

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, September
4 24, 2003.

5

6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
7 Mrs. Lisa Ware, Vice Chairperson (Tuckahoe)
8 Mr. C. W. Archer, C.P.C. (Fairfield)
9 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
10 Mr. Allen Taylor, P.E., C.P.C. (Three Chopt)
11
12 Member Absent: Mr. Richard W. Glover, (Brookland) Board of Supervisors
13 Representative

14

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

29

30 Other Absent: Mr. John R. Marlles, AICP, Director of Planning

31

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

34

35 Mr. Jernigan - Good morning Commissioners, staff and public. On behalf of the
36 Planning staff and the Planning Commission, we would like to welcome everybody this
37 morning. I hope everybody is doing okay. We have some pretty rough days that has put us all
38 to the test, but I'm sure we will survive.

39

40 For those of you who are not familiar with the way we work here, as each case is called I'll
41 ask if there is any opposition. If there is, just raise your hand and I'll see you and you will
42 have time to speak at the appropriate time. When you do, please come to the podium and
43 speak because these hearings are audibly taped. You have to be at the microphone for us to
44 pick you up.

45

46 Cases that have opposition, the applicant will have ten minutes and the opposition will have ten
47 minutes to speak against it. I have one other thing. The developers that are in here - I want to
48 tell them about November 5 - okay. For developers that are in here for any cases, on
49 November 5, 2003, we are going to have a public hearing on the Church Road/Pump Road
50 relocation. We decided that it was important enough that we should have that meeting at night
51 rather than during the day. So, being that we are going to be here anyway, the Planning
52 Commission decided that if you have any zoning cases coming up that we will hear them on
53 the 5th and we will also hear cases on the 12th. So, you will get a double shot that month.
54 Okay. With that, I will turn the meeting over to our Secretary, Mr. Silber.

55

56 Mr. Silber - Thank you, Mr. Chairman. We have all members present. Mr. Glover
57 has not arrived yet. He is expected. But, we do have a quorum and we can conduct business.
58 The first item of business would be the consideration of deferrals and withdrawals on the
59 agenda. Mr. O'Kelly will be presenting those.

60

61 Mr. O'Kelly - Good morning, Mr. Chairman, ladies and gentlemen. The first item for
62 consideration is the requests for Deferrals and Withdrawals. We have four requests for your
63 consideration this morning. The first one is on page 4.

64

65 **TRANSFER OF APPROVAL**

66

POD-20-93
Service Merchandise @
Circuit City Plaza

Troutman Sanders, LLP for Sledd Properties LLC: Request
for approval of a transfer of approval, as required by Chapter
24, Section 24-106 of the Henrico County Code from J M
Newco Glen Allen, LLC to Sledd properties, LLC. The 5.3-
acre site is located at 9860 W. Broad Street (U.S. Route 250)
on parcel 753-759-5245. The zoning is B-2C, Business District
(Conditional). County water and sewer.
(Three Chopt)

67

68 Mr. O'Kelly - The applicant request deferral to October 22, 2003.

69

70 Mr. Jernigan - Is there any opposition to deferral to transfer of approval POD-20-93,
71 Service Merchandise @ Circuit City Plaza? No opposition.

72

73 Mr. Taylor - No opposition, Mr. Chairman, I'll move that transfer of approval POD-
74 20-93, Service Merchandise @ Circuit Plaza, be deferred to October 22, 2003, at the
75 applicant's request.

76

77 Mr. Vanarsdall - Second.

78

79 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
80 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

81

82 Pursuant to the applicant's request, the Planning Commission deferred the transfer of approval

83 request for POD-20-93, Service Merchandise @ Circuit City Plaza, to October 22, 2003,
84 meeting.

85

86 **PLAN OF DEVELOPMENT**

87

POD-61-03
3005 Mechanicsville
Turnpike – Parking Lot

Jeffrey S. Tyler for William Kemp: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 5,200 square foot parking lot for an existing office building. The 1.54-acre site is located at 3005 Mechanicsville Turnpike (U.S. Route 360) at the southeast corner of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Oak Hill Lane on parcel 800-731-8336. The zoning is O-2, Office District. **(Fairfield)**

88

89 Mr. O’Kelly - The staff is recommending deferral until October 22, 2003.

90

91 Mr. Jernigan - Is there any opposition to the deferral of POD-61-03, 3005
92 Mechanicsville Turnpike – Parking Lot?

93

94 Mr. Archer - Mr. Chairman, I move deferral of POD-61-03, 3005 Mechanicsville
95 Turnpike Parking Lot, to October 22, 2003, at the applicant’s request.

96

97 Mr. Vanarsdall - Second.

98

99 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
100 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

101

102 The Planning Commission deferred POD-61-03, 3005 Mechanicsville Turnpike – Parking Lot
103 to its, October 22, 2003, meeting.

104

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

106

POD-68-02
Blackwood Retail Glen
Eagles Shopping Center
Ridgefield Parkway

Balzer & Associates, Inc. for Richfield Associates, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 6,600 square foot building addition in an existing shopping center. The 0.90-acre site is located on the northwest corner of Ridgefield Parkway and Eagles View Drive in the Glen Eagles Shopping Center on part of parcel 740-500-0178. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

107

108 Mr. O’Kelly - The applicant request deferral to your January 28, 2004 meeting.

109

110 Mr. Jernigan - Is there any opposition to the deferral of POD-68-02, Blackwood Retail
111 Glen Eagles Shopping Center – Ridgefield Parkway?

112

113 Mrs. Ware - I move that POD-68-02, Blackwood Retail Glen Eagles be deferred to
114 the January 28, 2004, meeting at the applicant's request.

115

116 Mr. Vanarsdall - Second.

117

118 Mr. Jernigan - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall.
119 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

120

121 At the request of the applicant, the Planning Commission deferred POD-68-02, Blackwood
122 Retail Glen Eagles Shopping Center Ridgefield Parkway to its, January 28, 2004, meeting.

123

124 **PLAN OF DEVELOPMENT**

125

POD-54-03
Woodland Center Flex
Condos – Eastpark Court

Resource International, Ltd. And Empire Development for Liberty Property Development Corporation and Mid-Atlantic Entry Systems, Inc.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct five, one-story, 6,000 square foot office/warehouse buildings. The 5.47-acre site is located on the south line of Eastpark Court approximately 600 feet west from Airport Drive on part of parcel 822-719-6631. The zoning is M-1, Light Industrial District. County water and sewer. (**Varina**)

126

127 Mr. O'Kelly - The staff is requesting deferral to your October 22, 2003, meeting.

128

129 Mr. Jernigan - Is there anyone in the audience in opposition to POD-54-03, Woodland
130 Center Flex Condos – Eastpark Court, being deferred to the October 22, 2003, meeting? With
131 that, I'll make a motion to defer POD-54-03, Woodland Center Flex Condos – Eastpark Court,
132 to October 22, 2003.

133

134 Mr. Vanarsdall - Second.

135

136 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All
137 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

138

139 The Planning Commission deferred POD-54-03, Woodland Flex Condos – Eastpark Court, to
140 its October 22, 2003, meeting.

141

142 Mr. Silber - Mr. Chairman, the next item on the agenda would be the Expedited
143 Agenda. For the benefit of those here this morning for the Expedited Agenda, they are items
144 that staff is recommending approval of. There are no known concerns. The Planning

145 Commissioner from that district and other Commissioners have no difficulty with the plan and
146 there is no opposition at this point. We will ask if there is any opposition, and if there is
147 opposition we will pull it off the Expedited Agenda and we will hear the case in the order it
148 was listed on the agenda. These are items that we believe that can be handle in an expedited
149 fashion.

150

151 Mr. O'Kelly - Thank you, Mr. Secretary. Mr. Chairman, we have five cases to be
152 considered on the Expedited Agenda. The first is on page 2.

153

154 **TRANSFER OF APPROVAL**

155

POD-43-82
LaPetite Academy
9211 Quioccasin Road

Colony Management Corporation for Colony Building, LLC: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Castlewood Realty Company, Inc. to Colony Building, LLC. The .976-acre site is located on the south side of Quioccasin Road approximately 224 feet west of Inez Road on parcel 750-745-3671. The zoning is O-1C, Office District (Conditional) and B-1C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

156

157 Mr. O'Kelly - Mr. Alex Alexander is here, the new owner, if the Commission have any
158 questions.

159

160 Mr. Jernigan - Is there any opposition to transfer of approval POD-43-82, LaPetite
161 Academy? No opposition.

162

163 Mrs. Ware - Then, I move for approval of transfer of approval for POD-43-82,
164 LaPetite Academy.

165

166 Mr. Vanarsdall - Second.

167

168 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All
169 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

170

171 Mr. Vanarsdall - Mr. Chairman, I would like to point out that Mr. Alexander is sitting
172 here. He is also on the Richmond BZA and he used to be on the Richmond Planning
173 Commission. He is very active in the community, The Westwood Club, on the board, and a
174 good citizen and we are glad to see him take this over. It was empty when you took it over,
175 right? (Mr. Alexander responded with a headshake) Good. Thank you for coming Alex.

176

177 Mr. Alexander - The County has been treating me like a king.

178

179 Mr. Vanarsdall - He has also been a friend of Dave's for many years.

180

181 The Planning Commission approved the transfer of approval request for POD-43-82, LaPetite
182 Academy, 9211 Quioccasin Road, from Castlewood Realty Company, Inc. to Colony Building,
183 LLC. The new owner accepts and agrees to be responsible for continued compliance with the
184 conditions of the original approval and the following condition:

185

186 1. The site improvements, as identified on the plan dated **May 20, 2003**, shall be
187 completed by **October 20, 2003**.

188

189 **TRANSFER OF APPROVAL**

190

POD-10-80 Mechanicsville Pitstop 2301 Mechanicsville Turnpike	Altaf A. Ladhani for Richmond Petroleum Marketing, Inc.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Prasham, LLC to Richmond Petroleum Marketing, Inc. The 0.859-acre site is located at 2301 Mechanicsville Turnpike (U.S. Route 360) on parcel 799-728-4562. The zoning is B-3, Business District. County water and sewer. (Fairfield)
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191

192 Mr. Jernigan - Is there anyone in the audience in opposition to transfer of approval
193 POD-10-80, Mechanicsville Pitstop? No opposition. Mr. Archer.

194

195 Mr. Archer - Mr. Chairman, I move approval of transfer of approval POD-10-80,
196 Mechanicsville Pitstop, subject to the three listed conditions Nos. 1, 2 and 3.

197

198 Mr. Taylor - Second.

199

200 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
201 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

202

203 The Planning Commission approved the transfer of approval request for POD-10-80,
204 Mechanicsville Pitstop from Prasham, LLC to Richmond Petroleum Marketing, Inc. The new
205 owner accepts and agrees to be responsible for continued compliance with the conditions of the
206 original approval and the following conditions:

207

208 1. A bond shall be posted to cover the site deficiencies as identified in the inspection
209 report, dated **August 20, 2003**, no later than **October 1, 2003**.

210 2. The relocation of the dumpsters, removal of trash and debris and placement of stop bars
211 and signs at all entrances shall be completed by **October 15, 2003**.

212 3. Parking spaces shall be restriped and damaged curbing shall be repaired by **October**
213 **15, 2003**, unless a revised plan of development is submitted prior to that date.

214

214 **TRANSFER OF APPROVAL**

215

POD-11-03
Spring Arbor Assisted
Living- Flintwood Drive

Spring Arbor of Richmond Limited Partnership: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County from Code HHHunt Assisted Living, Inc. to Spring Arbor of Richmond Limited Partnership. The 5.5-acre site is located on the southeast corner of the intersection of Ridgefield Parkway and Flintwood Drive on parcel 745-751-3992. The zoning is R-6C, General Residence District (Conditional). County water and sewer.
(Tuckahoe)

216

217 Mr. Jernigan - Is there anyone in the audience in opposition to transfer of approval
218 POD-11-03, Spring Arbor Assisted Living – Flintwood Drive? No opposition. Mrs. Ware.

219

220 Mrs. Ware - Then I move approval of transfer of approval POD-11-02, Spring Arbor
221 Assisted Living.

222

223 Mr. Vanarsdall - Second.

224

225 Mr. Jernigan - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall.
226 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

227

228 The Planning Commission approved the transfer of approval request for POD-11-03, Spring
229 Arbor Assisted Living – Flintwood Drive, from HHHunt Assisted Living, Inc. to Spring Arbor
230 of Richmond Limited Partnership. The new owner accepts and agrees to be responsible for
231 continued compliance with the conditions of the original approval.

232

233 **SUBDIVISION**

234

Four Mile Run
(September 2003 Plan)

Engineering Design Associates, for Emory F. and Virginia S. Mosely: The .434-acre site is located at the eastern terminus of Goldeneye Lane on part of parcel 821-686-0727. The zoning is A-1, Agricultural District. County water and sewer.
(Varina) 0 Lot

235

236 Mr. Jernigan - Is there anyone in the audience in opposition to the Four Mile Run
237 Subdivision Road Dedication? No opposition. With that, I will move for approval of the Four
238 Mile Run Road Dedication, subject to the annotations on the plans and the standard conditions
239 for subdivisions served by public utilities.

240

241 Mr. Vanarsdall - Second.

242

243 Mr. Jernigan - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
244 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

245 The Planning Commission granted conditional approval to the Four Mile Run Road Dedication
246 (September 2003 Plan) subject to the standard conditions attached to these minutes for
247 subdivisions served by public utilities.

248

249 **SUBDIVISION**

250

Dedication of a Portion of **Timmons Group for Richmond International Raceway,**
County Concept Road (85-1) **Inc.:** The 2.38-acre site is located approximately 0.3 mile east
and Richmond Henrico of the intersection of Richmond & Henrico Turnpike and
Turnpike Azalea Avenue on parcel 796-747-9944. The zoning is O-2C,
(September 2003 Plan) Office District (Conditional) and M-1, Light Industrial District.
(Fairfield) 0 Lot

251

252 Mr. Jernigan - Is there anyone in the audience in opposition to the Road Dedication of a
253 Portion of County Concept Road (85-1) Richmond and Henrico Turnpike? No opposition.

254 Mr. Archer.

255

256 Mr. Archer - Mr. Chairman, I move for conditional approval subject to the annotation
257 on the plans and the standard conditions for subdivisions not served by public utilities.

258

259 Mr. Taylor - Second.

260

261 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
262 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

263

264 The Planning Commission granted conditional approval to the Dedication of a Portion of
265 County Concept Road (85-1) Richmond and Henrico Turnpike (September 2003 Plan) subject
266 to the standard conditions attached to these minutes for subdivisions not served by public
267 utilities.

268

269 Mr. Silber - Mr. Chairman, that concludes all the cases on the Expedited Agenda.
270 The next item of business would be the subdivisions extensions of conditional approval. All of
271 those on the list this morning are for informational purposes only. It does not require any
272 action by the Planning Commission. Mr. O'Kelly, is there any discussion that you would like
273 to provide on any of these?

274

275 Mr. O'Kelly - No, Mr. Secretary, everything is in order and the staff will be granting
276 approval administratively.

277

277 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

278

279 **FOR INFORMATIONAL PURPOSE ONLY**

280

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
The Cottages @ CrossRidge (Sept. 2002 Plan) (Sec. 2 and 3 Revised)	Brookland	92	16	0	1 Year 09/22/04
The Cottages @ CrossRidge, Sec. 4 (Sept. 2002 Plan)	Brookland	126	126	0	1 Year 09/22/04
New Market Place (September 2002 Plan)	Varina	15	15	0	1 Year 09/22/04
The Park @ Twin Hickory Collector Roads (July 2002 Plan)	Three Chopt	0	0	0	1 Year 09/22/04
Osborne Acres (August 1999 Plan)	Varina	17	17	3	1 Year 09/22/04

281

282

283 Mr. Silber - Mr. O’Kelly, we do have the request for New Market Place, is that in
 284 order for approval?

285

286 Mr. O’Kelly - Yes.

287

288 Mr. Silber - Okay. Moving on to the first item which will be on Page 6.

289

290 **SUBDIVISION**

291

Eagle’s Nest
 (September 2003 Plan)

Potts, Minter & Associates, P.C. for Finer Homes, Inc., Darbytown Development, Marie W. Lane, William F. & Judy R. Walker, John E. Teichert, Sr., James & Mildred Campbell, and Harry F. & J. S. Balacke: The 45.44-acre site is located at the southwest corner of the intersection Darbytown and Willson Roads on parcels 810-702-9087, 5017; 811-702-2019, 2097, 2204, 2273, 3350 and 811-701-2679. The zoning is R-2AC, One-Family Residence District (Conditional), R-2C, One-Family Residence District (Conditional) and R-3C, One-Family Residence District (Conditional). County water and sewer. (Varina) ~~81~~ 77 Lots

292

293 Mr. Jernigan - Is there anyone in the audience in opposition to Eagles Nest (September
 September 24, 2003

294 2003 Plan)? No opposition.

295

296 Mr. Strauss - Good morning. This project is located at the southwest corner of the
297 intersection of Darbytown Road and Willson Road. This property was rezoned in July of this
298 year with the rezoning case C-26C-03 and it was zoned R-2C, R-2AC or R-3, which provides
299 for a variety of lots from 18,000 square feet to 11,000 square feet. In accordance with density
300 limitations, described in the proffers, there are 77 lots proposed. Staff had several concern
301 with the original plan that was submitted. Therefore a revised plan was requested and
302 submitted, which is before you today and we are handing that out. One concern was the
303 number of lots proposed on the original plan which exceeded the proffered density
304 requirements. The revised plan currently complies with the maximum number of lots allowed.

305

306 Another concern pertains to the layout number of several lots along Bald Eagle Court.
307 Specifically, the original plan proposed double-frontage lots at this cul-de-sac. The applicant
308 has revised the layout to eliminate the possibility of some houses fronting on both the front and
309 rear lot line. Again, this is reflected in the revised layout that you have before you this
310 morning. In general, this subdivision goes beyond standard code requirements. The proffers
311 require specific building materials including brick and stone, garages, larger homes and
312 sidewalks along these roads and along a portion of the south side of Darbytown Road.

313

314 The applicant's engineer worked very diligently to address staff's concern prior to this
315 meeting. The revised plan meets staff's concerns at this time and therefore staff can
316 recommend approval. The applicant's engineer is here today to answer any questions you may
317 have and I'll be happy to answer any questions as well. Thank you.

