture and specifications and  
2423 mounting height details shall be submitted for Planning Office review and Planning  
2424 Commission approval.

2425 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2426 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2427 being issued. The easement plats and any other required information shall be submitted  
2428 to the County Real Property Agent at least sixty (60) days prior to requesting  
2429 occupancy permits.

2430 24. The developer shall provide fire hydrants as required by the Department of Public  
2431 Utilities and Division of Fire.

2432 25. All repair work shall be conducted entirely within the enclosed building.

2433 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
2434 a form acceptable to the County Attorney prior to final approval of the construction  
2435 plans.

- 2436 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2437 approved by the County Engineer prior to final approval of the construction plans by  
2438 the Department of Public Works.
- 2439 28. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
2440 drainage plans.
- 2441 29. Insurance Services Office (ISO) calculations must be included with the plans and  
2442 contracts and must be approved by the Department of Public Utilities prior to the  
2443 issuance of a building permit.
- 2444 30. Approval of the construction plans by the Department of Public Works does not  
2445 establish the curb and gutter elevations along the Virginia Department of Transportation  
2446 maintained right-of-way. The elevations will be set by the contractor and approved by  
2447 the Virginia Department of Transportation.
- 2448 31. The applicant shall submit a request for rezoning to B-3 Conditional District for the  
2449 portion of the site currently zoned A-1 and the existing B-3 zoning. The request shall  
2450 be filed prior to approval of a building permit.
- 2451 32. The applicant shall submit final plans for construction of the offsite car storage facility  
2452 for review and approval. This facility shall be constructed and ready for use prior to  
2453 granting of a certificate of occupancy for the dealership on W. Broad Street.
- 2454 33. A copy of the lease for the offsite car storage facility shall be submitted to the Planning  
2455 Office prior to the issuance of a certificate of occupancy for the dealership.

2456  
2457 Mr. Jernigan - The next item is the June 25, 2003, minutes. Do we have any  
2458 corrections on the minutes?

2459  
2460 **APPROVAL OF MINUTES: June 25, 2003 Minutes**

2461  
2462 Mr. Vanarsdall - If there are no corrections, I move approval of the minutes.

2463  
2464 Mr. Taylor - I second Mr. Vanarsdall motion to approve the minutes.

2465  
2466 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor to  
2467 approve the minutes of June 25. All in favor say aye...all opposed say nay. The motion  
2468 passes.

2469  
2470 The Planning Commission approved the June 25, 2003, Minutes. Mr. Glover was absent.

2471  
2472 Mr. Jernigan - The next thing on the agenda is approval of the 2004 Planning  
2473 Commission Calendar.

2474  
2475 **APPROVAL OF THE 2004 CALENDAR**

2476  
2477 Mr. Mariles - Mr. Chairman, the calendar, I believe, was faxed to the Commissioners.  
2478 Staff is recommending the calendar as presented. I don't know if there are any additional  
2479 comments or suggestions.

2480

2481 Mr. Vanarsdall - I think that the December meeting is too close to Christmas, which is the  
2482 22<sup>nd</sup> and we have never had one even in that line, I don't think. Last night I checked this  
2483 year's, last's year and 2001 and that's getting pretty close. I would suggest we change it to the  
2484 15<sup>th</sup> which is a week up. And on the conference, the conference in Washington, DC, conflicts.  
2485 The conference ends on the 28<sup>th</sup>. The conference is from the 23<sup>rd</sup> to 28<sup>th</sup> and if we want to  
2486 change that I guess we would have to go to the 21<sup>st</sup>.

2487

2488 Mr. Jernigan - Are you saying change the April's 28 meeting to April 21?

2489

2490 Mr. Vanarsdall - Yes. Change April's to the 21<sup>st</sup> and December to the 15<sup>th</sup>. That's my  
2491 suggestion. Thanksgiving is okay. And then we may want to talk about the no meeting in  
2492 January after we get through this one in August. We will all get together and discuss it. I  
2493 don't want to do anything to it today because Chris Archer was the architect on it.

2494

2495 Mr. Jernigan - What did you say about the calendar in January?

2496

2497 Mr. Vanarsdall - In January we will make an amendment to it if we decide not to have an  
2498 August meeting in 2004. I'm not saying we shouldn't now, I'm just saying Mr. Marlles had  
2499 mentioned it so I thought we'd take a look at it. So, the two changes would be April 21 for the  
2500 POD meeting and December 15 for the POD meeting. I'll go ahead and make that motion. If  
2501 someone wants to second it they can, but if they don't we will leave it like it is.

2502

2503 Mr. Jernigan - All right. We have a motion by Mr. Vanarsdall.

2504

2505 Mrs. Ware - I'll second.

2506

2507 Mr. Jernigan - We have a second by Mrs. Ware. All in favor say aye...all opposed say  
2508 nay. The motion is pass.

2509

2510 The Planning Commission approved the Planning Commission Calendar for 2004, with the  
2511 changes and a possible amendment to the Calendar in January. Mr. Glover was absent.

2512

2513 Mr. Jernigan - Mr. Secretary, the next thing we have is a work session.

2514

2515 Mr. Marlles - Yes, sir, Mr. Chairman. This is a work session on a proposed zoning  
2516 ordinance amendment to regulate the height of stage towers in residential districts. The staff  
2517 presentation will be given by Mr. Ben Blankinship.

2518

2519 **WORK SESSION: Proposed Zoning Ordinance Amendment Regarding Permitted Height**  
2520 **of Stage Towers in Residential Districts**

2521

2522 Mr. Jernigan - Good morning, Mr. Blankinship.

2523

2524 Mr. Blankinship - Good morning. As I'm sure you are aware the zoning ordinance  
2525 regulates the heights of structures. In the R-1, one-family residence districts and in the A-1

2526 districts, schools and similar uses are limited to 45 feet in height. There are also a number of  
2527 exceptions to the height regulations, structures and attachments that are allowed to go taller  
2528 than that. One of those is stage towers and scenery lofts. That has actually been in the code  
2529 since 1960 when the Comprehensive Revision was done. Stage towers and scenery lofts were  
2530 exempt from the height restrictions. So, in the residence districts they are allowed to go up to  
2531 50 feet and in A-1 districts they are allowed to go to 100 feet without any review other than a  
2532 building permit.

2533

2534 It has been our experience that that can be excessive. Here are some photographs of the  
2535 scenery loft at the Steward School. There are those that feel this loft is just out of scale and out  
2536 of proportion with the residential surroundings out in that area. So, on June 10 the Board of  
2537 Supervisors directed us to draft an amendment that would allow them to review stage towers  
2538 and scenery lofts on a case by case basis if they are going to be taller than the 45-foot-height  
2539 requirement. This is a very simple amendment. The code as it exists now, as I mentioned, list  
2540 certain exceptions to the height limitation and I've just snipped for you the last few of those so  
2541 you'd see a little bit of context: "smoke stacks, stage towers or scenery lofts, stair towers,  
2542 tanks, water tower and stand pipes, windmills and similar structures." Those are some of the  
2543 things that are exempt now from the height requirement.

2544

2545 The amendment before you has three operative paragraphs. The first one would insert into the  
2546 provisional uses permitted in the one-family residence district, R-0 through O-4A districts.  
2547 One-family residential districts. In place of the word "reserve" would allow a stage tower or  
2548 scenery loft taller than the maximum height permitted in Section 24-94. And, of course, by  
2549 allowing that under a provisional use permit, we give the Commission the power to  
2550 recommend and the Board has the power to impose conditions that they believe would be  
2551 necessary in a specific case. The second paragraph does almost exactly the same thing in the  
2552 A-1 District. The provisional uses do not carry over from the R District to the A-1 District, so  
2553 it is necessary to insert the same language there. And then the third paragraph simply deletes  
2554 the words "stage towers or scenery lofts" from the height exemption in 24-95(a)(1)(a). So,  
2555 that's all there is to this. Once you recommend this amendment, and the Board adopts it in this  
2556 form, rather than allowing stage towers or scenery lofts to exceed the height limitations by  
2557 right, they will have to apply for a provisional use permit, giving us the power to specify how  
2558 tall it should be, how far it needs to be setback, and what other site specific conditions the  
2559 Board feels that are necessary. I'll be happy to reply to questions.

2560

2561 Mr. Jernigan - Are there any questions of Mr. Blankinship by the Commission?

2562

2563 Mr. Mariles - Mr. Chairman, this is a fairly straightforward amendment. We don't  
2564 expect a rash of stage towers to be erected around the County. It's more of a housekeeping  
2565 matter. Staff is recommending that the Commission schedule a public hearing on September  
2566 11, 2003 to consider this amendment. We do need a motion on that.

2567

2568 Mr. Jernigan - Okay. Thank you, Mr. Blankinship. All right. Well, I will make a  
2569 motion that we schedule a public hearing on September 11, 2003 on the Stage Tower  
2570 Ordinance.