318

319 Mr. Jernigan - Thank you, Mr. Strauss. Are there any questions of Mr. Strauss from
320 the Commission?

321

322 Mr. Silber - Mr. Strauss, the revised plans now show 77 lots and proffered conditions
323 at a maximum of 77. The agenda which list 81 lots needs to be corrected to show 77.

324

325 Mr. Strauss - That would be correct.

326

327 Mr. Silber - So, the maximum permitted by the proffered conditions, Commissioners,
328 should be 77 and the revised plan shows 77.

329

330 Mr. Jernigan - Thank you, Mr. Strauss. All I have to say is I think this is going to be a
331 very nice project. The developer has been good to work with, and I think they will be nice
332 quality homes and I appreciate you stepping up to the plate the way you did. So with that, I
333 will move for approval of Eagle's Next Subdivision in the Varina District. Conditional
334 approval subject to the annotations on the plan, the standard conditions for subdivisions served
335 by public utilities and the following additional conditions Nos. 12, 13, 14, and 15.

336

337 Mr. Taylor - Second.

338

339 Mr. Jernigan - The motion was made by Mr. Jernigan and seconded by Mr. Taylor. All
340 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

341

342 The Planning Commission granted conditional approval subject to the standard conditions
343 attached to these minutes, for subdivisions served by public utilities, the annotations on the
344 plan and the following additional conditions:

345

346 12. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan
347 showing a dwelling situated on Lot 1, Block D to determine if the lot design is adequate
348 to meet the requirements of Chapter 24, of the Henrico County Code.

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

351 14. The proffers approved as part of zoning case C-26C-03 shall be incorporated in this
352 approval.

353 15. Any future building lot containing a BMP, sediment basin or trap and located within the
354 buildable area for a principal structure or accessory structure, may be developed with
355 engineered fill. All material shall be deposited and compacted in accordance with the
356 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
357 professional engineer. A detailed engineering report shall be submitted for the review
358 and approval by the Building Official prior to the issuance of a building permit on the
359 affected lot. A copy of the report and recommendations shall be furnished to the
360 Directors of Planning and Public Works.

361

362 **LANDSCAPE & LIGHTING PLAN**

363

LP/POD-1-03
Strasser Car Wash –
Pump Road

Balzer & Associates, Inc. for Trafeo, LLC: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.00-acre site is located on the western line of Pump Road, approximately 280 feet north of the intersection of Church Road and Pump Road on parcel 739-755-3445. The zoning is B-3, Business District. **(Three Chopt)**

364

365 Mr. Jernigan - Is there anyone in the audience in opposition to the landscape and
366 lighting plan for LP/POD-1-03, Strasser Car Wash? No opposition. Good morning, Ms.
367 News.

368

369 Ms. News - Good morning, Mr. Chairman and members of the Commission. The
370 revised plan which has been handed out to you addresses the annotations on the original plan.
371 The planting along the northern property line has been revised to meet the transitional buffer
372 requirements and the applicant indicates that he has been coordinating with the neighboring
373 property owners. In lieu of removing the pole mounted floodlight, which illuminates the
374 building façade, the applicant has agreed to provide glare shields and field aim the light to
375 eliminate any potential glare on adjacent properties or roads. Staff recommends approval of
376 the revised annotated plan, subject to the standard conditions for landscape and lighting plans.

377 The applicant and his representative are present and I'll be happy to answer any questions.

378

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

380 Thank you, Ms. News.

381

382 Mr. Taylor - Mr. Chairman, the only question I have is do we have to waive the time
383 limit on this?

384

385 Ms. News - The plan came in on Monday and then another revision later on Monday,
386 but because of the emergency situation and the weather we weren't open on Thursday and
387 Friday, we accepted a lot of plans on Monday. So we are not processing waiving time limits
388 as we had discussed prior to the meeting, with staff.

389

390 Mr. Taylor - Thank you. Mr. Chairman, I'll move for approval of landscape and
391 lighting plan for LP/POD-1-03, Strasser Car Wash on Pump Road, subject to the standard
392 conditions for landscape and lighting plans and the annotations on the plan.

393

394 Mr. Archer - Second, Mr. Chairman.

395

396 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
397 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

398

399 The Planning Commission approved the landscape and lighting plan for LP/POD-1-03,
400 Strasser Car Wash on Pump Road, subject to the standard conditions attached to these minutes,
401 for landscape and lighting plan and the annotations on the plan.

402

403 **LANDSCAPE & LIGHTING PLAN**

404

<p>LP/POD-24-03 Sheetz- 7035 W. Broad Street</p>	<p>Balzer & Associates for Emerywood, LLC and Sheetz, Inc.: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24.106.2 of the Henrico County Code. The 2.376-acre site is located at the southwest corner of the intersection of Emerywood Parkway and W. Broad Street (U.S. Route 250) on parcel 766-747-7212. The zoning is M-1, Light Industrial District. (Three Chopt)</p>
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405

406 Mr. Jernigan - Is there anyone in the audience in opposition to LP/POD-24-03, Sheetz -
407 7035 W. Broad Street, landscape and lighting plan? No opposition. Ms. News.

408

409 Ms. News - The revised plan which has just been handed out addresses staff's
410 remaining annotations. The applicant has resolved all conflicts between the lights and the trees
411 and the utility easements and has added landscaping along W. Broad Street frontage as
412 requested. A decorative low iron fence will be provided as requested by the Division of Police
413 between the rear of this site and the adjacent TGIF Fridays. The applicant has made every
414 effort to provide a quality landscape plan. And with that said, staff recommends approval

415 subject to the standard conditions for landscaping and lighting plans. The applicant's
416 representative is present and I'll be happy to answer any questions.

417

418 Mr. Jernigan - Are there any questions of Ms. News by the Commission? Thank you,
419 Ms. News. Okay, Mr. Taylor.

420

421 Mr. Taylor - Thank you very much, Ms. News. Therefore, I'll move approval of
422 LP/POD-24-03, Sheetz - 7035 W. Broad Street, subject to the standard conditions for
423 landscape and lighting plans and the annotations on the plan.

424

425 Mr. Vanarsdall - Second.

426

427 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
428 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

429

430 Mr. Silber - And that is with the revised plan that was submitted.

431

432 The Planning Commission approved the landscape and lighting plan for LP/POD-24-03, Sheetz
433 - 7035 W. Broad Street, subject to the standard conditions attached to these minutes, for
434 landscape and lighting plan and the annotations on the plans.

435

436 **SUBDIVISION**

437

Hickory Grove
(September 2003 Plan)

Koontz-Bryant, P.C. for Carol Sacra: The 5.26-acre site is adjacent to Old Nuckols Road on the south side, approximately 1000 feet east of Shady Grove Road intersection on parcel 744-773-8230. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt) 32 Lots**

438

439 Mr. Jernigan - Is there anyone in the audience in opposition to Hickory Grove
440 (September 2003 Plan)? No opposition.

441

442 Mr. Kennedy - Good morning of the Commission. Hickory Grove, Phase II, is the
443 second phase of Hickory Grove Townhouse Subdivision, formerly known as the Townes of
444 Twin Hickory. The POD for this phase of 32 townhouses would return to the Commission at a
445 later date. At this point, conditional approval is approved for the schematic layout plan only.
446 The revised plan was just handed out to you. The plan has been revised to address staff's
447 concerns regarding the alignment of the secondary entrance drive and to provide a 20-foot
448 setback for parking from the adjoining Avery Green Subdivision. With those changes, the
449 plans now meet the multi-family standards and are consistent with the proffers and zoning
450 requirements. Staff is now ready to recommend approval. The engineer is here and I am also
451 here to answer any questions.

452

453 Mr. Jernigan - Are there any questions of Mr. Kennedy from the Commission?

454

455 Mr. Taylor - Mr. Chairman, I don't have any questions on the text of the case but do
456 we have to waive the time limits on this one or is does the same prevails?

457

458 Mr. Kennedy - The same policy prevails.

459

460 Mr. Silber - Mr. Kennedy, has the traffic engineers reviewed this access point?

461

462 Mr. Kennedy - Yes, he has. In fact, a representative of the Traffic Engineering Office
463 is here if anyone has any questions.

464

465 Mr. Jernigan - Thank you, Mr. Kennedy.

466

467 Mr. Taylor - Mr. Chairman, I have maybe an observation or a question. Mr.
468 Kennedy, this is somewhat of a revision of the past plan. Your thoughts on the way that they
469 have rearranged the road please.

470

471 Mr. Kennedy - All of the connections were previously contemplated so this is consistent
472 with the previously proposed section. It's kind of strange being done by two different
473 developers HHHunt was doing the original development and this is being done by another
474 developer. But it was previously contemplated and Ryan Homes is building all their
475 townhouses. It's been coordinated basically by the homebuilder.

476

477 Mr. Taylor - Did the traffic and road system, is designed to merge harmoniously with
478 Hickory Grove, Phase I?

479

480 Mr. Kennedy - Yes. It was contemplated that way and they had to provide a secondary
481 rear entrance because the numbers of units succeeded the 80 units which require a second
482 entrance for townhouse development.

483

484 Mr. Taylor - Thank you, sir. Appreciate that. With that, Mr. Chairman, I'll move
485 approval of subdivision Hickory Grove, subject to the standard conditions for subdivisions
486 served by public utilities and additional conditions Nos. 13, 14, and 15 and the annotations on
487 the plan.

488

489 Mr. Vanarsdall - Second.

490

491 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
492 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

493

494 The Planning Commission granted conditional approval subject to the standard conditions
495 attached to these minutes, for subdivisions served by public utilities, the annotations on the
496 plan and the following additional conditions:

497

498 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on

499 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
500 floodplain as a "Variable Width Drainage & Utilities Easement."

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

503 15. The proffers approved as part of zoning case C-17C-03 shall be incorporated in this
504 approval.

505

506 **LANDSCAPE PLAN**

507

LP/POD-15-03

Chic-Fil-A @ Tuckernuck
Plaza - W. Broad Street

Bohler Engineering for Broad Street F.F., LLC & Chick-Fil-A, Inc.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 0.93-acre site is located on the northwest corner of Tuckernuck Drive and W. Broad Street (U.S. Route 250) on part of parcel 757-757-9923. The zoning is B-2, Business District. **(Brookland)**

508

509 Mr. Jernigan - Is there anyone in the audience in opposition to LP/POD-15-03, Chic-
510 Fil-A @ Tuckernuck Plaza? No opposition.

511

512 Mr. Kennedy - Chic-Fil-A is located in an outparcel in Tuckernuck Shopping Center. It
513 was formerly a parking area serving the shopping center. A revised plan is being handed out.
514 The plans were revised and annotated to address staffs concerns. A previously unscreened
515 transforming located on Tuckernuck Drive has been relocated on this site and it will be
516 screened by wax myrtles. In addition, the plan has been annotated to show that a Virginia
517 Power utility connection, which is on the wall of the building facing W. Broad Street. It will
518 be screened by a brick wall to match the building. With those changes the County landscaping
519 requirements are satisfied and staff can recommend approval. The engineer is here to answer
520 any questions you may have and I am also.

521

522 Mr. Jernigan - Are there any questions of Mr. Kennedy by the Commission.

523

524 Mr. Vanarsdall - Yes, sir. I have several. Mr. Kennedy, I didn't know until yesterday, I
525 had a discussion with Mr. Silber, about the removing of the ugly green box over at Arby's and
526 it's still there. And it's going to be moved and you have in here that it will be screened.

527

528 Mr. Kennedy - Yes, it will be screened with wax myrtles.

529

530 Mr. Vanarsdall - Is that okay with Dominion Power?

531

532 Mr. Kennedy - Yes. It's going to be relocated right next to the dumpster enclosure. One
533 side will be the dumpster enclosure. They have to have a five-foot separation of front that is
534 going to face into the parking lot. The other sides will be screened, they need to have basically
535 three-foot separation of wax myrtles or shrubs that are used along Twin Hickory Drive. Mr.
536 Taylor is well aware of them, and they grow pretty full.

537

538 Mr. Vanarsdall - Do you know what happened to... Mr. Silber said that they were going
539 to relocate it on the Arby's property. Do you know what happened to that? Is this something
540 Dominion Power decided to do on their on?

541

542 Mr. Kennedy - This is something that Dominion Power decided to do on their own. I
543 think they just decided that since they are going to relocate it, I think they decided to charge
544 Chic-Fil-A. I think they are taking advantage of Chic-Fil-A... Since they are already in
545 violation any way. Chic-Fil-A came along at a convenient time.

546

547 Mr. Vanarsdall - As Mr. Kennedy know, I went out and paid a visit and was very shocked
548 and surprised to find the big power box on the front of the building facing Broad Street. I
549 couldn't believe it. You know we had this discussion before and it's supposed to be annotated
550 on the plan. So Chic-Fil-A is good enough to... Are they going to screen that with the same
551 brick of the building?

552

553 Mr. Kennedy - That's right.

554

555 Mr. Vanarsdall - Where is the door going to be for someone who wants to work on it?

556

557 Mr. Kennedy - They told me that the door is going to face the back of the building the
558 same way it was intended to....

559

560 Mr. Vanarsdall - How can the door face the back of the building? It has to be inside of
561 the building.

562

563 Mr. Kennedy - Basically, it will be a screen wall along Broad Street but it will be facing
564 Tuckernuck Drive.

565

566 Mr. Vanarsdall - It will be an opening?

567

568 Mr. Kennedy - It will be a door.

569

570 Mr. Vanarsdall - What will the door be made of and what color?

571

572 Mr. Kennedy - It will be painted the same way the doors are to the dumpster and the
573 other doors.

574

575 Mr. Vanarsdall - And it's going to cover the whole thing?

576

577 Mr. Kennedy - That's what they told me, yes.

578

579 Mr. Vanarsdall - Good. Now, on the side door, the doors on the east end, I believe you
580 said they were going to be painted gray, they are going to be painted the same color brick.

581 Mr. Kennedy - Right. And some of the doors are already painted.

582

583 Mr. Vanarsdall - The dumpster enclosure is really nice. Are the doors going to be
584 opaque?

585

586 Mr. Kennedy - Yes, sir. They are going to be solid.

587

588 Mr. Vanarsdall - That's all of the questions that I have on it, and I notice you put on the
589 addendum you wrote in there about Dominion Power. That's good.

590

591 Mr. Kennedy - Actually, the Virginia Power connection was originally intended by the
592 engineer to be on the back of the building. Virginia Power decided that this was more
593 convenient for them. I'm not sure how, because the transformer is on the other side of the
594 building and they had to wrap around the building to do this.

595

596 Mr. Vanarsdall - Mr. Silber, did you touch bases with him after we spoke? Are you
597 satisfied with what he is saying?

598

599 Mr. Silber - I'm satisfied with the information that has been provided to me by staff.

600

601 Mr. Vanarsdall - I am too. That's all the questions that I have, Mr. Chairman. And I
602 appreciate the help you gave me on that and I appreciate the Chic-Fil-A people going along
603 with it. With that, I move LP/POD-15-03, Chic-Fil-A at Tuckernuck Plaza - W. Broad Street,
604 be approved with the annotations on the plans, the standard conditions for landscape plans, and
605 the items listed on the addendum.

606

607 Mr. Taylor - Second.

608

609 Mr. Jernigan - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
610 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

611

612 The Planning Commission approved the landscape plan for LP/POD-15-03, Chic-Fil-A at
613 Tuckernuck Plaza - W. Broad Street, subject to the standard conditions attached to these
614 minutes for landscape plans and the annotations on the plan.

615

615 **PLAN OF DEVELOPMENT**

616

POD-53-03
Dominion Village– Phase 2
Creighton Road and
Laburnum Avenue

Koontz-Bryant, P.C. and Skip Gelletly for VEPCO c/o Dominion and EDJ Associates, Inc.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 9,967 square foot daycare/learning center and two, one-story, 5,000 square foot retail building additions to a shopping center. The 2.92-acre site is located on the 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. **(Fairfield)**

617

618 Mr. Jernigan - Is there anyone in the audience in opposition to POD-53-03, Dominion
619 Village – Phase 2? No opposition. Ms. News, you may proceed.

620

621 Ms. News - This project is the second phase of the proposed Dominion Village
622 Shopping Center located at the southeast corner of Creighton Road and Laburnum Avenue.
623 The Planning Commission approved the first phase of the project, The Virginia Credit Union,
624 at the southwest corner of the shopping center at its August 14 meeting. The site is within the
625 B-3C portion of the property, which will be developed as a mixed-use development subject to a
626 recently approved rezoning case consisting of both commercial and townhouse development.
627 The remainder of the site, which is zoned RTHC, is not part of the project currently under
628 review. The proposed development consist of two, 5,000 square foot, one-story retail
629 buildings connected by a covered passageway and a 10,000 square foot, one-story building for
630 potential use as a daycare center. The layout of the facility is in substantial conformance with
631 proffered exhibits. The proposed buildings will match the materials and architecture of the
632 previously approved Credit Union Bank. The facades of the building would consist primarily
633 of brick with a split-face block base and a E.I.F.S. cornice band supported by simple round
634 columns and are very attractive. A 35-foot transitional buffer will be provided between the
635 proposed shopping center and the future townhouse development to the south and east.

636

637 In addition, a 20-foot-wide bermed landscape buffer will be provided along Laburnum Avenue
638 and Creighton Road. A POD for Planning Commission review and approval will be required
639 to complete the final outparcel within the shopping center. The plan meets all zoning
640 requirements and proffers. Staff recommends approval of the plan subject to the standard
641 conditions for developments of this type and the additional conditions in your agenda. The
642 engineer is present and we are both available to answer any questions.

643

644 Mr. Jernigan - Thank you, Ms. News. Are there any questions of Ms. News by the
645 Commission? Mr. Archer, that’s a nice looking building.

646

647 Mr. Archer - Yes, it is, Mr. Chairman. Mr. Chairman, I don’t think I need to speak
648 to anybody, but as you can see by how detailed the staff report is and the number of conditions
649 that adorn this case that Mr. Gelletly has worked very admirably and brings us up to the

650 standards that we expect. As you know, this is a part of a multi-use development and is
651 something that we hope will set a nice tone for that area of the County and we will probably be
652 skipping off of that, onto some additional and future development down there. Mr. Gelletly,
653 where are you? Thank you, sir. With that, I will move for approval of POD-53-03, Dominion
654 Village – Phase 2, subject to the annotations on the plan, the standard conditions for
655 developments of this type and additional conditions Nos. 23 through 38.