2571

2572 Mr. Vanarsdall - Second.

2573

2574 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All  
2575 in favor say aye...all opposed say nay. The motion is passed.

2576

2577 The Planning Commission approved to have a public hearing on September 11, 2003, on the  
2578 Stage Towers amendment. Mr. Glover was absent.

2579

2580 Mr. Marlles - Mr. Chairman, the next thing on the agenda is a briefing on the  
2581 Office/Service Regulations and Development Standards. That will also involve a tour of  
2582 several projects in the County that have been developed under the O/S Districts requirements.

2583

2584 **DISCUSSION: Briefing on Office/Service Regulations and Development Standards**

2585

2586 Mr. Marlles - The question for the Commission is how would you like to proceed?  
2587 One option would be, and I guess staff would recommend this, that we break for lunch now  
2588 and do the presentation and tour after lunch. Another possibility would be to reschedule the  
2589 presentation and tour to the afternoon of August 14. That is a very busy day for the  
2590 Commission. We have a dinner at five and a work session scheduled at six. And, of course,  
2591 we have a very full agenda that evening.

2592

2593 Mrs. Ware - I've made arrangements and the time to do it today.

2594

2595 Mr. Jernigan - Is everybody okay with his suggestion that we go to lunch and then we  
2596 will come back and do the presentation and the tour?

2597

2598 Mr. Vanarsdall - I think that's a good idea.

2599

2600 Mr. Jernigan - We don't want this on the 14<sup>th</sup> that's a full day already.

2601

2602 Mr. Taylor - So we will go to lunch and....

2603

2604 Mr. Jernigan - We will go to lunch and then we will come back for the briefing and then  
2605 we will take the tour.

2606

2607 Mr. Taylor - Are we going to come back to this room?

2608

2609 Mr. Marlles - That's a good question. I would suggest after lunch we meet in the front  
2610 of the building and we can pull the van up. We do have a van and a driver to take us on the  
2611 tour. So, after lunch we will reconvene at the front of the building. Dave, would that work  
2612 okay?

2613

2614 Mr. Silber - John, we would have to come back here for the work session.

2615

2616 Mr. Marlles - Oh, I'm sorry. You are absolutely right.  
2617  
2618 Mr. O'Kelly - I think we need to use this room for the briefing.  
2619  
2620 Mr. Marlles - You're right. I was thinking tour.  
2621  
2622 Mr. Vanarsdall - I will not be taking the tour.  
2623  
2624 Mr. Jernigan - Okay.  
2625  
2626 Mr. Marlles - We do need to reconvene back here.  
2627  
2628 Mr. Taylor - Well, we don't need to adjourn, we can just take a break. We can stay  
2629 in session.  
2630  
2631 Mr. Jernigan - Yes. It's 11:39 a.m. and we are going to break for lunch and will  
2632 reconvene after lunch at 12:30 p.m. back here.  
2633  
2634 Mr. Taylor - I won't be able to go to lunch because I left a little dog in the house and  
2635 Eve is not home so I've got to go and let the dog out.  
2636  
2637 **AT THIS TIME THE COMMISSION BROKE FOR LUNCH AND RECONVENED AT**  
2638 **12:37 P.M. Mr. Glover returned at this time.**  
2639  
2640 Mr. Jernigan - It is now 12:37 p.m. and we will bring this meeting back to order. Mr.  
2641 Secretary.  
2642  
2643 Mr. Marlles - Thank you very much, Mr. Chairman. Mr. Chairman and member of  
2644 the Commission, at your last meeting I think I indicated that this would be the first of a series  
2645 of briefings on different or a review of different district requirements in our zoning ordinance  
2646 and possibly other Planning issues. The first topic we have selected for the Commission is a  
2647 review of the Office/Service District requirements. It's been awhile since we've had any  
2648 rezoning involving Office/Service and we had new members on the Planning Commission who  
2649 may not be familiar with this district. What we have for you this afternoon is a presentation  
2650 that Dave O'Kelly will be presenting to kind of review the requirements for O/S Districts and  
2651 then following this we have a tour of several projects that were developed under the O/S  
2652 requirements. Seeing that we have such a large audience, we can keep this very informal and I  
2653 would say if you have any questions at anytime feel free to ask. Dave.  
2654  
2655 Mr. O'Kelly - Thank you, Mr. Secretary. Last week the staff did provide some  
2656 information to the Commission in you packet regarding the O/S District and that included some  
2657 highlights of the ordinance requirements for both O/S and O/S-2. It also included a copy of  
2658 the specific regulations for those two districts. And we provided a map of the six existing O/S  
2659 districts in the County. There is no O/S-2 Zoning District at the current time. When this  
2660 ordinance was adopted, the original O/S ordinance I believe in 1986, it's probably one of the