656

657 Mr. Vanarsdall - Second.

658

659 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
660 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

661

662 The Planning Commission approved POD-53-03, Dominion Village – Phase 2, Creighton Road
663 and Laburnum Avenue, subject to the standard conditions attached to these minutes for
664 developments of this type, the annotations on the plan and the following additional conditions:

665

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

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

675 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
676 on the plan “Limits of 100 Year Floodplain.” In addition, the delineated 100-year
677 floodplain must be labeled “Variable Width Drainage and Utility Easement.” The
678 easement shall be granted to the County prior to the issuance of any occupancy permits.

679 26. The required building setback shall be measured from the proposed right-of-way line
680 and the parking shall be located behind the proposed right-of-way line.

681 27. The developer shall provide fire hydrants as required by the Department of Public
682 Utilities and Division of Fire.

683 28. A standard concrete sidewalk shall be provided along the south side of Creighton Road.

684 29. The proffers approved as a part of zoning case C-9C-03 shall be incorporated in this
685 approval.

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

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

692 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the
693 drainage plans.

694 33. Insurance Services Office (ISO) calculations must be included with the plans and

- 695 contracts and must be approved by the Department of Public Utilities prior to the
 696 issuance of a building permit.
- 697 34. Approval of the construction plans by the Department of Public Works does not
 698 establish the curb and gutter elevations along the Henrico County maintained right-of-
 699 way. The elevations will be set by Henrico County.
- 700 35. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 701 Planning Office and approved prior to issuance of a certificate of occupancy for this
 702 development.
- 703 36. The conceptual master plan, as submitted with this application, is for planning and
 704 information purposes only. All subsequent detailed plans of development and
 705 construction plans needed to implement this conceptual plan may be administratively
 706 reviewed and approved and shall be subject to all regulations in effect at the time such
 707 subsequent plans are submitted for review/approval by the Planning Commission.
- 708 37. The building shall be constructed of red brick and the brick shall not be painted at any
 709 time.
- 710 38. The location of all existing and proposed utility and mechanical equipment (including
 711 HVAC units, electric meters, junction and accessory boxes, transformers, and
 712 generators) shall be identified on the landscape plans. All equipment shall be screened
 713 by such measures as determined appropriate by the Director of Planning or the
 714 Planning Commission at the time of plan approval.

715
 716 **SUBDIVISION**
 717

Windsor Oaks
 (September 2003 Plan)

E. D. Lewis & Associates, P.C. for Continental Development Corporation: The 9.18-acre site is located approximately 1,700 feet south of Darbytown Road at the southern terminus of Oakington Drive on parcel 823-694-4202. The zoning is R-2AC, One-Family Residence District (Conditional). County water and septic tank/drainfield. **(Varina) 3 Lots**

718
 719 Mr. Jernigan - Is there anyone in the audience in opposition to Windsor Oaks
 720 (Septembers 2003 Plan)? No opposition. Good morning, Mr. McGarry.

721
 722 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. The first
 723 section of the Windsor Oaks subdivision was granted conditional approval for 52 lots back in
 724 1999 on a single point of access. The conditional approval was granted with the condition that
 725 a second point of access be provided with the future section. This is the future section but
 726 conditions have changed. The future section originally was shown with stub streets connecting
 727 to parcels to the east and south. The east parcel contained the proposed Hunt Valley
 728 subdivision, which has expired. The south parcel has been granted conditional and final
 729 approval for five lots, all fronting Doran Road and no connection. This plan proposes making
 730 Oakington Drive a permanent cul-de-sac with three large lots on nine acres of land with no
 731 additional road connections.

732
 733 The applicant must present his case for an exception for the Planning Commission policy

734 limiting the single point of access to 50 lots. Approval of the exception would permit 55 lots
735 on a single point of access, 52 currently exist.

736

737 Should the Commission act on this request, staff can recommend approval subject to the
738 standard conditions and additional conditions Nos. 11 through 13. I'll be happy to answer any
739 questions.

740

741 Mr. Jernigan - Are there any questions of Mr. McGarry by the Commission? Mr.
742 McGarry, I don't have any questions now, but I would like to hear from the applicant.

743

744 Mr. Traynham - Good morning, Mr. Chairman and members of the Planning
745 Commission. I'll be glad to answer any questions that you have.

746

747 Mr. Jernigan - Would you state your name please?

748

749 Mr. Traynham - I'm Byron Traynham with E. D. Lewis & Associates.

750

751 Mr. Jernigan - Mr. Traynham, I see that this was already passed previously with 52
752 with our standard conditions being 50 for a single point of entry.

753

754 Mr. Traynham - We have asked the Director of Public Works for an exception and they
755 have approved it, subject to you approving it.

756

757 Mr. Jernigan - Well, at this point, with staff's recommendation, that's what I am going
758 to do but I'm going to ask you next time please call me and talk to me about this. I never
759 heard from y'all. As the Planning Commissioner for the district you should have called me to
760 discuss this with me especially with a special exception because 52 was already on there and
761 we stretched it to 55. But I feel at this point that will be the best thing to do because I don't
762 think it would be fair to put another point of entry down there next to this person's home that
763 you all have built around. But, next time when y'all have a case please call me.

764

765 Mr. Traynham - We sure will.

766

767 Mr. Jernigan - All right. Thank you.

768

769 Mr. Traynham - Thank you, thank you very much.

770

771 Mr. Jernigan - With that, I will move for approval of Windsor Oaks Subdivision with
772 the standard conditions for subdivisions served by public water and not served by public sewer,
773 and the following additional conditions Nos. 11, 12, and 13.

774

775 Mr. Taylor - Second.

776

777 Mr. Jernigan - The motion was made by Mr. Jernigan and seconded by Mr. Taylor. All
778 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

779 The Planning Commission granted conditional approval to subdivision Windsor Oaks
780 (September 2003 Plan) subject to the standard conditions attached to these minutes for
781 subdivisions served by public water and septic tank/drainfields, the annotations on the plan and
782 the following additional conditions:

783

784 11. The proffers approved as part of zoning case C-20C-99 shall be incorporated in this
785 approval.

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

789 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
790 the maintenance of the common easements by a homeowners association shall be
791 submitted to the Planning Office for review. Such covenants and restrictions shall be in
792 form and substance satisfactory to the County Attorney and shall be recorded prior to
793 recordation of the subdivision plat.

794

795 **PLAN OF DEVELOPMENT**

796

POD-43-03
Laburnum Racetrack Self
Storage – E. Laburnum
Avenue and Vawter Avenue

Townes Site Engineering for Campbell Virginia Properties, LLC and Harlan Construction Company Inc.: Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story self storage warehouse complex consisting of 111,645 sq. ft. of self-storage units with a 3,000 sq. ft. two-story office/residence and future phases consisting of two one-story office buildings totaling 34,972 sq. ft. The 15.44-acre site is located at the northeast corner of the intersection of Vawter and Laburnum Avenue on parcel 799-737-4491. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

797

798 Mr. Jernigan - Is there anyone in the audience in opposition to POD-43-04, Laburnum
799 Racetrack Self Storage? No opposition. Mr. McGarry.

800

801 Mr. McGarry - A revised plan has been received and has been handed out to you. The
802 only site change is to show a redesign of the BMP. All other agencies can now recommend
803 approval. The only Planning issue is there is a 40 by 40 clearing to the 75-foot buffer for a
804 stormwater outfall separation device. The proffers require the 75-foot buffer but permit
805 encroachments if the Planning Commission agrees. This encroachment, if permitted, would
806 clear an area near the forested portion of the County owned property used as Vawter Street
807 Park. It's away from any residential area. So, staff can recommend approval subject to the
808 standard conditions for developments of this type, the following additional conditions Nos. 23
809 through 31. I'll be happy to answer any questions.

810

811 Mr. Jernigan - Are there any questions of Mr. McGarry by Commission members?

812 Mr. Archer - Mr. McGarry, let's talk about the encroachment a little bit. What
813 exactly does that mean? Does it mean that the County has the right to disturb the property if
814 need be?

815

816 Mr. McGarry - They are going to clear that 40 by 40 portion of the wooded buffer to put
817 this device in there.

818

819 Mr. Archer - Oh, it has to be done? I guess what I am saying is does it have to be
820 done now?

821

822 Mr. McGarry - Could it be redesigned further?

823

824 Mr. Archer - Well, I'm not so much concerned about the redesign, would it have to be
825 done as a part of this project or is it something that....

826

827 Mr. McGarry - Oh, the BMP has to go in with this phase, yes, sir.

828

829 Mr. Archer - Okay. So, it's actually... the fallout is from the BMP to this area?

830

831 Mr. McGarry - The BMP will serve what they are going to build for the current phase as
832 well as the future phases.

833

834 Mr. Archer - But, staff can recommend approval of the project as you stated?

835

836 Mr. McGarry - Yes, sir.

837

838 Mr. Archer - I make that assertion because when we were going through the zoning
839 case on this, you might recall, the BMP was the one item that was a great concern to the
840 neighborhood and we want to be sure it was designed properly in an out-of-the-way place that
841 wouldn't be unattractive. Hopefully, this will serve that way.

842

843 Mr. McGarry - And it was redesign to make it more safe. The original design was not.
844 So, in an attempt to address the concerns of the neighborhood, they did redesign it.

845

846 Mr. Archer - Yes, safety was a big issue. They were concerned that kids might play
847 in it or whatever.

848

849 Mr. McGarry - So, it has been designed with a more gradual slope into it and an aquatic
850 bench which it originally did not have.

851

852 Mr. Archer - That answers my question, unless somebody else have some.

853

854 Mr. Silber - Mr. Archer, you are aware, and maybe we need Mr. McGarry to clarify
855 this, but in approving the master plan for this site, which includes the mini storage as well as
856 these office buildings. The office buildings, as I read this condition, No. 31, "The office

857 buildings maybe approved administratively” Mr. McGarry, but if the Commission wants to
858 have those come back then they could be placed on the agenda?

859

860 Mr. McGarry - If the Commission wants it to come back, then we should delete
861 condition No. 31.

862

863 Mr. Silber - But the condition says that this is approving a master plan, with this
864 conceptual layout with PODs maybe be administratively reviewed and approved. So, it still
865 provides that flexibility the way I am reading that.

866

867 Mr. McGarry - It does.

868

869 Mr. Archer - So if it says “maybe” does that mean we have the right to call it back if
870 we chose to if we pass it as it is today?

871

872 Mr. Silber - That’s my understanding because there is an office building that’s toward
873 the back of the site but is near the residents. When that POD came in we could at that time
874 decide whether it would be something to be placed on Planning Commission agenda or done
875 administratively and we would consult with you to determine that.

876

877 Mr. Archer - Okay. As long as we reserve the right to call it back, I don’t have any
878 problem with leaving it like it is, as long as we can do that. If not, then maybe we should
879 eliminate the condition and just have it brought back before us anyway.

880

881 Mr. Jernigan - Mr. Archer can make the call to whether it comes back to the
882 Commission or gets handled administratively?

883

884 Mr. Silber - Yes, sir.

885

886 Mr. Jernigan - So, you can make the call on it.

887

888 Mr. Archer - Okay. Even if we approve it as it is today?

889

890 Mr. Silber - Yes, sir.

891

892 Mr. Archer - Well, as long as we have the right to do that, that doesn’t disturb me.

893

894 Mr. McGarry - Yes, you do.

895

896 Mr. Archer - Thank you, Mr. Secretary for that explanation. Are there any more
897 questions? Okay, with that, I will move approval of POD-43-03, Laburnum Racetrack Self
898 Storage, with the standard conditions for developments of this type, and the additional
899 conditions Nos. 23 through 31.

900

901 Mr. Vanarsdall - Second.

902 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
903 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

904

905 The Planning Commission approved POD-43-03, Laburnum Racetrack Self Storage – E.
906 Laburnum Avenue and Vawter Avenue, subject to the standard conditions attached to these
907 minutes for developments of this type, the annotations on the plan and the following additional
908 conditions:

909

910 23. The right-of-way for widening of Laburnum Avenue as shown on approved plans shall
911 be dedicated to the County prior to any occupancy permits being issued. The right-of-
912 way dedication plat and any other required information shall be submitted to the County
913 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

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

916 25. The proffers approved as a part of zoning case C-70C-02 shall be incorporated in this
917 approval.

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

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

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

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

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

935 31. The conceptual master plan, as submitted with this application, is for planning and
936 information purposes only. All subsequent detailed plans of development and
937 construction plans needed to implement this conceptual plan may be administratively
938 reviewed and approved and shall be subject to all regulations in effect at the time such
939 subsequent plans are submitted for review/approval.

940

940 **PLAN OF DEVELOPMENT**

941

POD-52-03 **Wingate & Kestner for BFLD, LLC:** Request for approval of a Virginia Center Station revised plan of development, as required by Chapter 24, Section Shopping Center – 24-106 of the Henrico County Code, to construct a one-story, Brook Road 53,860 square foot shopping center. The 8.68-acre site is located (POD-4-03 Revised) on the east line of Brook Road (U.S. Route 1) between Virginia Center Parkway and Technology Park Drive (PVT). The zoning is M-1C, Light Industrial District (Conditional) and M-1, Light Industrial District. County water and sewer. **(Fairfield)**

942

943 Mr. Jernigan - Is there any opposition to POD-52-03, Virginia Center Station Shopping
944 Center? No opposition. Mr. McGarry, you may proceed.

945

946 Mr. McGarry - A revised plan has been included in your packet. Its review is complete.
947 The staff report identified two issues. First, the site plan did not adequately reflect the master
948 plan for the parking area layout. This one currently does. Secondly, the architectural
949 elevations were submitted and showed only one building. The architect has submitted a letter
950 committing that the elevations in your packet will also be the same for all four buildings, not
951 just one. The plan shows an Exxon Station at the northeast corner of Brook Road and Virginia
952 Center Parkway. I want the Commission to know that a new use is now purposed for that
953 corner. So, that will be the only change in the master plan. Finally, staff can recommend
954 approval subject to the standard conditions for developments of this type and additional
955 conditions are recommended Nos. 23 through 34. I'll be happy to answer any questions.

956

957 Mr. Jernigan - Are there any questions of Mr. McGarry by Commission members?

958

959 Mr. Archer - Mr. McGarry, you said a letter has been submitted subscribing to the
960 building elevations?

961

962 Mr. McGarry - Correct.

963

964 Mr. Archer - Is that a part of the conditions here or should we make it a part of the
965 conditions or is it satisfactory....

966

967 Mr. McGarry - We had assumed that the elevations would be the same for all four
968 buildings but we normally would get elevations for every building in a shopping center. And
969 because the architect wasn't able to work yesterday or since the storm, he was not able to give
970 us any revised plans so he submitted the letter in hopes that that would satisfy everyone.

971

972 Mr. Archer - Is it possible to get the letter in the conditions or do you think it is
973 necessary that we do it? Does it have legal bearing as it's written?

974

975 Mr. Silber - Mr. McGarry, do you have a copy of the letter?

976 Mr. McGarry - Yes, it is in the file.

977 Mr. Silber - Can you read it to us or provide Mr. Archer a copy of the letter?

978

979 Mr. Vanarsdall - May I make a suggestion. Even though he reads it to us, later if
980 someone picks this up couldn't it be something in the condition notating the letter?

981

982 Mr. Silber - Yes, sir, Mr. Vanarsdall. I think that's where I'm heading but I wanted
983 to find out what the letter said before we write that condition. I think that would be in order.

984

985 Mr. McGarry - The letter has the Freeman and Morgan Architect's letterhead. And it
986 says: Please be advised that the architecture of all four structures will match in concept.

987

988 Mr. Silber - I think that is basic enough we can condition that as condition No. 35
989 that basically says "All the buildings will be compatible in accordance with the letter submitted
990 by this architect dated, whatever the date is." If the Commission approves this, it will be
991 condition No. 35.

992

993 Mr. Archer - I think I would prefer to see it that way, Mr. Silber. That it be a
994 condition.

995

996 Mr. Silber - Okay.

997

998 Mr. Jernigan - What's the date on the letter, Mr. McGarry?

999

1000 Mr. McGarry - The date is September 23, 2003, that was yesterday.

1001

1002 Mr. Archer - Anybody got a suggested wording? Mr. Silber, you are good at that.

1003

1004 Mr. Silber - I think basically it would just say that the architectural treatment of these
1005 buildings will be similar/compatible in accordance with the letter from the architect dated
1006 September 23, 2003.

1007

1008 Mr. Archer - I think I can craft that into a motion. Okay. Anybody else have any
1009 questions?

1010

1011 Mr. Jernigan - No, sir.

1012

1013 Mr. Archer - I will move approval of POD-52-03, Virginia Center Station Shopping
1014 Center, subject to the standard conditions for developments of this type, additional conditions
1015 Nos. 23 through 35, with No. 35 being the condition that staff will construct based on the
1016 contents of the architect's letter.

1017

1018 Mr. Vanarsdall - Second.

1019

1020 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
1021 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1022 The Planning Commission approved POD-52-03, Virginia Center Station Shopping Center,
1023 Brook Rod (POD-4-03 Revised) subject to the standard conditions attached to these minutes for
1024 developments of this type, the annotations on the plans and the following additional conditions:

1025

1026 23. The entrances and drainage facilities on Brook Road shall be approved by the Virginia
1027 Department of Transportation and the County.

1028 24. A notice of completion form, certifying that the requirements of the Virginia
1029 Department of Transportation entrances permit have been completed, shall be submitted
1030 to the Planning Office prior to any occupancy permits being issued.

1031 25. The developer shall provide fire hydrants as required by the Department of Public
1032 Utilities and Division of Fire.

1033 26. The proffers approved as a part of zoning case C-58C-00 shall be incorporated in this
1034 approval.

1035 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1036 a form acceptable to the County Attorney prior to final approval of the construction
1037 plans.

1038 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
1039 approved by the County Engineer prior to final approval of the construction plans by
1040 the Department of Public Works.

1041 29. Insurance Services Office (ISO) calculations must be included with the plans and
1042 contracts and must be approved by the Department of Public Utilities prior to the
1043 issuance of a building permit.

1044 30. Approval of the construction plans by the Department of Public Works does not
1045 establish the curb and gutter elevations along the Henrico County maintained right-of-
1046 way. The elevations will be set by Henrico County.

1047 31. Approval of the construction plans by the Department of Public Works does not
1048 establish the curb and gutter elevations along the Virginia Department of Transportation
1049 maintained right-of-way. The elevations will be set by the contractor and approved by
1050 the Virginia Department of Transportation.

1051 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1052 Planning Office and approved prior to issuance of a certificate of occupancy for this
1053 development.