2661 few ordinances or amendments to the zoning ordinance that I wasn't directly involved with.  
2662 So, I don't profess to be an expert on O/S District regulations but this exercise with the  
2663 Planning Commission has given me an opportunity to reacquaint myself with the regulations. I  
2664 do think that I have fair knowledge of the district regulations at this time but I don't profess to  
2665 be an expert. And I wasn't involved in the implementation of most of the current projects that  
2666 are developed in the County. I worked in the Comprehensive Planning Division from 1986  
2667 until 1995 and most of these areas were developed during that time.

2668

2669 The purpose of this presentation is to provide the Commission with an overview of the O/S  
2670 District regulations and provide a description of Office/Service development. The O/S District  
2671 was first adopted April 9, 1986, and was subsequently amended on October 12, 1994 and  
2672 again on August 13, 1997. The 1994 amendment was to permit certain uses outside of  
2673 enclosed buildings. I believe the amendment was, and I know Mr. Glover knows this, I  
2674 believe the amendment was for the Ben Hogan facility located in Villa Park who built a testing  
2675 facility in the O/S District and they had to have a way to test their golf clubs that they were  
2676 making so that had to be outside the building. So, they requested an amendment to the O/S  
2677 District which the staff prepared, presented it to the Planning Commission and Board and it  
2678 was ultimately adopted. The 1997 amendment I believe was requested to better define the  
2679 60/40 split permitted in O/S where 60% of the building has to be office and 40% has to be  
2680 retail or service or light manufacturing uses. And you can do a 40% office and 60% service  
2681 with a provisional use permit approval in the O/S District.

2682

2683 Mr. Vanarsdall - Isn't that the time we decided we could reverse it if we wanted to or was  
2684 it original one we could reverse it?

2685

2686 Mr. Glover - The original. We always had the opportunity to flip it. And also it  
2687 couldn't be less than 40% office, but it could be 60% service or it could be 40/40 and 20%  
2688 retail as long as the retail was in the same building.

2689

2690 Mr. O'Kelly - Or within the group of buildings.

2691

2692 Mr. Glover - There are two words, Dave, that I hope we can distinguish between as  
2693 we go through this. One is the word "project" and the other one is the word "district." You  
2694 have an O/S District and you have an O/S Project and I think that it is important that we know  
2695 the difference. And to recognize that they will be referred to and I think some of the  
2696 developers had a tendency to read "project" and "district" as just the same thing.

2697

2698 Mr. O'Kelly - I think that's an excellent point, Mr. Glover. The purpose of the  
2699 Office/Service District is to provide for the development of attractive office uses in  
2700 combination with appropriate retail service and industrial uses generally compatible with the  
2701 office concentration designation of the Land Use Plan. The regulations calls for high standards  
2702 of use, site layout, and project appearance. The district requires strict development standards  
2703 and those standards, as the ordinance reads are in addition to and not of lieu of other  
2704 requirements of the zoning ordinance. The purpose is also to promote a high-quality business  
2705 park environment.

2706  
2707 Mr. Taylor - David, may I ask a question?  
2708  
2709 Mr. O'Kelly - Yes, sir.  
2710  
2711 Mr. Taylor - On that strict development standard do you have an example of what that  
2712 would be given the purpose of the district?  
2713  
2714 Mr. O'Kelly - Well, Mr. Glover raised a point about the difference between the district  
2715 and a project. And an example of one of these development standards that would apply to the  
2716 district, Mr. Taylor, is the requirement for perimeter buffering along the boundaries of the  
2717 district. And any area where you are adjacent to an agricultural or residential neighborhood,  
2718 the development standards of the Office/Service district require a minimum 50-foot perimeter  
2719 buffer.  
2720  
2721 Mr. Glover - In addition to the transitional buffer.  
2722  
2723 Mr. O'Kelly - I don't follow you, Mr. Glover.  
2724  
2725 Mr. Glover - There's a chart in here that says, and, Al, this is what you are getting at.  
2726 You have a chart in here that gives the transitional buffer between A-1 and industrial, A-1 and  
2727 R districts there's a 25-foot transitional buffer. But, the district of O/S already has a 50-foot  
2728 buffer against that residential. So, you take the 25 and the 50 so you really have a 75-foot  
2729 buffer. Mainly, because the transitional buffer was adopted after this ordinance.  
2730  
2731 Mr. O'Kelly - That's correct. It was afterwards.  
2732  
2733 Mr. Glover - And this ordinance was never changed. So, it says "in lieu of" you  
2734 made that remark "not in lieu of" and it's to be in a development within this district shall occur  
2735 within a distinct and planned environment under a unified development operational standards  
2736 which standards shall be an addition to and not in lieu of such standards contained elsewhere in  
2737 this chapter. And if you go to another area of the Chapter it talks about your 25-foot  
2738 transitional buffer. So, it's in addition to your transitional buffer.  
2739  
2740 Mr. O'Kelly - I don't that it's been applied that way but that's probably maybe the  
2741 correct way to do it.  
2742  
2743 Mr. Glover - It is the correct way. I got a ruling today.  
2744  
2745 Mr. Taylor - That was kind of the essence of my question because really we have  
2746 strict development standards on all of our zoning areas.  
2747  
2748 Mr. O'Kelly - Not necessarily.  
2749 Mr. Glover - Not anywhere near the strictness of this one.  
2750

2751 Mr. Taylor - Well, that's the point. I mean, we have some that aren't strict. This is  
2752 super strict.

2753

2754 Mr. Glover - Let me give you another one, if you don't mind, Dave?

2755

2756 Mr. O'Kelly - Go.

2757

2758 Mr. Glover - Let's take a B-3 zoning or B-2 zoning. You can have a loading dock on  
2759 the back of the building and you've got a transitional buffer between you and the residential  
2760 district. Buffer means what?

2761

2762 Mr. Taylor - Space or something to separate the two.

2763

2764 Mr. Glover - Space. It doesn't necessarily mean that there is a visible barrier or a  
2765 security barrier or whatever. So, you've got a loading dock and over here is an agricultural  
2766 district. With O/S, that loading dock cannot be allowed to where that agricultural or  
2767 residential can see it. And when you go on the trip this afternoon you will be able to see how  
2768 you can provide for those services with loading docks and still not violate a residential district  
2769 that sits right beside it.

2770

2771 Mr. Taylor - Thank you, that answers my question.

2772

2773 Mr. Glover - Sorry, to throw you off, Dave, go ahead.

2774

2775 Mr. O'Kelly - Back to the development standards, or the regulations, the minimum  
2776 district area requires 20 acres and C-1 zoned land may be included in that calculation. Existing  
2777 public roads and proposed public streets within the district may not be included in the area  
2778 calculations. So, there is a minimum of 20 acres required for the O/S zoning. The street  
2779 primary access is required to major collectors, major or minor arterials, secondary access is  
2780 only permitted to roads identified on the Major Thoroughfare Plan.

2781

2782 Permitted uses in the O/S district include office, banking, child and adult daycare, a hotel or  
2783 motel is permitted if the district is a minimum of 50 acres in size. Light industrial uses are  
2784 permitted, data processing, business schools, medical and dental clinics, laboratories, retail and  
2785 service uses, which are subject to the use restrictions and development standards of the district.

2786

2787 We talked a little bit about the use split regulation. The 60/40 split is standard, 60 office and  
2788 40 service or light industrial....

2789

2790 Mr. Glover - Dave, when you talk about the office permitted in the office district does  
2791 that mean that anything in the O-1, O-2, and O-3 can go into the O/S?

2792

2793 Mr. O'Kelly - I believe it's only office buildings and maybe some other uses permitted  
2794 in O-1 and O-2 but not all the uses in O-1, O-2 and O-3.

2795

2796 Mr. Glover - I think it's important to know that you are not just taking an office  
2797 setting and putting it over here, it's selective in the office, and when we go to the industrial it's  
2798 going to be the same thing, it's selective. It's more of a service than it is an industrial.

2799

2800 Mr. O'Kelly - I think one of the primary basis for the O/S district was the fact that we  
2801 needed some flexibility in doing industrial uses but it wasn't appropriate to maybe zone  
2802 something M-1 next door to a single-family residence. Whereas, with this new district and  
2803 tight development standards it might be more appropriate.

2804

2805 Retail and service uses within an individual building or a group of buildings are capped at  
2806 20%. The use split requirement applies to each individual building within each O/S district,  
2807 and I think that was the basis of the 1997 amendment, to clarify that.