1054 33. The location of all existing and proposed utility and mechanical equipment (including
1055 HVAC units, electric meters, junction and accessory boxes, transformers, and
1056 generators) shall be identified on the landscape plans. All equipment shall be screened
1057 by such measures as determined appropriate by the Director of Planning or the
1058 Planning Commission at the time of plan approval.

1059 34. The certification of building permits, occupancy permits and change of occupancy
1060 permits for individual units shall be based on the number of parking spaces required for
1061 the proposed uses and the amount of parking available according to approved plans.

1062 35. All building elevations will match the approved elevation as stated in the Freeman &
1063 Morgan letter dated September 23, 2003.

1064

1064 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

1065

POD-55-03
Wilhook - Parham
Office Building -
E. Parham Road
(POD-56-02 Revised)

Bay Design Group, P.C. for Wilhook, LLC c/o Henry Wilton: Request for approval of a revised plan of development ~~and lighting plan~~ as required by Chapter 24, Section 24-106 of the Henrico County Code to construct two, one-story office/warehouses with a total of 12,580 square feet. The 3.49-acre site is located on the north line of Parham Road approximately 1,400 feet east of Ackley Avenue on part of parcel 773-757-5549. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

1066

1067 Mr. Jernigan - Is there anyone in the audience in opposition to POD-55-03, Wilhook -
1068 Parham Office Building? No opposition. Mr. McGarry.

1069

1070 Mr. McGarry - A revised plan has been received. Its review is complete and it is the
1071 document that has been handed out to you. The revised plan basically eliminated the BMP.
1072 They are going to create a sand filter to be used under the parking area to meet the water
1073 quality requirements. There is a small basin that's been retained for 50/10 Detention that will
1074 be built. The applicant has added 13 additional parking spaces during the revision. The
1075 lighting plan was not revised and was not submitted in time. In fact, we don't even have it
1076 now. So, the lighting plan can't be approved as a part of this approval and the applicant
1077 understands that. The staff can recommend approval of the plan of development only subject
1078 to the standard conditions for developments of this type and additional conditions Nos. 23
1079 through 29 and we are going to delete 11B and go with the standard condition No. 11" prior to
1080 submission of a lighting plan." I'll be happy to answer any questions.

1081

1082 Mr. Jernigan - Are there any questions for Mr. McGarry by the Commission.

1083

1084 Mr. Archer - Mr. McGarry, did the change in the BMP allow the additional parking
1085 spaces?

1086

1087 Mr. McGarry - Correct. They were able to build them in place of a basin there.

1088

1089 Mr. Archer - That's all I have.

1090

1091 Mr. Jernigan - Thank you, Mr. McGarry.

1092

1093 Mr. Silber - So, Mr. McGarry, the conditions are the same with exception that we
1094 will not be approving No. 11B and it would be standard condition No. 11?

1095

1096 Mr. McGarry - That's correct.

1097

1098 Mr. Silber - So, this approval does not include the lighting plan, members of the
1099 Commission, just the POD.

1100

1101 Mr. McGarry - Correct.

1102

1103 Mr. Archer - Thank you, Mr. McGarry. Mr. Chairman, with that, I will move
1104 approval of POD-55-03, Wilhook – Parham Office Building, subject to the standard conditions
1105 for developments of this type and the additional conditions Nos. 23 through 29 and deleting
1106 No. 11B and using standard No. 11.

1107

1108 Mr. Vanarsdall - Second.

1109

1110 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
1111 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1112

1113 The Planning Commission approved POD-55-03, Wilhook – Parham Office Building – E.
1114 Parham Road (POD-56-02 Revised) subject to the standard conditions attached to these minutes
1115 for developments of this type, the annotations on the plan and the following additional
1116 conditions:

1117

1118 ~~11B. Prior to the approval of an electrical permit application and installation of the site~~
1119 ~~lighting equipment, a plan including light spread and intensity diagrams, and fixture~~
1120 ~~specifications and mounting height details shall be revised as annotated on the staff plan~~
1121 ~~and included with the construction plans for final signature.~~

1122 23. The developer shall provide fire hydrants as required by the Department of Public
1123 Utilities and Division of Fire.

1124 24. The proffers approved as a part of zoning case C-75C-99 shall be incorporated in this
1125 approval.

1126 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1127 a form acceptable to the County Attorney prior to final approval of the construction
1128 plans.

1129 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
1130 approved by the County Engineer prior to final approval of the construction plans by
1131 the Department of Public Works.

1132 27. Insurance Services Office (ISO) calculations must be included with the plans and
1133 contracts and must be approved by the Department of Public Utilities prior to the
1134 issuance of a building permit.

1135 28. Approval of the construction plans by the Department of Public Works does not
1136 establish the curb and gutter elevations along the Henrico County maintained right-of-
1137 way. The elevations will be set by Henrico County.

1138 29. The location of all existing and proposed utility and mechanical equipment (including
1139 HVAC units, electric meters, junction and accessory boxes, transformers, and
1140 generators) shall be identified on the landscape plans. All equipment shall be screened
1141 by such measures as determined appropriate by the Director of Planning or the
1142 Planning Commission at the time of plan approval.

1143

1143 **ALTERNATIVE FENCE HEIGHT**

1144

Central Gardens, Section A
Subdivision
1804 Carneal Street

Eunice Hunter: Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code Code. The 9800 sq. ft. lot is located on the north line of Carneal Street between Beau Lane and Apollo Road at 1804 Carneal Street on parcel 799-727-8165. The zoning is R-4 One-Family Residence District, and ASO (Airport Safety Overlay District). **(Fairfield)**

1145

1146 Mr. Jernigan - Is there anyone in the audience in opposition to the alternative fence
1147 height at 1804 Carneal Street? We do have opposition. Mr. McGarry.

1148

1149 Mr. McGarry - The property owner has built a six-foot-high screen wall which extends
1150 along the side property line from the front of the house towards Carneal Street. This is not a
1151 fenced yard now. The screen is 42 feet in length and stops approximately 20 feet short of the
1152 street. A separate 42-inch brick wall exists on Carneal Street. That wall meets the permitted
1153 height. The front yard is heavily landscaped. Mrs. Hunter, the owner, was nice enough to
1154 call me to tell me on Monday that hurricane Isabel has blown down the screen wall. So, the
1155 alternate fence height approval is needed to allow the screen wall to be re-erected. The Code
1156 requirements for fences and screen walls has been reviewed and the request meets the
1157 minimum Code requirements. An abutting property owner has concerns about security and
1158 visibility while backing out of the driveway. The screen does not affect sight distance in staff's
1159 opinion. The landscaping may be the problem. Staff would recommend that the landscaping
1160 on the applicant's property be pruned for visibility. I'll be happy to answer any questions.

1161

1162 Mr. Jernigan - Are there any questions of Mr. McGarry by Commission members?

1163

1164 Mr. Archer - Mr. McGarry, just for clarification would you let the Commission know
1165 which side of the fence as we see it on this picture Mrs. Hunter's house is on.

1166

1167 Mr. McGarry - Okay. This picture is taken from a side street. You are looking across
1168 Mrs. Johnson's yard, which I believe is probably the one in the audience who is here to object,
1169 and then the applicant's house is on the far side of the fence as we see it in the picture.

1170

1171 Mr. Jernigan - Are there any more questions? All right. We would like to hear from
1172 the applicant. Good morning.

1173

1174 Mrs. Hunter - Good morning, Mr. Chairman, members of the Board (sic), ladies and
1175 gentlemen. My name is Eunice Ann Hunter and I reside at 1804 Carneal Street and I'm here
1176 in reference to the fence. And my attempt to defend the fence it is on the ground. It was
1177 grounded by Isabel when she came though. What I accomplished with that fence, a letter was
1178 sent from my doctor, I'm sure that you have seen it, about my health. My yard connects with
1179 my neighbors and physically I'm unable to take care of the two yards now. Physically, it has
1180 impacted me greatly because the strain has been taken off me trying to take care of the two

1181 yards. I now have someone to come in to take care of my yard for me because I'm unable to
1182 do it at this time. Financially, a great burden has been lifted from me because when I would
1183 round up my yard I would also have to round up that neighbor's yard because I said they
1184 connect. As far as security for me, the fence has been a blessing. In my neighbor's yard there
1185 is a huge tree there. There are hedges and several cars. There was a disabled vehicle there for
1186 a number of years and that impacted my seeing what was going on really on that side of the
1187 yard, and this side of the highway (I-64).

1188

1189 There is a lot of things that go on in the neighborhood where I live. On the left-hand side
1190 there is a lot of shootings and etc. but there is none of that from the right-hand side. I feel a
1191 sense of security because I come and go all times of night. My mother resides in Lynchburg,
1192 Virginia and I'm a widow and I'm the only one who's able to do for her. My brother is
1193 deceased and I have no family here. So, when I come out at night with luggage, going back
1194 and forth, or going to church, I feel very unsafe and I feel threaten by the stares of
1195 undesirables, for a lack of a better word. I don't have to see undesirables coming through the
1196 community deciding they're going to urinate in front of me or do whatever it is they want to
1197 do. So, it has been for me a great sense of security. I'm no longer afraid. I come out at night
1198 and I don't have to look on the left side of me to see the traffic. I'm only concerned about the
1199 traffic that's immediately in front of me, that's in front of I-64.

1200

1201 My error, as I stand here today, and I apologize, was not knowing the County Ordinance and
1202 the height of the fence. When I called in there was a miscommunication. My thinking the side
1203 of my house would run all the way down to where I stopped it, not know that it was from brick
1204 to brick, corner to corner. I apologize for that error today, but it did help a lot of people in the
1205 community. I went out yesterday and I have here, and I'm sorry I don't have copies because
1206 of the lighting condition, of the 50 people who pass through there each day and said that that
1207 fence, when it was up, did not bother them in any way and did not obstruct their view. Once,
1208 again, I want to apologize for my not knowing about the County Ordinance but I did inform
1209 many of the neighbors who like myself, for lack of a better word, is ignorant as far as many of
1210 the Ordinance are concern.

1211

1212 The fence is now down on the ground. I believe it's there for a reason and whatever you
1213 decide to do it's up to you now whether the fence stays or whether the fence goes. But, I do
1214 thank you for this time and once again I'm sorry that I made that error and that error will
1215 never be made again. I've done everything that I can to keep the slogan "Help Keep Henrico
1216 Beautiful" never to work against the County but to work for it. Thank you very much.

1217

1218 Mr. Jernigan - Are there any questions of Mrs. Hunter by Commission members?

1219

1220 Mr. Archer - I have at least one important question. What condition is the fence in
1221 now, since Isabel took it down?

1222

1223 Mrs. Hunter - It's in good condition. It's an unfinished project because once I found
1224 out I made the error, sir, I never completed the topping of it. My plan was to put up the lights
1225 across the fence which would give us more light here. But I have light on every corner of my

1226 house. When you walk on my grounds lights come on. If the fence does goes back up, I will
1227 be putting the lights up on top of it and that will give more light. But, there is sufficient
1228 lighting at my house already. But, that is my plan and it is an unfinished product.

1229

1230 Mr. Archer - The fence is not damaged, it's down?

1231

1232 Mrs. Hunter - Yes, sir.

1233

1234 Mr. Archer - Okay. Thank you, ma'am.

1235

1236 Mr. Jernigan - Are there any other questions for Mrs. Hunter? Thank you, ma'am. All
1237 right, we have opposition. Can we hear from you please? Good morning.

1238

1239 Ms. Johnson - My name is Marsha Johnson and I reside at 1806 Carneal Street. The
1240 reason I am here is regarding the fence. We didn't really regard it as a fence, it was more like
1241 a wall/petition because it was not connected to anything. It was just like seven panels that
1242 were constructed all in the same day. It came down during the storm. I do have pictures. The
1243 night before the hurricane we decided not to pull our car all the way up in the yard because we
1244 didn't know what would happen with the fence or the tree in our yard, which the tree is not an
1245 old tree, but I would say full grown. I would like to pass these pictures around. The fence was
1246 constructed in June. Mrs. Hunter did not say anything to us to let us know that she was going
1247 to put a fence up. I do a lot of research on the computer so when I saw it going up I did go
1248 out and I saw where the zoning probably had been, you know, off by the height of it. I did not
1249 know at that time had she asked for a special approval because I did not know the procedure
1250 that it had to come before you to grant approval. But, when Isabel took the fence down it's
1251 just so happened it fell into her yard. It could have very easily fallen onto our cars had we
1252 parked it in the driveway. The car that she spoke about that we had parked, the car that was
1253 unusable, we could not get rid of it because we did not have the title. As soon as we got the
1254 title, which was this year, the summer, I donated the car to the Kidney Foundation. They
1255 came and took it away. So, that is no longer an issue.

1256

1257 My concern is that when we back out of our driveway, or anyone else that comes to visit us,
1258 she has a brick wall at the edge of her yard, which I've gotten used to that, that's okay, but the
1259 shrubbery that's in front of her brick wall has grown a lot. And then the fencing that she put
1260 up, you really can't see that well when you try to back out. And I don't back into my yard, I
1261 usually just pull in and back out. If she wants to put a fence on her property that's fine, I have
1262 no problem with that but I do have a problem with a six-foot panel and I especially have a
1263 problem with a panel that is more of a privacy panel versus an ornamental panel. You can't
1264 see through it. It is very dark out there. She only put it on our common side of the property.
1265 She didn't put it on the other side and it's not connected to anything so I don't even know that
1266 if you reconstruct it whether it would withstand the way that the brick wall would. I don't
1267 know. It just didn't appear to me to be that deep in the first place. It all went up the same day
1268 and so I question if it was properly done. And I do not want a six-foot panel in front. Unlike
1269 her, I did not go door to door to ask the neighborhood to ask them because for one thing our
1270 block is only four houses. And when the fence went up a lot of people thought we had put the

1271 fence up to block the view from the rest of the block. I don't have a problem with her having
1272 a fence, like I said, but 42 inches is all that I would want to live with. And I ask that you not
1273 approve the alternate height. Thank you.

1274

1275 Mr. Jernigan - Are there any questions of Ms. Johnson by the Commission?

1276

1277 Mr. Archer - Ms. Johnson, out of the concerns that you have listed, is the chief
1278 concern the fact that you don't have visibility to see the street to back out?

1279

1280 Ms. Johnson - To see the street or when I come in at night. We do not have any street
1281 lights out there at all and there is nothing in front of us but I-64. It is dark out there and in a
1282 lot of the blocks in the subdivision. First of all, if I don't pull over far enough I'm right up on
1283 the fence so I'm scared that I'm either going to tap the fence or I won't have enough room to
1284 get out of the car when I open the door. So, it's right up against the edge of the driveway, as
1285 the pictures show. And because you can't see through the panels because it is definitely a
1286 privacy panel that she used, anyone could be behind the fence. Yes, she does a lot of different
1287 hours so sometimes at night she is not there and the lights are not on and her motion lights
1288 won't come on if we are getting out of our driveway. So, anyone could be hiding behind there
1289 that you don't see. She has a wood fence on the sides and the back, a brick wall in the front
1290 and then a white vinyl fence on the front side property, you know, the one that fell down. So,
1291 even if you are going to put something up at least you would try, I would think if you are
1292 going to Keep Henrico Beautiful, try to keep it aesthetically pleasing by using a similar type of
1293 fencing.

1294

1295 Mr. Archer - Now, you are aware that she could put a 42-inch fence exactly like this
1296 and this wouldn't even be here today.

1297

1298 Ms. Johnson - Yes, that probably would be so.

1299

1300 Mr. Archer - She does have the right to have 42 inches, but the six-foot height is
1301 actually what made this not in compliance.

1302

1303 Ms. Johnson - Well, the other part though, is that it is not attached to anything. And
1304 just like this one fell I would be afraid that even a 42-inch panel would fall. It's not a brick
1305 wall. To me a brick wall is probably more stable.

1306

1307 Mr. Archer - What I am saying is that we don't have the authority to dictate to her not
1308 to have a privacy fence. We do have the authority to do something about the height
1309 adjustment. Even if she were to rebuild it with a 42-inch fence then this would not be an issue
1310 that would come before us. We can't tell her she can't have it is what I am saying.

1311

1312 Ms. Johnson - Exactly. And I understand that. I'm just saying if she wants to put a 42-
1313 inch panel there, that's fine with me, that's the law, she can do that. But six feet is way to
1314 high.

1315 Mr. Archer - Would you be amenable to any type of compromise. For example,

1316 having her trim the shrubs which was suggested so that you can see better out to the street.
1317 Ironically, we don't have.... Do we have a height ordinance for shrubbery?

1318

1319 Mr. McGarry - Primarily on the street.

1320

1321 Mr. Archer - Is it 42 inches? I see some nodding. We do? So 42 inches is the
1322 maximum height for a hedge.

1323

1324 Mr. Silber - I think, Mr. Archer, that the same requirements apply for a hedge or a
1325 fence. The purpose is that we are attempting to keep the front yards; to not be enclosing, front
1326 yards with hedges or fences. So the 42-inch limit applies to both. There is a sight distance
1327 issue when you get on the corner so that motorist can see and traffic stop conditions making
1328 sure they can safely pull out into the intersection. Sometimes it needs to be trimmed even
1329 below 42 inches. Hedges or fences need to be below 42 inches in front yards.

1330

1331 Mr. Archer - Below forty-two inches. Okay. This fence is 20 feet from the street so
1332 in essence at that point, Ms. Johnson, it doesn't seem like the fence would be a sight hindrance
1333 for traffic. I'm not defending it one way or the other, I'm just trying to get the facts straight
1334 here. But, I am concerned, just looking at this picture, about the height of the shrubbery
1335 which apparently is not correct. There have been instances in which people have inadvertently
1336 built fences not knowing what the law is and we have allowed the alternative fence height. In
1337 most of the cases the height of the fence is not really what would make a difference. In this
1338 case it seems to be that you object to any fence at all, regardless of the height, but you
1339 understand that 42 inches is allowable. Is that what I understand you to say?

1340

1341 Ms. Johnson - No, sir. I don't object to her putting a fence in her yard because she can
1342 as long as it is 42 inches. But I would like to see more of an ornamental type fence where you
1343 can see through versus a privacy fence where you can't see through if it is not going to be
1344 connected. See that fence doesn't go all the way back to the back fence it's just right there on
1345 the side not connected to anything. So, for safety... I don't see how it could be safe. It could
1346 be a screening wall, which is probably all that it is, only on one side of her property so how
1347 can that make you feel extremely safe when you only have it on one side of your yard. To me
1348 if you want to be safe you would fence it in and connect it to something else. That just makes
1349 more sense to me. But, I don't care if she puts a fence up but I prefer that it not be a privacy
1350 panel that's used.

1351

1352 Mr. Archer - Yes, ma'am. Y'all are not making this easy, you know that don't you?

1353

1354 Ms. Johnson - I don't want to dictate what people put on their property but the reason
1355 for doing it, if it's for safety or security, how can you be so secure when it's not connected.
1356 It's not locking you in. Anybody has access around that fence.

1357

1358 Mr. Archer - I guess it's difficult for any of us to determine what makes another
1359 person feels safe. There are some things that I see that could be done here, but in order for it
1360 to be done I think you all need to talk. Would you and Mrs. Hunter be willing to meet with

1361 me and maybe a member of the staff so that we can discuss this?

1362

1363 Ms. Johnson - I don't have any problem with that at all. She just doesn't talk to us.
1364 It's not that I won't talk to her, she never approaches us about anything.

1365

1366 Mr. Archer - I tell you what I am going to do. I'm going to defer this case at the
1367 request of the Commission and I would like to have the opportunity to sit down with you and
1368 Mrs. Hunter and see if we can discuss this and work it out. And I say that because I'm trying
1369 to lend deference to each side in this case. I mean, she has brought the fence and she has paid
1370 for it and it would be a shame to make her throw it away. At the same time, you are not
1371 satisfied with it and you don't feel safe coming in and out of your driveway.

1372

1373 Ms. Johnson - That's true. And if people build houses and they don't meet the code,
1374 they tear them down. I'm sorry about the expense but....

1375

1376 Mr. Archer - I understand. I'm not making excuses for her, but I'm just saying we
1377 have on occasion we have giving an alternate fence height on something that is not that
1378 obstructive. Let me see, I've got to figure out when I can get together with the two of you.

1379

1380 Ms. Johnson - I don't work now, so my schedule is pretty flexible.

1381

1382 Mr. Archer - Okay. And Mrs. Hunter has my number. Before you leave here today,
1383 I'll make sure you both have my number and we will find a way to get together and talk about
1384 this.

1385

1386 Ms. Johnson - Do you have a card?

1387

1388 Mr. Archer - Oh, yes, I'll give it to you. I'm sorry, I didn't think about that. So,
1389 with that, I'm going to move that we defer this case at the Commission's request until the next
1390 meeting and maybe by then we will have this resolved, October 22.

1391

1392 Mr. Vanarsdall - Second.

1393

1394 Mr. Jernigan - We have a motion by Mr. Archer and seconded by Mr. Vanarsdall. All
1395 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1396

1397 The Planning Commission deferred the alternative fence height request for Central Gardens,
1398 Section A Subdivision - 1804 Carneal Street, Mrs. Eunice Hunter, to its October 22, 2003,
1399 meeting.

1400

1401 Mr. Vanarsdall - Mr. Chairman, Mr. Secretary, can we talk about this for a minute?

1402

1403 Mr. Jernigan - Sure.

1404

1405 Mr. Silber - Yes, sir.

1406

1407 Mr. Vanarsdall - First of all, it was supposed to be 42 inches. How high is it now?

1408

1409 Mr. McGarry - Six feet.

1410

1411 Mr. Vanarsdall - Where would I find that in the write up starting with Eunice Hunter? I
1412 have a problem with a lot of the write-ups. For our benefit, before we come here and we get
1413 the packets, for our benefit it should say something in there that the code is 42 inches and the
1414 fence will be six feet rather than have to second guess. I already knew it was six feet but it's
1415 not in the writing, it's not in this (referring to plan). We have nothing but a picture.

1416

1417 Mr. Silber - Yes, sir. I think that information could be provided.

1418

1419 Mr. Vanarsdall - I have a problem with a lot of the write-ups that appear in the paper, it
1420 tells you nothing. And it tends to tell us anything. I'm not being critical, this is just one of the
1421 things I see while sitting here.

1422

1423 Mr. Jernigan - Maybe from now on with a case like this, when we have that, we will
1424 put in what the standard policy is. What the ordinance calls for and what they are asking for.

1425

1426 Mr. Silber - Mr. Vanarsdall, I think that's a great point. If you read the
1427 advertisements or agendas or the Board of Zoning Appeals cases, they state what the code
1428 requirement is and what the variance is that they are asking for. This is more reflective of that
1429 type of request and we certainly could put that in here. What the code requirement states and
1430 what the applicant is requesting.

1431

1432 Mr. Vanarsdall - Thank you.

1433

1434 Mr. Archer - Mr. Secretary, I would like to have those pictures back. I'll retain them
1435 if that's all right with you.

1436

1437 Mr. Silber - My we hold on to the petition for our files? (Speaking to Mrs. Hunter)

1438

1439 Mrs. Hunter - Yes, you may.

1440

1440 **PLAN OF DEVELOPMENT**

1441

POD-60-03
Circuit City @ Short Pump
Town Center

McKinney & Company for Short Pump Town Center, LLC and Circuit City Stores, 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, 34,573 square foot retail building. The 3.23-acre-site is located approximately 200 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. **(Three Chopt)**

1442

1443 Mr. Jernigan - Is there anyone in the audience in opposition to POD-60-03, Circuit City
1444 @ Short Pump Town Center? No opposition. Good morning, Mr. Wilhite.

1445

1446 Mr. Wilhite - Good morning, Mr. Chairman and Commission members. This
1447 outparcel of Short Pump Town Center is located just west of the Regal Cinemas. Staff has
1448 received additional information to satisfy staff's concerns on this project. There is going to be
1449 some slight shifting in the parking spaces in the northern portion of the site to allow for more
1450 green space along the ring road and the access road to downtown Short Pump. Also, the
1451 applicant at this point, is proposing to put up a fence along the eastern property line between
1452 Regal Cinemas and this site that would start from the back of Jarad's Jewelry, which is the
1453 south of this building along W. Broad Street, would run along the eastern property line and
1454 around to the north side of the building all the way up to the entrance onto the eastern access
1455 road. At this point, what's being proposed is a fence that is decorative metal with brick piers
1456 and staff is satisfied with the design of the fence.

1457

1458 The applicant has addressed the staff's main concern of the treatment of the rear portion of this
1459 building facing the eastern access road. This would be the north elevation. They have agreed
1460 to provide brick inset panels as they appear also on the other three sides of the building. In
1461 addition, the base of the building would be the darker brick color to match the other sides as
1462 well. The staff had originally commented about the red door to the installation center in the
1463 rear. Circuit City would like for those to stay. It seems to be a common element that they use
1464 on their stores. And due to the location, it is not visible from W. Broad Street, staff is willing
1465 to retract that comment. With that staff can recommend approval of the site plan and I'll be
1466 happy to answer any questions you may have.

1467

1468 Mr. Jernigan - Are there any questions of Mr. Wilhite by the Commission?

1469

1470 Mr. Taylor - No, sir, Mr. Chairman, but we did bring up the question with the
1471 applicant with regard to the sheet in here that is in color. I think what our agreement here is
1472 that the chromatography and some brightness of the colors is something that we would like to
1473 see as a future submission. We have already discussed that with the applicant.

1474

1475 Mr. Wilhite - Mr. Taylor, the brick to be used on this building has been selected from
1476 the color pallet of the samples already provided to the staff by Forest City. We do have the
1477 brick samples here if you care to take a look at them.

1478

1479 Mr. Taylor - Mr. Wilhite, as far as I am concern, if the staff is happy with the true
1480 colors and it matches with what we've got, I'm fine.

1481

1482 Mr. Silber - Mr. Wilhite, is the applicant aware that the Circuit City sign needs to be
1483 lowered below the roofline?

1484

1485 Mr. Wilhite - Yes, we provided them information and so did Forest City. They sent it
1486 directly and discussed the height of where the signs would be in reference to the parapet walls.

1487

1488 Mr. Silber - Okay.

1489

1490 Mr. Archer - Mr. Secretary, when you say the sign, in looking at the color picture, is
1491 that the red circle or the entire sign?

1492

1493 Mr. Wilhite - What's determined to be the signage is the red circle, the Circuit City
1494 symbol. We have a 42-inch limitation above the roofline which is the top of the parapet.

1495

1496 Mr. Archer - Okay. Forty-two inches seems to be the magic number today.

1497

1498 Mr. Jernigan - Thank you, Mr. Wilhite. If they had a pick two, I would play that on
1499 the lottery tonight.

1500

1501 Mr. Silber - So if the power would come on before 42 days from now.

1502

1503 Mr. Jernigan - Mr. Taylor, would you like to hear from the applicant or are you ready
1504 to move or what?

1505

1506 Mr. Taylor - The applicant is here, Mr. Chairman, and it might be reasonable to ask
1507 Mr. Burcin to come up here and just see if there are any additional questions or if he would
1508 like to make any additional comments.

1509

1510 Mr. Burcin - Good morning, members of the Commission. My name is Stacy Burcin
1511 with McKinney & Company here today in behalf of Forest City as well as Circuit City. We
1512 are aware of all of the comments and revisions. We do have the brick samples here. We
1513 selected them from the master pallet that was provided many months ago. So, we are in
1514 agreement with everything that has been suggested.

1515

1516 Mr. Jernigan - Are there any questions of Mr. Burcin. Let me ask one thing. What
1517 discussion was on the sign other than the height? Where we talked about the bright red.

1518

1519 Mr. Silber - I'm not aware of any discussion on the type of sign it was more of an

1520 issue of the location of the sign. I think the bright red is one of their typical designs.

1521

1522 Mr. Jernigan - When you gave your staff report, did you say something about the color
1523 of the sign.

1524

1525 Mr. Silber - He made reference to the red doors.

1526

1527 Mr. Wilhite - I think in answering Mr. Archer's question, he asked what was the sign,
1528 was it the entire yellow rectangular or just the red circular portion.

1529

1530 Mr. Jernigan - Because I remember in a case we had before, Staples, when they went
1531 out there. There was a lot discussion because the sign was red and they didn't want all these
1532 colors. And I made a statement at that time, and I'll make it for the record again today. When
1533 it comes to corporate logos, we will have to come up with a policy that's going to stand up
1534 because if Staples has red... if there letters are Staples and they have them every where else
1535 and then we go somewhere and say we don't want red, you have to enforce that with
1536 everybody. Now, I'm glad to see that this is going on through like it should but corporate
1537 logos are corporate logos and we need to come up with a policy that is going to stand up with
1538 that.

1539

1540 Mr. Wilhite - I remember the Staples case quite well.

1541

1542 Mr. Vanarsdall - We never have had a policy and never had any problem with it. We
1543 have asked them to change it and they have, the corporate logos. They've reduced the size of
1544 them and they will work with you anyway they can, the headquarters will. And then if it's like
1545 in that Short Pump area they don't like the color then they refuse it. That's what happen with
1546 Silver Diner and a couple of others.

1547

1548 Mr. Silber - As I recall, Mr. Jernigan, in the case of the Staples also there was a
1549 proffered condition on that property that said that all the signage had to be similar and there is
1550 a certain sign package that they were supposed to follow. It's very specific, and correct me if
1551 I'm wrong, Mr. Wilhite, but I don't believe that proffer exist on this site.

1552

1553 Mr. Wilhite - Not to the extent it did on the other site. There are some proffers that
1554 address signage but not to the extent at Staples.

1555

1556 Mr. Vanarsdall - If you go down to Williamsburg you will find a 7-Eleven that doesn't
1557 have the 7-Eleven colors in the sign, you can't even see it.

1558

1559 Mr. Jernigan - Okay, Mr. Taylor.

1560

1561 Mr. Taylor - With that, Mr. Chairman, I will move for approval of POD-60-03,
1562 Circuit City @ Short Pump, subject to the annotations on the plans, the standard conditions for
1563 developments of this type, and the added conditions Nos. 23 through 30.

1564

1565 Mr. Vanarsdall - Second.

1566

1567 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All
1568 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1569

1570 The Planning Commission approved POD-60-03, Circuit City @ Short Pump Town Center,
1571 subject to the annotations on the plans, the standard conditions attached to these minutes for
1572 developments of this type, and the following additional conditions:

1573

1574 23. The developer shall provide fire hydrants as required by the Department of Public
1575 Utilities and Division of Fire.

1576 24. All repair work or installation shall be conducted entirely within the enclosed building.

1577 25. Outside storage shall not be permitted.

1578 26. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this
1579 approval.

1580 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1581 approved by the County Engineer prior to final approval of the construction plans by
1582 the Department of Public Works.

1583 28. Insurance Services Office (ISO) calculations must be included with the plans and
1584 contracts and must be approved by the Department of Public Utilities prior to the
1585 issuance of a building permit.

1586 29. The location of all existing and proposed utility and mechanical equipment (including
1587 HVAC units, electric meters, junction and accessory boxes, transformers, and
1588 generators) shall be identified on the landscape plans. All equipment shall be screened
1589 by such measures as determined appropriate by the Director of Planning or the
1590 Planning Commission at the time of plan approval.

1591 30. Employees shall be required to use the parking spaces provided at the rear of the b
1592 building(s) as shown on the approved plans.

1593

1594 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

1595

POD-57-03
SunTrust Bank @
John Rolfe Commons
Shopping Center
(POD-79-01 Rev.)

**Jordan Consulting Engineers, P.C. for The Wilton
Companies, LLS and SunTrust Real Estate Corporation:**
Request for approval of a plan of development and site lighting
plan, as required by Chapter 24, Section 24-106 of the Henrico
County Code, to construct a one-story, 3,304 square foot bank.
The 1.293-acre site is located on the north side of Ridgefield
Parkway approximately 600 feet west from John Rolfe
Parkway (proposed) in the John Rolfe Commons Shopping
Center on part of parcel 736-751-6741. The zoning is B-2C,
Business District (Conditional). County water and sewer.
(Tuckahoe)

1596

1597

1597 Mr. Jernigan - Is there any opposition to Case POD-57-03, SunTrust Bank?
1598

1599 Mr. Wilhite - This is the first out parcel that has been submitted to the County in the
1600 John Rolfe Commons Shopping Center, which is currently under construction. Staff is
1601 satisfied and can recommend approval of the site plan. I would like to point out that in the
1602 packet we have included a revised Master Plan for informational purposes only. The original
1603 shopping center was approved with an above-ground BMP. We are currently reviewing plans
1604 to locate that BMP underground, and due to the location underground, there would be two
1605 more additional out parcels at the west end of the site that would be added for a total of nine
1606 from the original seven. Like I mentioned, that plan is being reviewed administratively by
1607 staff. I'd be happy to answer any questions that you have at this point.
1608

1609 Mr. Jernigan - Are there any questions for Mr. Wilhite from the Commission?
1610

1611 Mrs. Ware - I just have one. If the BMP, if they find that it can be buried then
1612 nothing would come back to the Commission. It would be administrative.
1613

1614 Mr. Wilhite - Not for placement of the BMP underground. Of course, all of the out
1615 parcels have to come back before you for approval.
1616

1617 Mrs. Ware - Before the Commission?
1618

1619 Mr. Wilhite - Yes, ma'am.
1620

1621 Mr. Jernigan - Any more questions? Thank you, Mr. Wilhite.
1622

1623 Mr. Wilhite - Thank you.
1624

1625 Mrs. Ware - I move for approval of POD-67-03, SunTrust Bank @ John Rolfe
1626 Commons Shopping Center (POD-79-01 Rev.), subject to the annotations on the plans, the
1627 standard conditions for developments of this type and additional conditions Nos. 23 through
1628 35.
1629

1630 Mr. Taylor - Second.
1631

1632 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Taylor. All in
1633 favor say aye. All opposed say no. The ayes have it. The motion is passed.
1634

1635 The Planning Commission approved POD-57-03, SunTrust Bank @ John Rolfe Commons
1636 Shopping Center (POD-79-01 Rev.), subject to the annotations on the plans, the standard
1637 conditions attached to these minutes for developments of this type and the following additional
1638 conditions:
1639

1640 23. The easements for drainage and utilities as shown on approved plans shall be granted to the
1641 County in a form acceptable to the County Attorney prior to any occupancy permits being

- 1642 issued. The easement plats and any other required information shall be submitted to the
1643 County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1644 24. The developer shall provide fire hydrants as required by the Department of Public
1645 Utilities and Division of Fire.
- 1646 25. Outside storage shall not be permitted.
- 1647 26. The proffers approved as a part of zoning case C-66C-88 shall be incorporated in this
1648 approval.
- 1649 27. Any necessary off-site drainage and/or water and sewer easements must be
1650 obtained in a form acceptable to the County Attorney prior to final approval of the
1651 construction plans.
- 1652 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
1653 approved by the County Engineer prior to final approval of the construction plans by
1654 the Department of Public Works.
- 1655 29. In the event of any traffic backup which blocks the public right-of-way as a result of
1656 congestion caused by the drive-up teller facilities, the owner/occupant shall close the
1657 drive-up teller facilities until a solution can be designed to prevent traffic backup.
- 1658 30. Insurance Services Office (ISO) calculations must be included with the plans and
1659 contracts and must be approved by the Department of Public Utilities prior to the
1660 issuance of a building permit.
- 1661 31. Approval of the construction plans by the Department of Public Works does not
1662 establish the curb and gutter elevations along the Henrico County maintained right-of-
1663 way. The elevations will be set by Henrico County.
- 1664 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1665 Planning Office and approved prior to issuance of a certificate of occupancy for this
1666 development.
- 1667 33. The location of all existing and proposed utility and mechanical equipment (including
1668 HVAC units, electric meters, junction and accessory boxes, transformers, and
1669 generators) shall be identified on the landscape plans. All equipment shall be screened
1670 by such measures as determined appropriate by the Director of Planning or the
1671 Planning Commission at the time of plan approval.
- 1672 34. The revised master plan, as submitted with this application is for planning and
1673 informational purposes only.
- 1674 35. The total number of out parcels in the shopping center will remain seven if the
1675 underground water detention facility is not constructed per revised POD plans
1676 submitted for County review and approval.
1677

1677 **LANDSCAPE & LIGHTING PLAN**

1678

LP/POD-79-01
John Rolfe Commons
Shopping Center –
Ridgefield Parkway

James River Nurseries, Inc. for The Wilton Companies, LLC: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 35-acre site is located on the northwest corner of Ridgefield Parkway and proposed John Rolfe Parkway on part of parcel 736-751-6741. The zoning is B-2C, Business District (Conditional) and O-2C, Office District (Conditional). **(Tuckahoe)**

1679

1680 Mr. Jernigan - Is there any opposition to LP/POD-79-01, John Rolfe Commons
1681 Shopping Center? No opposition. Ms. News, you may proceed.