2808

2809 Mr. Vanarsdall - That's something you have to watch right there. They will try to include  
2810 it in all of them.

2811

2812 Mr. Glover - Well, at that time in 1997 you had several developers that were coming  
2813 in saying that they had a 100-acre O/S site, O/S-1, at that time there was only one. The  
2814 developer said "Well we can put 60% of office on this segment of the O/S district, on a 100-  
2815 acre site, but this 40 acres we can put in industrial uses, 100% in this area and a 100% in  
2816 office in this area as long as you had 60/40. And that's certainly not the intent because we  
2817 dealt again with the district and project.

2818

2819 Mr. O'Kelly - We also talked about the perimeter buffer requirement. That is 50 feet  
2820 adjacent to A or R districts and Mr. Glover clarified that. That buffer requirement is in  
2821 addition to any other buffer requirement in the ordinance. And then adjacent to other districts  
2822 there is 25 foot perimeter buffer requirement.

2823

2824 Mr. Glover - Dave, does the buffer as you are talking about now, does it, in this  
2825 ordinance talk about what goes in that buffer, what type of trees or rather what landscaping  
2826 would go in there to act as a visual buffer?

2827

2828 Mr. O'Kelly - I don't know specifically that it talks about the type of trees and  
2829 landscaping, Mr. Glover, but there are some specific landscape requirements in this district in  
2830 addition to the landscaping requirements in Section 24-106.2.

2831

2832 Mr. Marles - Dave, under 24-50.22(b)1 there are requirements for the project  
2833 perimeter. And it talks about buffering required around the perimeter shall be at Transitional  
2834 Buffer 50. And, then, you're right, it does reference 24-106.2.

2835

2836 Mr. Glover - It also talks about Transitional Buffer 10 shall consist of and unbroken  
2837 strip of open space minimum of 10-foot-wide planted width. And it talks about two large  
2838 deciduous or evergreen trees with the ultimate height of 50 feet. It goes on to talk about a wall  
2839 or fence approved by design and material and also talks about four large deciduous and  
2840 evergreen trees. In other words, this is the only ordinance, again you asked the question how

2841 these are higher standards, it's the only ordinance I know of that dedicates there'd be  
2842 something in a buffer other than space.

2843

2844 Mr. O'Kelly - There's a minimum required open space of 20% within the district. In  
2845 terms of architecture the O/S district requires exterior wall surfaces to be architecturally  
2846 similar. There are restrictions on the building height. The permitted height is three-stories or  
2847 45 feet, except buildings up to 110 feet may be permitted by special exception. And, then  
2848 again, buildings within 100 feet of an A and R district are limited to 40 feet in height.

2849

2850 Outside storage is not permitted in the O/S district. That would be outside storage associated  
2851 with business....

2852

2853 Mr. Vanarsdall - What happened to the loading areas?

2854

2855 Mr. O'Kelly - Did I skip over that?

2856

2857 Mr. Taylor - It's on page 12.

2858

2859 Mr. O'Kelly - Thank you, Mr. Vanarsdall, for catching that. I skipped right by it.  
2860 Buildings and sites are designed with interior courtyard effect. The best way to maintain this  
2861 requirement is with a horseshoe shaped building and that may have wingwalls on the back of  
2862 it. We will see those in North Park this afternoon. That's probably the best example of how  
2863 this portion of the ordinance is applied.

2864

2865 Mr. Vanarsdall - They didn't do that at Park Central, but they did it at Time Life?

2866

2867 Mr. O'Kelly - We will see that too this afternoon, Ernie. There are some projects  
2868 within the district that perhaps don't meet the letter of law, in terms of the O/S requirement.  
2869 The loading areas are also not to be visible from project perimeters and public streets within  
2870 the development. We talked about the outdoor uses, all utilities are required to be  
2871 underground and all the projects within the district must be connected to public water and  
2872 sewer. Exterior lighting is limited to 20 feet in height. There are protective covenants  
2873 required for the district and those are to remain in effect for the life of the project. There is a  
2874 master plan requirement. A conceptual master plan is required....

2875

2876 Mr. Glover - And that is for the life of the district.

2877

2878 Mr. O'Kelly - Until the zoning is changed.

2879

2880 Mr. Glover - Of the district.

2881

2882 Mr. O'Kelly - Right.

2883 Mr. Glover - The district being the total... For the life of the district because you are  
2884 then, later on come to a management of that district and it has to be an association.