1682

1683 Ms. News - The revised annotated plan, which has just been distributed, addresses
1684 staff's concerns and is recommended for approval. The applicant has revised the proposed
1685 landscaping along the frontage of the site along Ridgefield Parkway and proposed John Rolfe
1686 Parkway to a streetscape oriented planting consisting of groupings of accent trees and shrub
1687 beds, large shade trees and lawn, which will be irrigated. Landscaping of the future out-
1688 parcels will be coordinated with the planting along the frontage. Supplemental planting has
1689 been added in the rear in select locations where the large tree-save area does not provide
1690 sufficient screening. The applicant has agreed to relocate all light fixtures out of County
1691 easements. Lighting will be coordinated with each outparcel, as it develops, to ensure
1692 coordination of fixtures.

1693

1694 As mentioned in the previous staff presentation, the Master Plan is being reviewed for possible
1695 changes, which incorporate provision of an underground BMP and additional outparcels. The
1696 landscape plan currently shows landscaping of the approved wet pond BMP, but a phase line
1697 has been shown to accommodate the area of anticipated changes. Revised landscaping for the
1698 changes will be reviewed with each subsequent POD for the out parcel. With that said, staff
1699 recommends approval of the revised plan, subject to the annotations on the plan and standard
1700 conditions for landscape and lighting plans.

1701

1702 I'd be happy to answer any questions and the applicant's representative is available, also.

1703

1704 Mr. Jernigan - Are there any questions for Mrs. News from the Commission. Thank
1705 you, Mrs. News.

1706

1707 Mrs. Ware - The dumpster issue...

1708

1709 Ms. News - There is a dumpster on the SunTrust Bank parcel which is up along
1710 Ridgefield Parkway, and you can see on your plans I just handed out, even in the proffered 20-
1711 foot buffer there is a grouping of evergreen trees right in front of where that would go in the
1712 proffered buffer, and then when we look at the landscape plan for the bank, also, we would be
1713 adding additional landscaping along there. The bank also said they'd be willing to look at

1714 possibly slightly reorienting that. They are kind of pinned by the canopy of the bank on how
1715 much they can rotate that, but they will take a look at it.

1716

1717 Mr. Jernigan - Thank you, Ms. News.

1718

1719 Mrs. Ware - I move for approval of LP/POD-79-01, John Rolfe Commons Shopping
1720 Center – Ridgefield Parkway, subject to the annotations on the plans and the standard
1721 conditions for landscaping and lighting plans.

1722

1723 Mr. Vanarsdall - Second.

1724

1725 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All
1726 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

1727

1728 The Planning Commission approved Landscape and Lighting Plan LP/POD-79-01, John Rolfe
1729 Commons Shopping Center – Ridgefield Parkway, subject to the annotations on the plans and
1730 the standard conditions attached to these minutes for landscape and lighting plans.

1731

1732 **PLAN OF DEVELOPMENT**

1733

POD-59-03 The Villas at Innsbrook – Nuckols Road	Foster & Miller, P.C. for Atrack/Kornblau Coles Investments, L.C.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 56 residential condominium units for sale, in seven two-story buildings and including detached garages. The 7.7-acre site is located at 10801 Nuckols Road on the south line of Nuckols Road, approximately 400 feet east of its intersection with Cox Road on parcel 751-766-9555. The zoning is R-5C, General Residence District (Conditional). County water and sewer. (Three Chopt)
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1734

1735 Mr. Jernigan - Is there any opposition to POD-59-03, The Villas at Innsbrook? No
1736 opposition. You may proceed, Mrs. News.

1737

1738 Ms. News - The plan before you is in substantial conformance with the proffers of
1739 the conditional zoning case C-14C-03, which was approved by the Board of Supervisors in
1740 June of 2003. Many of the layout issues were resolved with the zoning case and were
1741 coordinated with the adjacent neighbors. Revised plans were requested to finalize some of the
1742 remaining details. The revised plan, which has just been distributed, incorporates several
1743 revisions, which address the majority of staff's concerns. The applicant has submitted all
1744 requested calculations, confirming compliance with proffered conditions. Revised elevations
1745 for the garages have also been submitted. Both the main buildings and the garages exceed the
1746 proffered requirements for percentage of brick. The applicant will be prohibiting recreational
1747 vehicle parking within the facility through the covenants.

1748 The Traffic Engineer's concerns regarding turnaround areas for trucks at the two ends of the
1749 project have been accommodated through the addition of dedicated turning spaces. Two
1750 emergency access lanes have been provided per the original proffered exhibit. These will be
1751 constructed with grass pavers and cable to prohibit use except in an emergency. The Division
1752 of Fire has indicated that the lanes at each end of the project are necessary to accommodate fire
1753 access.

1754

1755 The Division of Fire required additional revisions to the plan to accommodate access of fire
1756 equipment. Building Inspections requested several changes to accommodate accessibility
1757 requirements. The applicant submitted revised plans, the ones you have in front of you,
1758 addressing these concerns, to the best of his understanding. However, due to the recent
1759 emergency circumstances, these changes were not able to be fully reviewed by these agencies
1760 to determine if all requirements were met. I did, however, this morning hear from the
1761 Division of Fire and they are satisfied with the changes to the layout. The applicant has agreed
1762 to an annotation on the plan, which indicates that he will address any remaining issues with the
1763 Fire and Building Official prior to signature of construction plans. If any significant changes
1764 arise, and they should not, since the Fire Department has okayed the circulation, they will be
1765 coordinated with the Planning Commissioner for the district.

1766

1767 The conceptual landscape plan has been included, which addresses landscaping along the
1768 southern property line and which meets the 25-foot transitional buffer requirements, and which
1769 the applicant indicates has been coordinated with each adjacent property owner. A proffered
1770 75-foot buffer has been preserved and the mature trees along the rear of the property have been
1771 retained. Additionally, the applicant has committed to meeting multifamily guidelines for
1772 perimeter landscaping along Nuckols Road, subject to review by the Innsbrook committee.
1773 With that said, staff recommends approval of the revised plan, subject to the standard
1774 conditions for developments of this type, the conditions in your agenda, and revised condition
1775 No. 38 in your Addendum. I'd be happy to answer any questions and the applicant's
1776 representatives are also available.

1777

1778 Mr. Jernigan - Are there any questions from Ms. News for the Commission? Thank
1779 you, Ms. News.

1780

1781 Mr. Silber - Ms. News, is the revised condition in the Addendum, Condition No. 38,
1782 relating to the Planning Office and County Attorney reviewing the covenants?

1783

1784 Ms. News - Yes, it is.

1785

1786 Mr. Jernigan - All right. Mr. Taylor. Do you wish to hear from the applicant?

1787

1788 Mr. Taylor - The applicant may wish to speak, if he would like to, at his pleasure.
1789 Mr. Chairman, I have really no necessity to hear him. I think as this case proceeded we have
1790 had significant dialogue with the neighbors, who aren't here today, but they have worked to
1791 conserve and express their reviews on the really stately trees that exist on the site. This was
1792 recognized by the developer who worked around the site. The individual buildings, I think,

1793 are of significant quality.

1794

1795 Unless Mr. Parker would like to talk, and he shakes his head no, I will move for approval of
1796 POD-59-03 subject to the annotations on the plan, standard conditions for developments of this
1797 type and additional conditions Nos. 23 through 38 revised.

1798

1799 Mr. Vanarsdall - Second.

1800

1801 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All
1802 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

1803

1804 The Planning Commission approved POD-59-03, The Villas @ Innsbrook – Nuckols Road,
1805 subject to the annotations on the plan, the standard conditions attached to these minutes for
1806 developments of this type, and the following additional conditions:

1807

1808 23. The unit house numbers shall be visible from the parking areas and drives.

1809 24. The names of streets, drives, courts and parking areas shall be approved by the
1810 Richmond Regional Planning District Commission and such names shall be included on
1811 the construction plans prior to their approval. The standard streets name signs shall be
1812 ordered from the County and installed prior to any occupancy permit approval.

1813 25. The right-of-way for widening of Nuckols Road as shown on approved plans shall be
1814 dedicated to the County prior to any occupancy permits being issued. The right-of-way
1815 dedication plat and any other required information shall be submitted to the County
1816 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1817 26. The easements for drainage and utilities as shown on approved plans shall be granted to
1818 the County in a form acceptable to the County Attorney prior to any occupancy permits
1819 being issued. The easement plats and any other required information shall be submitted to
1820 the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1821 permits.

1822 27. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
1823 on the plan “Limits of 100 Year Floodplain.” In addition, the delineated 100-year
1824 floodplain must be labeled “Variable Width Drainage and Utility Easement.” The
1825 easement shall be granted to the County prior to the issuance of any occupancy permits.

1826 28. The developer shall provide fire hydrants as required by the Department of Public
1827 Utilities and Division of Fire.

1828 29. A standard concrete sidewalk shall be provided along the south side of Nuckols Road.

1829 30. The proffers approved as a part of zoning case C-14C-03 shall be incorporated in this
1830 approval.

1831 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1832 a form acceptable to the County Attorney prior to final approval of the construction
1833 plans.

1834 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
1835 approved by the County Engineer prior to final approval of the construction plans by the
1836 Department of Public Works.

1837 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with

1838 County standards and specifications. The developer shall post a defect bond for all
1839 pavement with the Planning Office - the exact type, amount and implementation shall be
1840 determined by the Director of Planning, to protect the interest of the members of the
1841 Homeowners Association. The bond shall become effective as of the date that the
1842 Homeowners Association assumes responsibility for the common areas.

1843 34. Insurance Services Office (ISO) calculations must be included with the plans and
1844 contracts and must be approved by the Department of Public Utilities prior to the
1845 issuance of a building permit.

1846 35. Approval of the construction plans by the Department of Public Works does not establish
1847 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1848 elevations will be set by Henrico County.

1849 36. The owners shall not begin clearing of the site until the following conditions have been
1850 met:

1851

1852 (a) The site engineer shall conspicuously illustrate on the plan of development or
1853 subdivision construction plan and the Erosion and Sediment Control Plan, the
1854 limits of the areas to be cleared and the methods of protecting the required
1855 buffer areas. The location of utility lines, drainage structures and easements
1856 shall be shown.

1857 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
1858 clearing or grading operations of the site, the owner shall have the limits of
1859 clearing delineated with approved methods such as flagging, silt fencing or
1860 temporary fencing.

1861 (c) The site engineer shall certify in writing to the owner that the limits of clearing
1862 have been staked in accordance with the approved plans. A copy of this letter
1863 shall be sent to the Planning Office and the Department of Public Works.

1864 (d) The owner shall be responsible for the protection of the buffer areas and for
1865 replanting and/or supplemental planting and other necessary improvements to
1866 the buffer as may be appropriate or required to correct problems. The details
1867 shall be included on the landscape plans for approval.

1868 37. The location of all existing and proposed utility and mechanical equipment (including
1869 HVAC units, electric meters, junction and accessory boxes, transformers, and
1870 generators) shall be identified on the landscape plans. All equipment shall be screened
1871 by such measures as determined appropriate by the Director of Planning or the
1872 Planning Commission at the time of plan approval.

1873 38. **REVISED** - Prior to the conveyance of any condominium units, condominium
1874 documents describing development controls and maintenance of the property shall be
1875 recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. Such
1876 documents shall require there to be a Homeowners Association of condominium owners
1877 that shall be responsible for the enforcement of the restrictive covenants, including, but
1878 not limited to, maintenance of the common areas. **The covenants must be reviewed**
1879 **by Planning Office and County Attorney prior to recordation.**

1880

1881

1881 **PLAN OF DEVELOPMENT**

1882

POD-62-03 **Beamon & Associates for Loveland Distributing Company, Inc.:**
Carrier Corporation Request for approval of a plan of development, as required by Chapter
UTR 24, Section 24-106 of the Henrico County Code, to construct a one-
Parts Store – Orville story, 60,000 square foot office/warehouse. The 7.20-acre site is
Road located on the northwest corner of Orville Road and Westmoreland
Street on part of parcel 776-739-4008. The zoning is M-2, General
Industrial District. County water and sewer. **(Brookland)**

1883

1884 Mr. Jernigan - Is there any opposition to POD-62-03, UTR Parts Store for Carrier
1885 Corporation? No opposition.

1886

1887 Mr. Vanarsdall - Excuse me. Mr. Chairman, before we start, there were several things
1888 that I think they probably settled this morning, but for the benefit of the Commission, this is
1889 the Carrier Corporation moving out of the City of Richmond and the County Industrial
1890 Development and County officials welcome the Carrier Corporation here, and we had a couple
1891 of things involving UPS here this morning, or yesterday. If Jack Beamon is in the back, I
1892 believe I saw Jack and Jim, and I believe Monte Lewis went out together, and I think we have
1893 pretty well resolved everything, so I want to tell you before Jim started. Go ahead.

1894

1895 Mr. Jernigan - All right. Mr. Strauss.

1896

1897 Mr. Strauss - Thank you, Mr. Chairman and members of the Commission. This
1898 application is for approval of a warehouse building with office space and associated parking.
1899 As you can see from the site map, the project is located within an industrial area at the
1900 terminus of Westmoreland Street and the site is zoned M-2. There are no proffers. There was
1901 no rezoning case. The Commission may recall that about a year ago there was approval for an
1902 addition to the Loveland Distributing Company, which involved a portion of this site, but most
1903 of the site was to the East, over here (referring to rendering). That project was never
1904 completed, so what we have here today is a new project for a single-story warehouse building
1905 totaling 60,000 sq. ft. The Planning staff and various agencies reviewed the plans and
1906 recommend approval. However, in our discussions with the Environmental Division of Public
1907 Works, they had some reservations due to a slight encroachment in the parking area and drive
1908 aisle at the back of the layout into the RPA buffer. The staff has discussed the plan as
1909 submitted with the engineer, and it was his understanding that he'd do some reforestation to
1910 make up for and compensate for the buffer encroachment. Well, that apparently was done
1911 years ago, but it doesn't work today. As you know, RPA regulations are reviewed and
1912 changed and that is why we have Jeff Perry here today if we need to delve into the details of
1913 that.

1914

1915 Mr. Vanarsdall - I believe they changed the setback.

1916

1917 Mr. Strauss - I don't want to speak to that requirement. I think it was something to do
1918 with the way that the stream was shown on previous plans, and they have changed the way

1919 they look at the streams and the RPA buffers associated with that. I hope I explained that
1920 right, but that is why we have Jeff here this morning. Staff worked the alternative layout and
1921 discussed it with the applicant. We thought it would be easy to pull the parking back and the
1922 drive aisle back because we just wanted to simply get it out of the RPA buffer area, and we
1923 have discussed that alternate layout, which we have handed out this morning. He did lose
1924 some spaces, about five spaces, but because he had more spaces than he needed at the outset,
1925 he was able to allow for that. So, with this alternate layout, we are recommending approval.
1926 We also have an addendum with additional conditions, and you may note that there are three or
1927 four conditions. I would like to add one more condition this morning and read that into the
1928 record. That would be Condition No. 35, and that would simply state that “The applicant shall
1929 revise the site layout and eliminate encroachments in the RPA buffer and comply with all of the
1930 requirements of the Environmental Division of the Department of Public Works.” So, with
1931 that I will be happy to answer any other questions you may have. Mr. Jack Beamon is here,
1932 and, of course, if you want to discuss any RPA issues, we have Jeff Perry from the
1933 Environmental Division, as well. Thank you.

1934

1935 Mr. Vanarsdall - I am sorry I didn't see Jeff Perry sitting there when I said that he was
1936 very much involved in it. Jeff, I'd like you to come to the mike, if you will, and do you have a
1937 problem with the way that we've added?

1938

1939 Mr. Perry - No. With the conditions, they are going to be out of the RPA. We are
1940 fine.

1941

1942 Mr. Vanarsdall - OK. I appreciate that. Thank you for your help on it.

1943

1944 Mr. Jernigan - Any more questions from the Commission?

1945

1946 Mr. Vanarsdall - I don't need to hear from Mr. Beamon unless some of you all have a
1947 question for him. One thing I want to add, and I'll do it in my motion. I move that POD-62-
1948 03, Carrier Corporation UTR Parts Store - Orville Road, be approved, subject to the
1949 annotations on the plans and standard conditions for developments of this type, and on the
1950 addendum we have Conditions Nos. 23 through 35, and I would like to add No. 36, and you
1951 will find the wording...

1952

1953 Mr. Strauss - The wording I gave you would be for No. 35, and there were 34
1954 conditions in the addendum, so you have 35 conditions.

1955

1956 Mr. Vanarsdall - You have a No. 35, “The applicant will revise the site layout.” I'd like
1957 to add No. 36. Let me read it. It is on Page 4. Well, anyway, it is about the electrical boxes,
1958 and although this is back in there, the customers are going to see it. The staff is going to see
1959 it. I'd like to add No. 36 which reads “The location of all existing and proposed utility and
1960 mechanical equipment units, electrical meters, junctions and accessory boxes...that particular
1961 one.

1962

1963 Mr. Silber - So, Mr. Vanarsdall, so what you are saying is that the condition is

1964 previously considered under another POD being POD-57-03, No. 33, you'd like to apply that
1965 condition as No. 36 on this POD, POD-62-03? Yes, sir. We can do that.

1966

1967 Mr. Vanarsdall - Let's see. That is the end of my motion.

1968

1969 Mrs. Ware - Second.

1970

1971 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in
1972 favor say aye. All opposed say no. The ayes have it. The motion is passed

1973

1974 The Planning Commission approved POD-62-03, Carrier Corporation UTR Parts Store -
1975 Orville Road, subject to the annotations on the plans, the standard conditions attached to these
1976 minutes for developments of this type and the following additional conditions:

1977

1978 23. The right-of-way for widening of Orville Road as shown on approved plans shall be
1979 dedicated to the County prior to any occupancy permits being issued. The right-of-way
1980 dedication plat and any other required information shall be submitted to the County Real
1981 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1982 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1983 the County in a form acceptable to the County Attorney prior to any occupancy permits
1984 being issued. The easement plats and any other required information shall be submitted
1985 to the County Real Property Agent at least sixty (60) days prior to requesting
1986 occupancy permits.

1987 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
1988 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
1989 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
1990 easement shall be granted to the County prior to the issuance of any occupancy permits.

1991 26. The required building setback shall be measured from the proposed right-of-way line and
1992 the parking shall be located behind the proposed right-of-way line.

1993 27. The developer shall provide fire hydrants as required by the Department of Public
1994 Utilities and Division of Fire.

1995 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1996 a form acceptable to the County Attorney prior to final approval of the construction
1997 plans.

1998 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
1999 approved by the County Engineer prior to final approval of the construction plans by
2000 the Department of Public Works.

2001 30. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
2002 of the Henrico County Code.

2003 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the
2004 drainage plans.

2005 32. Insurance Services Office (ISO) calculations must be included with the plans and
2006 contracts and must be approved by the Department of Public Utilities prior to the
2007 issuance of a building permit.

2008 33. Approval of the construction plans by the Department of Public Works does not

2009 establish the curb and gutter elevations along the Henrico County maintained right-of-
2010 way. The elevations will be set by Henrico County.
2011 34. The applicant shall vacate the temporary turnaround easement for Orville Road prior to
2012 approval of a certificate of occupancy.
2013 35. The applicant shall revise the site layout and eliminate encroachments into the RPA
2014 Buffer, and comply with all requirements of the Environmental Division of the
2015 Department of Public Works.
2016 36. The location of all existing and proposed utility and mechanical equipment (including
2017 HVAC units, electric meters, junction and accessory boxes, transformers, and
2018 generators) shall be identified on the landscape plans. All equipment shall be screened
2019 by such measures as determined appropriate by the Director of Planning or the
2020 Planning Commission at the time of plan approval.

2021

2022 Mr. Vanarsdall - Thank you, Jim and Jeff.

2023

2024 **LANDSCAPE & LIGHTING PLAN AND SPECIAL EXCEPTION**

2025

LP/POD-71-02 **Timmons Group for G3 Investment, LLC.:** Request for approval of
Tom Leonard's at a landscape plan and a special exception for a seasonal sales area and a
Brookhollow temporary sales area, as required by Chapter 24, Sections 24-106 and
24-106.2 and Section 24-63(b) of the Henrico County Code. The 6.3-
acre site is located at 4150 Brookriver Drive on parcel 743-762-6518.
The zoning is M-1C Light Industrial District (Conditional). **(Three
Chopt)**

2026

2027 Mr. Jernigan - Is there any opposition to POD-71-02, Tom Leonard's at Brookhollow?

2028 No opposition. Mr. Strauss.

2029

2030 Mr. Strauss - Thank you, Mr. Chairman. The applicant seeks Commission approval
2031 for both the landscape plan and special exception for a retail grocery store building, which is
2032 currently under construction with an approved POD. During the final review process, the
2033 applicant wished to have an outdoor sales area for seasonal plants in the Spring, pumpkins in
2034 the Fall, and Christmas trees in the Winter. The site is in the M-1 District and outdoor display
2035 sales areas are allowed by special exception as regulated in the B-3 District, as long as the
2036 activity does not adversely affect adjacent property and the entry to the sales area is secured
2037 and the area is located immediately adjoining the principal building. The owner, Mr. Tom
2038 Leonard, has provided a plan for the sales area that is secured by a theme fence, which his
2039 architect has designed, in keeping with the theme activity of harvesting and planting. The
2040 owner is also interested in taking advantage of the impending Fall Season, which is almost
2041 upon us, so he'd like to have a temporary sales area for the sale of pumpkins this Fall while
2042 the building is nearing completion. The staff asked that the owner provide a plan for this
2043 temporary sales area, which is also allowed in the M-1 District. That would be the first plan in
2044 your packet. The permanent outdoor display area is on the regular plan that you have in the
2045 packet, as well. The applicant has met extensively with the staff and the Commissioner for the
2046 Three Chopt District. Staff has reviewed the plan and asked a number of questions, which the

2047 applicant has resolved for us. At this point, we can recommend approval of the plans as
2048 annotated.

2049

2050 The owner, Mr. Tom Leonard, is here this morning with his representative, Mr. Andy
2051 Condlin. I am sure they'd be happy to introduce themselves to you and answer any additional
2052 questions you may have. Thank you.

2053

2054 Mr. Jernigan - Are there any questions for Mr. Strauss from the Commission? Thank
2055 you, Mr. Strauss. Mr. Taylor.

2056

2057 Mr. Taylor - Would the applicant or Mr. Condlin like to speak or discuss what they
2058 are doing? This case is just a little bit unusual, Mr. Chairman, because construction is
2059 underway and we have approved the basic POD. This particular exception allows them to
2060 have the outside area for seasonal displays. We have been over that with the applicant and the
2061 staff, and that seems reasonable to me, and they are in such a location on Broad Street that they
2062 are visible but they are somewhat distant from the main corridor, and I would think that would
2063 be appropriate. So, I will move for approval of LP/POD-71-02, Tom Leonard's @
2064 Brookhollow, subject to the annotations on the plan, and the standard conditions for landscape
2065 and lighting plans.

2066

2067 Mr. Strauss - Excuse me. I am sorry to interrupt, but we would need a vote on the
2068 special exception.

2069

2070 Mr. Taylor - For seasonal sales. Do we want to do this first? I move for special
2071 exception for seasonal sales in the case of LP/POD-71-02, Tom Leonard's @ Brookhollow.

2072

2073 Mr. Vanarsdall - Second.

2074

2075 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All
2076 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

2077

2078 The Planning Commission approved special exception for LP/POD-71-02, Tom Leonard's @
2079 Brookhollow.

2080

2081 Mr. Taylor - Mr. Chairman, I move approval of the landscape and lighting plan for
2082 POD-71-02, Tom Leonard's @ Brookhollow.

2083

2084 Mr. Vanarsdall - Second.

2085

2086 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All
2087 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

2088

2089 The Planning Commission approved LP/POD-71-02, Landscape and Lighting Plan and Special
2090 Exception for LP/POD-71-02, Tom Leonard's @ Brookhollow, subject to the annotations on
2091 the plans and the standard conditions attached to these minutes for landscape and lighting

2092 plans.

2093

2094 **LIGHTING PLAN**

2095

LP/POD-2-03
BMW Parking Lot

E. D. Lewis & Associates, P. C. for Virginia Home for Boys:
Request for approval of a lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 1.34-acre site is located at 8716 W. Broad Street (U. S. Route 250) on parcels 760-755-6897 and 760-757-5611. The zoning is B-3, Business District. **(Brookland)**

2096

2097 Mr. Jernigan - Is there any opposition to LP/POD-2-03, BMW Parking Lot? No
2098 opposition. Mr. Strauss, you may proceed.

2099

2100 Mr. Strauss - Thank you, Mr. Chairman. The applicant seeks approval of a lighting
2101 plan for this new car parking area adjacent to the existing dealership, a church site and the
2102 Virginia Home for Boys. The Commission may recall a landscape plan was reviewed and
2103 approved at our June meeting quite some time ago. We didn't get a lighting plan at that time
2104 and we were not able to meet with them in August, so we got the lighting plan at this later
2105 date.

2106

2107 The staff made a number of observations while reviewing this lighting plan, and we noted a
2108 few items that were of concern to the staff, and we included them in a letter. Well, we had
2109 them included in a letter which we received yesterday assuring that they would complete these
2110 items which we had noticed in the field, and this included dead Leyland Cypress, which were
2111 part of a buffer of the previous landscape plan, included a number of stressed trees and a few
2112 dead trees in the new parking area. It also included a missing evergreen hedge along West
2113 Broad Street, and also some traffic barriers to the back of the dealership to prevent cars from
2114 parking on the lawn area.

2115

2116 The last item, I believe, was some caps on the wrought iron metal fence, which were missing.
2117 The applicant has reviewed these items and promised to complete them all by October, and we
2118 do have a bond on this case for landscaping, which would provide additional surety.

2119

2120 With that, we can recommend approval of this lighting plan and I will be happy to answer any
2121 questions you may have.

2122

2123 Mr. Jernigan - Any questions for Mr. Strauss from the Commission?

2124

2125 Mr. Vanarsdall - Yes, sir. I would like to do the same thing that we did on the previous
2126 case, and have a condition regarding or mentioning the letter that you have, and you and I have
2127 talked many times about this. For the Commission's benefit, although this is a lighting plan,
2128 we have a lot of things that disturb me on the site out there. For one thing, BMW moved all
2129 the cars in on the lot before the contractor could finish, and Mr. Silber knows about that, but
2130 that is between BMW and the contractor and not the County. But I don't understand how they

2131 are going to put up a lighting poles with automobiles on the lot, but that is also going to be
2132 between them. I just want all of this on record. Also, you and I spoke about the hedge in
2133 front, and they are going to plant that in October, the hedge in front.

2134

2135 Mr. Strauss - Yes, sir.

2136

2137 Mr. Vanarsdall - There is a – for those of you who haven't seen this, there is a wrought
2138 iron fence with brick columns, and then parallel to Broad Street they didn't want a fence there
2139 and they didn't want trees there. No dealership wants a tree. It covers up things and the birds
2140 cover up the cars, so we are going to put a hedge there in the front, just as you and Christina
2141 had recommended on the original plan. I picked them up yesterday. Also, related to this was
2142 another parking lot for them near, and it was a church lot, if you all remember that. Seventeen
2143 trees have died that they planted. Monte Lewis knows about it and he is going to make sure
2144 that they are planted, and we'd like to have it all done no later than the end of October, and
2145 you said October.

2146

2147 Mr. Strauss - Right.

2148

2149 Mr. Vanarsdall - I think that is about all the things I have on it, so I think it is OK to go
2150 ahead with this this morning, but I would like to put the wording on the condition added today,
2151 of the letter.

2152

2153 Mr. Silber - Sr., Mr. Vanarsdall. What you are referring to is the letter that was
2154 provided to the County September 23, 2003, from Century Construction Company, signed by
2155 David Hempstead. I think we could have a condition that would say something like "The
2156 applicant agrees to provide certain improvements prior to October 30, 2003 as set forth in the
2157 September 23, 2003 letter from David Hempstead." So, we can condition that. I don't know
2158 what condition number this would be, Mr. Strauss.

2159

2160 Mr. Strauss - Standard conditions, it would probably be No. 5 or 6.

2161

2162 Mr. Silber - The first condition after the standard condition.

2163

2164 Mr. Vanarsdall - Here is a copy of the letter right here.

2165

2166 Mr. Silber - OK. I have one, too.

2167

2168 Mr. Vanarsdall - Is this my copy?

2169

2170 Mr. Strauss - Yes, that is your copy.

2171

2172 Mr. Vanarsdall - Thank you for working on that, Jim and Jeff. That is real cooperation,
2173 Mr. Lewis. I think that is about it, and so I recommend approval of the lighting plan for POD-
2174 2-03, BMW Parking Lot, with the annotations on the plans, the standard conditions for lighting
2175 plans and the condition that will be referring to the letter.

2176 Mr. Taylor - Second.

2177

2178 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All
2179 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

2180

2181 The Planning Commission approved Lighting Plan LP/POD-2-03, BMW Parking Lot, subject
2182 to the annotations on the plan, the standard conditions attached to these minutes for lighting
2183 plans and the following additional condition:

2184

2185

2186 5. The applicant agrees to provide certain improvements prior to October 30, 2003 as set
2187 forth in the September 23, 2003 letter from David Hempstead.

2188

2189 Mr. Silber - That completes the plans for consideration on the Commission's agenda
2190 this morning.

2191

2192 Mr. Jernigan - Mr. Secretary, it is 11:00 a.m. Let's take a 10-minute break before we
2193 get going on anything else.

2194

2195 Mr. Silber - I think that is a good idea. Let me just note that we do have a public
2196 hearing beginning at 11:00 a.m. regarding the Scott Road Study Amendments to the Land Use
2197 Plan and the Major Thoroughfare Plan. We will take that up at 11:00 a.m. We also have a
2198 Substantially in Accord presentation that will be taken up at that time, as well. The Discussion
2199 Item relating to the Planning Commission Rules and Regulations we would recommend that we
2200 reconvene in a conference room upstairs to discuss that.

2201

2202 **AT THIS TIME THE COMMISSION TOOK A 10-MINUTE BREAK.**

2203

2204 **THE PLANNING COMMISSION RECONVENED AT 11:10 A.M.**

2205

2206 **PUBLIC HEARING: SCOTT ROAD STUDY PLAN AMENDMENTS:** Public hearing on
2207 proposed amendment to the 2010 Land Use Plan and 2010 Major Thoroughfare Plan for the Scott
2208 Road Study Area.

2209

2210 Mr. Silber - Since it is 11:00 a.m. and we have an advertised public hearing on the
2211 Scott Road Amendment, would you like to go ahead and move that forward and hear that
2212 presentation and take action on that, and we can go back to the Substantially in Accord
2213 Resolution.

2214

2215 What we have then is a public hearing. This is the Scott Road Study that was conducted in a
2216 proposed Land Use Amendment and changes to the Major Thoroughfare Plan. Staff is
2217 prepared to discuss those. As you recall, we did have a work session with the Planning
2218 Commission previously. What we would be doing is taking testimony today. Hopefully, the
2219 Planning Commission, if they feel so inclined, would take action today and this would go on to
2220 the Board of Supervisors in October.

2221

2222 Mr. Bittner is here to make the presentation.

2223

2224 Mr. Jernigan - Mr. Bittner, you may proceed.

2225

2226 Mr. Bittner - Thank you, Mr. Chairman.

2227

2228 Mr. Archer - Mr. Chairman, excuse me. Before we go forward, could we ask how
2229 many people are here who are interested in the Scott Road Study? OK.

2230

2231 Mr. Bittner - I'd like to begin by outlining a brief history of this process and how it
2232 arrived at this point today. Scott Road Land Use Study was completed in July, 2002. It
2233 included a Revised Land Use Plan and Major Thoroughfare Plan for the study area. A 2010
2234 Land Use Plan and MTP Amendment was then initiated based on the Study Plan and
2235 recommendation. On April 28, 2003, the recommended plans were presented in a public
2236 meeting at the North Park Library. On May 28 of this year, the Planning Commission held a
2237 work session to consider the recommended plan. During that work session and during the
2238 ensuing weeks, several comments were received from various interested parties. As a result of
2239 those comments, the recommended plans were revised and presented to the Planning
2240 Commission at a second work session held on August 14 of this year. The Planning
2241 Commission then decided the plans were ready for review at a public hearing, which brings us
2242 to today's presentation. The Scott Road Study Area is mainly on the north side of Parham
2243 Road, near I-95 and I-295. The main concept of the recommended plan is to enhance this
2244 area's viability as a primary economic development site. Because of its favorable location and
2245 access to Interstates, it is felt that it can be home to large scale and well coordinated office and
2246 office/service type development. This area is also one of the last large sites left in the western
2247 section of Henrico County. The recommended Land Use Plan shown here reflects a mix of
2248 O/S and Office along the north side of Parham Road, and SR-1, Single-Family Residential
2249 along the south side of Parham. You may recall, the previous Land Use Plan had
2250 recommended mostly office designations on both sides of Parham Road. When reviewing this
2251 updated plan, the differences between office and office service development should be
2252 remembered. O-1 Office allows strictly office uses, such as medical offices, childcare centers
2253 and artist studios. O-2 allows O-1 uses and business offices, banks, funeral homes and
2254 laboratories. O-3 allows O-1 and O-2 uses, as well as printing, publishing, engraving, radio
2255 and television broadcasting and retail and service businesses in buildings greater than 50,000
2256 sq. ft. O/S, Office Service, allows a greater variety of uses, while allowing similar uses as the
2257 O-1, O-2 and O-3 zoning district. In addition to their similar uses, in O/S you are allowed
2258 data processing, warehouses, distribution centers and light manufacturing and light industrial
2259 uses. Warehousing, service and retail uses can only comprise 40% of the buildings sq. footage
2260 in O/S unless increased to 60% with a provisional use permit. The Major Thoroughfare Plan
2261 would be amended as follows: The Scott Road Minor Collector would be removed in its
2262 entirety. In its place would be added Magellan Parkway and St. Charles Road. Both of these
2263 roadways would be classified as major access roads, and would be colored green on the MTP
2264 map. The intent is to create a road network for future developments in this area. St. Charles
2265 Road would be the main entrance to the site, and Magellan Parkway would create a secondary

2266 access from Brook Road.

2267

2268 Staff feels the Land Use Plan and MTP presented today provide the optimum balance between
2269 additional office/service development north of Parham Road and additional residential
2270 development south of Parham Road. Staff recommends both of these plans for approval by the
2271 Planning Commission. After any action taken by the Commission, the next step of this process
2272 would be scheduling a work session with the Board of Supervisors. We would anticipate this
2273 occurring in October. The final step would be a public hearing by the Board of Supervisors.

2274

2275 That concludes my presentation and I'd be happy to answer any questions you may have on
2276 either the plans presented today or any other matters.

2277

2278 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission?

2279

2280 Mrs. Ware - Can you go back to the map, with the colored...how did you come about
2281 with the office versus office/service that changed from the previous plan?

2282

2283 Mr. Bittner - The main instigator is part of the fact that we had some current
2284 office/service development inquiries in that area. Those come to our knowledge after the first
2285 public meeting in April, and then through further discussion with staff, with Planning
2286 Commissioner and so forth, we ultimately came up with this revised plan, which increased the
2287 amount of O/S designated property.

2288

2289 Mr. Silber - Mr. Bittner, do you have slides that show several different alternatives
2290 that the staff looked at from the Land Use perspective?

2291

2292 Mr. Bittner - I am not sure, actually. Let me check real quick.

2293

2294 Mr. Silber - That may help Mrs. Ware there. The plan up in the top left-hand
2295 corner, I believe, was the plan that was recommended earlier in the process, and as you moved
2296 through alternative 1, 2 and 3, the levels of intensity from a Land Use perspective increases the
2297 plan. The plan that is now recommended by staff is Alternative 2.

2298

2299 Mr. Bittner - Actually, Alternative 2 is not exactly what we are recommending. We
2300 are recommending S/R-1 on the south side of Parham Road, so none of these alternatives are
2301 actually the plan being recommended, but they do contain all of the components of the
2302 recommended plan.