2885

2886 Mr. O’Kelly - Yes, sir. That’s correct. That’s a part of the requirement for the  
2887 restrictive covenants. A POD is required for each project within the district and a conceptual  
2888 master plan is to be submitted with each plan of development application. Existing O/S  
2889 projects in the County includes North Run, Villa Park, Ernie mentioned Park Central, The  
2890 North Gate Center, which is located at Staples Mill and Wistar Road, The Concourse at  
2891 Wyndham, and there is O/S zoning in the Hunton area, currently it is undeveloped, there is not  
2892 a project within that district at this time. North Run was zoned in July 1986, it’s  
2893 approximately 35 acres. There is a provisional use permit that the Board granted for the 40/60  
2894 use split. At this time the staff believes that the actual split is in the neighborhood of 55 and  
2895 45. North Run is located on E. Parham Road near Brook Road. As you can see from the  
2896 aerial photograph, the horseshoe design of the buildings screens and loading areas from the  
2897 adjacent residential neighborhoods. The long building on the eastern portion of the site has  
2898 wingwalls on the edges of the building and then a masonry wall along the side adjacent to the  
2899 neighborhood, which provides the necessary screening for the loading area in lieu of a  
2900 horseshoe building. So, the intent of screening the loading areas is met by the use of  
2901 wingwalls and a buffer wall along the rear of the building. And you will clearly see that when  
2902 we visit that project this afternoon.

2903

2904 Mr. Vanarsdall - That wall is about 13 feet high in one place, isn’t it, Dick?

2905

2906 Mr. Glover - On the inside of it, it is 13 feet but on the outside, or basically the cut of  
2907 the property had to be much deeper than the seven-foot requirement on the outside. It’s 100  
2908 feet long.

2909

2910 Mr. O’Kelly - The next project is Villa Park, which was zoned again in 1986, it’s  
2911 approximately 165 acres. There is still a lot of project sites available in Villa Park that can be  
2912 developed in the future. There is a provisional use permit the Board granted for the 40/60  
2913 office and service use split. Currently, the actual split is in the neighborhood of 70 percent  
2914 office to 30 percent service and light industrial uses. Villa Park is located near North Park.  
2915 Again, on E. Parham Road, and it also has a connection to Brook Road. And currently the  
2916 Bank of America is a major development within Villa Park. North Gate Center was zoned in  
2917 1987. It’s a 20-acre site and it includes C-1 zoning. The first POD consisted of a single  
2918 building but there was a master plan included which showed two additional buildings. Only  
2919 Phase 1 was ever constructed. The applicant found out that there are wetland issues with most  
2920 of the remaining portion of the property and they would like to build another building but it  
2921 looks like it’s not going to work.

2922

2923 Mr. Vanarsdall - He never did finish it.

2924

2925 Mr. O’Kelly - We will also be visiting that site this afternoon. It’s at the corner of  
2926 Staples Mill and Wistar Road. Park Central was zoned in 1988. It’s a 120 acre development.  
2927 It does have a provisional use permit granted for the 40/60 split. Staff believes Park Central  
2928 development is even below that, most part of it. It’s probably not one of the best examples of  
2929 how O/S should be developed and we will also visit that site this afternoon.

2930

2931 Mr. Glover - Dave, clarify something for me. When you have a district do you have a  
2932 provisional use permit for the entire district or do you have a provisional use permit for each  
2933 project?

2934

2935 Mr. O'Kelly - I believe it's been on a district basis, Mr. Glover.

2936

2937 Mr. Glover - That's how they came about with the O/S-2, they were interpreting it  
2938 wrong.

2939

2940 Mr. O'Kelly - Okay.

2941

2942 Mr. Glover - And Park Central is an example of how they were interpreting it and  
2943 building according to the 60/40.

2944

2945 Mr. O'Kelly - I think in that case, perhaps the interpreting was that the 40/60 was by  
2946 district and not by project. Is that correct?

2947

2948 Mr. Glover - Yes.

2949

2950 Mr. O'Kelly - Another development zoned O/S is in the Wyndham area, the Concourse  
2951 at Wyndham. It was zoned in 1989 about 107 acres of O/S zoning and most of the  
2952 development in that district currently has been office. There may be one O/S project there.  
2953 It's not likely that we will have time to visit that this afternoon, but I think we will see a  
2954 number of other good developments. Lastly, it's Hunton zoned in 1991. Staff believe it's in  
2955 the neighborhood 150 acres, more or less, it could be less there is some floodplain in that area.

2956

2957 Mr. Glover - It was about 270 or 215, excuse me, they came back and we pecked  
2958 away at it, with residential by the way.