2303

2304 Mr. Silber - So, it is primarily Alternative 2 but it is S/R-1 on the south side of
2305 Parham Road?

2306

2307 Mr. Bittner - Yes.

2308

2309 Mr. Silber - Maybe for a point of clarification, also, you had mentioned that the
2310 Major Thoroughfare Plan, if you can go back to that, shows, I believe it was called Magellan

2311 Parkway, that crossed over 95 and heads west into Brook Road. Scott Road, in its current
2312 alignment, I don't know if we have anybody here from the Traffic Engineering Department,
2313 but that current alignment would stay. It would not be removed at this time, but Magellan
2314 Parkway, as this area develops, Magellan Parkway is recommended as a concept road that
2315 would carry traffic from Brook Road into this major tract of land east of 95, so those that
2316 currently live along Scott Road would continue to live there as long as they wanted to. This is
2317 not proposing removal of that road or removing residences from their current locations. This
2318 plan simply shows long-range plans the County has in mind from a Land Use perspective and
2319 from a road perspective.

2320

2321 Mr. Jernigan - Any more questions from Mr. Bittner? Thank you, Mr. Bittner. Ladies
2322 and gentlemen, there are quite a few of you out there. Does anybody have anything that they
2323 want to say? You can come right on up to the podium, sir. There is a microphone right over
2324 there. Sir, if you would, please state your name and address for the record.

2325

2326 Mr. Cullin - My name is Edward Cullin and I live at 900 North Concord Avenue.
2327 My question is exactly where is this Magellan Parkway is crossing 95 connecting to Scott Road
2328 and adjacent to the present Scott Road area? I'd like to know exactly, on the map, so that we
2329 can see exactly where it crosses and where it is going. And, also, I'd like to know if there is
2330 any plan in the future for the present Scott Road that is going to remain open or are they going
2331 to close it, or remove the bridge, or what?

2332

2333 Mr. Silber - Let me attempt to answer your questions. Your first question, relative to
2334 Magellan Parkway. What is proposed on this plan does not have an exact location for that
2335 road, sir. There is a road that goes through the Windsor Business Park, that is called Magellan
2336 Parkway, that stubs into the land on the north or northwest. Magellan Parkway would come
2337 off at that point and would head in a westward direction and cross over 95. The exact location
2338 has not been determined, and would not be determined until there is a major development that
2339 would come forward in this area. What I can tell you is that it would cross 95 at a location so
2340 that it would hit into Brook Road. We believe a possible location for that point on Brook
2341 Road would be approximately where the DMV is located on Brook Road, but the location of
2342 Magellan Parkway relative to the current Scott Road alignment we don't know exactly where it
2343 would be. We don't want to tie it down now. That would all be determined as this area
2344 develops. So, it is a flexible road that could change.

2345

2346 You asked also, I believe, about the current Scott Road. The current Scott Road would stay in
2347 its alignment. It would not have any changes to it. The bridge would stay there. At some
2348 point in time, when Magellan Parkway is built, it may be 5, 10, 20 years from now. When it
2349 is built, the County will have to look at that road relative to the existing Scott Road to
2350 determine whether we need both roads or not. I think at this point in time both bridges would
2351 remain, but if there is a major bridge crossing over 95, a new bridge, there may be some
2352 removal of the existing bridge. But this is a long-range plan that is looking many years out. It
2353 is not something the County is trying to bring about in a short period of time.

2354

2355 Mr. Cullin - Yes, my concern about it was the fact that at that point that 95, like we

2356 had present when they were repairing the bridge, we had residents that had to go all the way
2357 back around through Park Central to get back around to the neighbor that is on the other side
2358 of the bridge and vice versa. And this was what I was concerned about, whether this bridge
2359 would ever be closed or not, because it would be a highly inconvenience, even to people like
2360 myself on Concord, which we do use Scott Road for coming through Park Central back to
2361 Parham Road, whatever, especially during high traffic areas, primarily during high traffic.
2362 Thank you.

2363

2364 Mr. Jernigan - Thank you, sir.

2365

2366 Mr. Nicholson - Yes. My name is Charles Nicholson from Telegraph Run Property
2367 Owners Association.

2368

2369 Mr. Jernigan - Sorry. I didn't get your last name.

2370

2371 Mr. Nicholson - Charles Nicholson. I am a resident of the Telegraph Run Subdivision
2372 and I was just curious, maybe Mr. Bittner's staff can answer this, but I think you alluded to
2373 this earlier when you talked about traffic volume and engineering. Has any study been done or
2374 looked at in terms of what is proposed traffic volume as they see it now, and in the future, for
2375 the next five years of development along Magellan Road or for that matter, coming from
2376 Magellan onto Parham? I am not sure if Mr. Bittner's staff can answer that or not, or if
2377 someone in Traffic Engineering has that information, we'd like to know in Telegraph Run,
2378 because as the gentleman just said, they are going to extend this concept road from Magellan
2379 on across behind DMV. We are just concerned about the amount of office traffic that may be
2380 emptying along this concept road. So, my question primarily is has any study been done by
2381 Traffic Engineering to your knowledge, and maybe Mr. Bittner's office could respond to that
2382 in terms of what is currently the number of cars that pass through Magellan from Parham each
2383 day, and what they anticipate or predict possibly, could it be with increased capacity, I guess,
2384 of this office development they are looking to in the future.

2385

2386 Mr. Silber - Let me try to answer that if I could. At this point in time, we don't
2387 know the exact traffic volumes that would result on Magellan Parkway. It all depends on how
2388 the property around Magellan develops. If there is a major office development, if there is
2389 office/service development that comes along, at some point in time the County will need to
2390 decide whether there is need to build a bridge across 95 and extend Magellan Parkway to
2391 Brook Road. When that is done, we will have a much better idea as to what those traffic
2392 numbers would be, the distribution of that traffic, and the potential impact on neighborhoods.
2393 We would be very sensitive to the fact that we are potentially bringing a road across 95 across
2394 Telegraph Road, over to Brook Road, because Telegraph Road runs up into residential
2395 communities, such as yours and Telegraph Run, and we would not want to in any fashion bring
2396 traffic across from this office/service development or office development and impact your
2397 residential community. So, that would be a major concern of ours. We would want to design
2398 this so that it would not impact in any fashion the homes in your community. But, at this point
2399 in time, we do not know what kind of traffic volumes we would expect on Magellan nor when
2400 it would develop. There probably are some traffic numbers on Magellan Parkway right now,

2401 but the numbers are probably very low because it is serving only the Windsor Business Park.

2402

2403 Mr. Nicholson - Great. Thank you very much.

2404

2405 Mr. Jernigan - Thank you, sir. Is there anybody else that would like to speak? Good

2406 morning.

2407

2408 Mr. Redmon - My name is Dave Redmon and I am an attorney and I represent the

2409 Penniston Estate that has about 70 acres that will be the eastern most portion of this study,

2410 fronting on Scott Road, and first of all I want to thank Mark Bittner and all for working with

2411 us to go through this whole process. I think it has been very beneficial and we are in support

2412 of the office/service classification. My only reason for standing here today is Magellan Road

2413 and its original conceptional location was at a high point on the land, from a development

2414 standpoint, not necessarily the best use of the topography. And I appreciate the staff moving it

2415 southward closer to Scott Road, and I understand, too, that the ultimate alignment will depend

2416 on what the development and the site plans look like, but just to keep in mind that the closer

2417 we can keep it to Scott Road probably the more developable land you will have, and other than

2418 that, we thank you for the process.

2419

2420 Mr. Jernigan - Thank you, sir. Is there anyone else that would like to speak? OK. I

2421 guess we need a motion.

2422

2423 Mr. Taylor - Mr. Chairman, before we do that, with regard to the last speaker, and I

2424 passed a note to Mr. Silber, in looking at any road traverse, there are many things that would

2425 be considered in that traverse in terms of getting the best alignment for the road, what different

2426 parts of the road are developed and what stage, and what and how that road can be arranged to

2427 minimize the impact on the people and the cost of construction, so there are many, many, even

2428 though it shows on the map as a line, that, as Mr. Silber said, is really just a conceptual

2429 pathway. As you begin to get closer to reality or closer to construction, these roadways are

2430 very carefully mapped out to minimize impact on people and impact on neighborhoods, impact

2431 on costs, impact on historical artifacts, and there is just a large number of things that go into

2432 the actual development of the road along a traverse, so this is very preliminary and what is on

2433 here is somebody's house is under a line, that really means nothing except at the conceptual

2434 stage. Some where along that traverse, from basically Brook Road over to Parham Road

2435 Extended, someday, sometime, in the future, that would be connected somehow, and so that is

2436 very early in the process. The process is very variable and I live in the area where they are

2437 now talking about John Rolfe Parkway, and we've been watching the development of that in

2438 our neighborhoods now for five years, and it has been adjusted a dozen different times to

2439 minimize the impact on people, neighborhoods, and costs. So, I just want to assure everybody

2440 that this is only in the eyes of the dreamers. It is nothing more than that right at this stage.

2441

2442 Mr. Silber - Let me also point out that this is a public hearing on two elements of the

2443 County's Comprehensive Plan. The County's Comprehensive Plan is, again, a long-range

2444 review of how the County would like to grow. What is being considered here are changes to

2445 the Land Use Plan element and the Major Thoroughfare Plan element, or the road element.

2446 There is a two-step process. The Planning Commission hears in the form of a public hearing
2447 today, and then makes recommendation to the Board of Supervisors on these plan amendments,
2448 so the Board of Supervisors then will hold a work session to consider this study, and then make
2449 the final decision later this year. So today's action by the Planning Commission is a
2450 recommendation to the Board of Supervisors on action on these two plan elements.

2451

2452 Mr. Jernigan - So we need a motion to move it on to the Board of Supervisors.

2453

2454 Mr. Archer - Mr. Chairman, I will move to recommend the proposed amendment to
2455 the 2010 Land Use Plan and the 2010 Major Thoroughfare Plan for Scott Road to the Board of
2456 Supervisors.

2457

2458 Mr. Vanarsdall - Second.

2459

2460 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall.

2461 All in favor say aye. All opposed say no. The ayes have it. The motion is passed. Thank
2462 you all for coming out today.

2463

2464 The Planning Commission voted to recommend the proposed amendment to the 2010 Land Use
2465 Plan and the 2010 Major Thoroughfare Plan for the Scott Road Study to the Board of
2466 Supervisors.

2467

2468 Mr. Jernigan - Thank you all for coming out today.

2469

2470 **SUBSTANTIALLY IN ACCORD - RESOLUTION** - Clarke-Palmore Historic Site
2471 Substantially in Accord with the County of Henrico Comprehensive Plan

2472

2473 Mr. Silber - We are hearing this to determine whether this is in substantial accordance
2474 with the County's Comprehensive Plan. Again, this would be a recommendation from the
2475 Planning Commission to the Board of Supervisors. The Board of Supervisors would then act
2476 on this in final form.

2477

2478 Mr. Jernigan - Good morning, Ms. Moore.

2479

2480 Ms. Moore - Good morning. Thank you, Mr. Secretary and Mr. Chairman. The
2481 Division of Recreation and Parks proposes to restore the historic Clarke-Palmore property for
2482 a specialty program facility. The property consists of two parcels, totaling approximately 11
2483 acres. The property was donated by the owner to Henrico County in 1999, and a portion again
2484 in 2001.

2485

2486 The Clarke-Palmore property is situated on Marion Hill, just southeast of downtown
2487 Richmond, and east of Osborne Turnpike and in the Cool Street historic area. This area is
2488 predominantly residential, although M-2 Districts lie to the north and east of the site. The
2489 Cool Street historic area is recognized for its mix of architectural styles and its significance in
2490 the Civil War. Fortifications were built on Marion Hill. According to local accounts, the

2491 Clarke-Palmore house, having a panoramic view of downtown Richmond, was used as a
2492 heliograph station during the Civil War. This site is also one of Chief Powhatan earliest
2493 fortified villages.

2494

2495 The Clarke-Palmore house was constructed between 1840 and 1850. The two-story brick and
2496 clapboard structure is largely intact, including the building's original trim and open string
2497 stairs. The house has several period dependencies, including a smoke house and a barn, which
2498 was the original detached kitchen. It was converted into a barn in the early part of the 20th
2499 Century.

2500

2501 Although Hurricane Isabel felled several trees on the property, the grounds are still beautifully
2502 landscaped with mature, stately trees, which add unique character to the overall quality of this
2503 property. Although the Land Use Plan does not designate the front portion of this site
2504 containing the homestead for public use, retention of the site for recreational use supports a
2505 number of the historic and cultural goals of the plan to protect the culture and integrity of the
2506 County and guide development in the vicinity of these historic properties. It would also
2507 compliment the Open Space/Recreational and EPA designation located directly behind the
2508 homestead. The improvements, under the direction of the Division of Recreation and Parks,
2509 would create a cultural activity that would not be in conflict with or significant departure from
2510 these goals, objectives and policies of the plan. Staff recommends the Planning Commission
2511 approve the Resolution to fund the restoration of the historic Clarke-Palmore property for a
2512 specialty program facility substantially in accord with the County's Comprehensive Plan.

2513

2514 This concludes my presentation. I would be happy to try to answer any questions that you may
2515 have.

2516

2517 Mr. Jernigan - This may be premature, but do we have any estimates of cost yet?

2518

2519 Ms. Moore - No. I believe that there is a consultant on staff and I don't know if Leslie
2520 has any information on that. No, sir. Not at this time.

2521

2522 Mr. Vanarsdall - Jean, I missed the land use. What was the land use?

2523

2524 Ms. Moore - The land use designation for the front portion is SR-1, where the
2525 homestead is actually located directly behind it with the topo that drops off as O/SR followed
2526 by EPA.

2527

2528 Mr. Vanarsdall - Thank you.

2529

2530 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? Thank
2531 you. Any discussion with the Commission?

2532

2533 Mr. Taylor - No, Mr. Chairman. I just think it is a really good project that we
2534 conserve this historical structure and do what we need to do. It is in your district, and I think
2535 it is a well worthwhile undertaking and something that would benefit the community and the

2536 County in the long run.

2537

2538 Mr. Jernigan - All right. With that, I will make a motion that the Clarke-Palmore Site
2539 would be Substantially in Accord and we would move forward to the Board of Supervisors for
2540 their hearing.

2541

2542 Mr. Taylor - Second.

2543

2544 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor. All in
2545 favor say aye. All opposed say no. The ayes have it. The motion is passed.

2546

2547 The Planning Commission voted to approve the Clarke-Palmore Historic Site as being
2548 Substantially in Accord.

2549

2550 Mr. Silber - The next item would be, if we could act on the minutes, the July 23,
2551 2003 minutes.

2552

2553 Mr. Jernigan - Are there any corrections to the minutes of July 23, 2003?

2554

2555 Mr. Vanarsdall - If there are none, I will move that we approve the minutes of July 23,
2556 2003.

2557

2558 Mrs. Ware - Second.

2559

2560 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All
2561 in favor say aye. All opposed say no. The ayes have it. The minutes are approved.

2562

2563 The Planning Commission approved the July 23, 2003 Planning Commission minutes.

2564

2565

2566 **AT THIS TIME THE COMMISSION DISMISSED FROM THE BOARD ROOM AND**
2567 **THE MEETING CONTINUED IN THE PLANNING OFFICE LARGE CONFERENCE**
2568 **ROOM (THE FOLLOWING IS A SUMMARY, NOT VERBATIM MINUTES)**

2569

2570 **DISCUSSION ITEM:** Consideration of change of the Planning Commission, Rules and
2571 Regulations and Calendar relative to filing deadline for new applications for rezoning and
2572 provisional use permit requests.

2573

2574 Mr. Mariles - Recently, the Planning Commission has discussed several matters
2575 relative to improving the processing of items brought to the Commission. Discussions focused
2576 on improving efforts on application submissions, County agency review and input, and
2577 working to keep agenda lengths reasonable. I wanted to summarize the discussion points and
2578 some of the items for which we would work to improve.

2579

2580 1. The Commission reviewed revisions to its Rules and Regulations and the revised calendar

2581 for 2004, which increased the period between the filing deadline and meeting date for
2582 applications for rezoning and Provisional Use Permits. This action increases the period
2583 from 6 to 8 weeks. This will take effect for cases filed for the January, 2004 meeting.
2584

2585 2. The Commission would ask that the administration continue to work with the other County
2586 agencies to bring about timely review and an improved level of review and input on
2587 development applications filed. Special emphasis will also be placed on determining the
2588 adequacy of public facilities.
2589

2590 3. Members emphasized the importance of applicant's filing complete and quality
2591 applications. Staff agreed to encourage applicants to meet with staff in advance of their
2592 filing, prepare thorough proffers, and review the necessity for holding a community
2593 meeting to keep the surrounding owners informed.
2594

2595 4. There are several methods suggested for maintaining a manageable agenda so as to
2596 minimize meetings that extend late into the night. These methods included:
2597

- 2598 a. Starting meetings with long agendas earlier in the evening or afternoon.
- 2599
- 2600 b. Defer items for periods longer than one month (recognizing there are mandatory
2601 action periods established by State and local ordinances).
2602
- 2603 c. Avoid unnecessary deferrals.
- 2604
- 2605 d. Set additional meetings, as may be necessary, to handle heavy caseloads or other
2606 hearings for special studies.
2607

2608 5. Members and staff again discussed the need to encourage applicants to submit revised
2609 proffered conditions no later than 48 hours before the scheduled public hearing.
2610

2611 6. The staff suggests the Commission hold an annual work session each January after the
2612 appointment of new members. The work session is intended to review procedural matters,
2613 provide briefings on subjects important to the coming year, and hold specialized training
2614 for any new member.
2615

2616 I hope this summarizes the discussions that have been taking place recently. If I have missed
2617 something or inaccurately represented any topic, please advise me.
2618

2619 Staff noted that if this meets the satisfaction of all Commission members, we will begin
2620 implementing the discussed matters and will send a letter to the development community
2621 informing them of the calendar changes and other points important to them.

2622 Mr. Jernigan - I am concerned about not having staff members names associated with
2623 cases so I know who to call on if I have questions or need information.
2624

2625 Mrs. Ware - I also have a concern with this change.

2626

2627 Mr. Mariles - We will be happy to take another look at that matter.

2628

2629 Mr. Vanarsdall - I recommend approval of the change for the Planning Commission, Rules and Regulations and Calendar relative to filing deadline for new applications for rezoning and provisional use permit requests.

2632

2633 Mr. Archer - Second.

2634

2635 Mr. Jernigan - We have a motion and a second. All in favor say aye. All opposed say no. The ayes have it. The motion is approved.

2637

2638 The Planning Commission approved the **Discussion Item**: Consideration of the Planning Commission, Rules and Regulations and Calendar relative to filing deadline for new applications for rezoning and provisional use permit requests.

2641

2642 The Planning Commission adjourned at 1:20 p.m.

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2645

2646

2647

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

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2651

Randall R. Silber, Acting Secretary

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