2959

2960 Mr. O'Kelly - Some high-quality residential I might add. But, currently, the O/S  
2961 portion of Hunton is undeveloped. That concludes the staff's presentation on the O/S District.  
2962 I do have a presentation on O/S-2 if you want to go through that. I do have the handout there  
2963 that you could look through. Rather than take your time this afternoon with the presentation, I  
2964 felt maybe it might be better to go see some of the exiting sites, but I'll leave that up to the  
2965 Chairman.

2966

2967 Mr. Glover - I want to say something about the O/S district and how it came about. I  
2968 was on the Planning Commission at the time and Charles MacFarland who is now the  
2969 Secretary of Aviation under Governor Warner, he was the project engineer or the local  
2970 manager of Trammel Crow when it first came to the Richmond Metropolitan Area. They had  
2971 Time Life that wanted to come here, they didn't tell us who it was, but they needed to be able  
2972 to do some things that we could not allow in Office, so that's when he asked if we could do  
2973 some things that would bring together a usage because of technology that wouldn't be offensive  
2974 but would be able to take some of that back in the industrial area and bring it out on Parham  
2975 Road or out on Parham Road or out on Broad Street without offending the people and the

2976 aesthetics of the area and the quality of the area. So, as of a result of that this ordinance was  
2977 put together by going through zoning cases, many zoning cases, and determining what would  
2978 the proffers that were most often offered to cause a good zoning case to become a much better  
2979 zoning case. If wasn't as if you were going to take a zoning case that was bad and make it  
2980 good because we are going to put all these conditions on it, but we put the conditions on it as a  
2981 part of the zoning itself. Then you had to have the covenants that would have to be filed and  
2982 all that. So many of the conditions that you get for your zoning cases today are already on the  
2983 O/S. So, if you go with O/S anywhere and you get additional proffered conditions. You are  
2984 just putting icing on a cake that's already been decorated. It is an outstanding zoning  
2985 classification for a tax base, but not only for that but the quality that people are used to seeing.  
2986 It doesn't offend people and we've put it right up against neighborhoods. I mean right up  
2987 against neighborhoods and they are not offended. And if you went back.... When you go  
2988 down to the Time Life site, which is the first one, it's the one on Parham Road across from J.  
2989 Sargeant Reynolds, you will see a building in the middle, the donuts are here but then there  
2990 was one building that with the hole in the donuts facing the residential neighborhood. We  
2991 came back and made them build a wall that blocked and then plant, it's just a great zoning  
2992 classification if you want good, quality, development that generates a good tax base.

2993

2994 Mr. Vanarsdall And, Dick, people will accept it better than if it was an "M" zoning.

2995

2996 Mr. Glover - Oh, they would accept it better than an Office.

2997

2998 Mr. Vanarsdall - Yes, they do. They accept it better than an Office or a M.

2999

3000 Mr. Glover - But, anyway, Dave that was a good presentation.

3001

3002 Mr. O'Kelly - Thank you.

3003

3004 Mr. Glover - You learned a lot. We are going to keep on until... We are going to  
3005 work on you until when you retire you are going to know what you are doing.

3006

3007 Mr. Jernigan - I think rather than Dave going over the O/S-2, we don't have any O/S-2  
3008 in the County, and we've got the power point display here and we can read through that. I  
3009 think we'd be better to just go ahead and take the tour.

3010

3011 Mr. Glover - I don't like O/S-2 anyway and I don't want to hear about it.

3012

3013 Mr. Jernigan - All right. I guess we have to adjourn before we go on the tour.

3014

3015 Mr. Marlles - Well, actually we are going to be in session in the bus as well, so we can  
3016 just stay in session.

3017

3018 Mr. Jernigan - We will stay in session and then adjourn on the bus. Okay.

3019

3020 **AT THIS TIME THE PLANNING COMMISSION DISMISSED FROM THE BOARD**

3021 **ROOM TO BOARD THE VAN FOR THE O/S DISTRICT TOUR.**

3022

3023 Mr. Taylor - The Planning Commission will come to order. Good morning everyone.

3024

3025 The motion to adjourn was made on the van after the tour. On a motion by Mr. Taylor and  
3026 seconded by Ms. Ware, the Planning Commission adjourned its July 23, 2003, meeting at 2:29  
3027 p.m.

3028

3029

3030

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E. Ray Jernigan, C.P.C., Chairperson

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3035

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John R. Marlles, AICP Secretary

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3039