

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

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5

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. Frank Thornton (Fairfield)
Board of Supervisors Representative
Mr. Randall R. Silber, Director of Planning, Secretary

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Mr. James P. Strauss, CLA, County Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Gregory Garrison, County Planner
Mr. Matt Ward, County Planner
Mr. Michael Jennings, Traffic Engineer
Ms. Diana B. Carver, Recording Secretary

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

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10 Mr. Branin: Good morning.

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12 Mr. Archer: Good morning, Mr. Chairman.

13

14 Mr. Jernigan: Good morning, Mr. Chairman.

15

16 Mr. Branin: Welcome to the January 24th POD Meeting for Henrico County. Mr.
17 Silber.

18

19 Mr. Silber: Yes, sir. Thank you, Mr. Chairman. We have all of the members of the
20 Planning Commission present this morning. Good morning to everyone. First on the agenda
21 would be consideration of deferrals and withdrawals. I believe we have one withdrawal and
22 several deferrals. We have provided you with a list of those and they're shown on the screen.
23 Ms. News is going to tell us about those.

24

25 Ms. News: Good morning members of the Commission, Mr. Secretary. We have four
26 items on this deferral and withdrawal agenda. The first is found on page 7 of your agenda and is

27 located in the Fairfield District. This is POD-55-06, Magellan Center. The applicant has
28 requested a withdrawal of this project.

29

30 **PLAN OF DEVELOPMENT (Deferred from the November 15, 2006 Meeting)**

31

POD-55-06
Magellan Center – Brook
Road and Telegraph Road
(POD-38-97 Revised)

**Foster & Miller, P.C. for Robert B. Ball, Sr. and Empire
Development:** Request for approval of a plan of development
as required by Chapter 24, Section 24-106 of the Henrico
County Code, to construct a one-story, 10,000 square foot
office/warehouse building. The 5.3-acre site is located on the
east line of Brook Road (U.S. Route 1) and the west line of
Telegraph Road, approximately 1,300 feet north of the
intersection of Brook Road and Mountain Road on parcel 784-
760-1564. The zoning is B-3, Business District. County water
and sewer. **(Fairfield)**

32

33 Mr. Branin: Is anyone in opposition of POD-55-06 deferral, withdrawal rather.

34

35 Mr. Archer: We don't need to do anything with it.

36

37 Mr. Silber: Well actually, on a POD, you need to act on it. On a zoning case, you do
38 not, but a POD, it does take Planning Commission action.

39

40 Mr. Archer: All right. I'm sorry, Mr. Chairman, go ahead and ask again.

41

42 Mr. Branin: All right. Is anybody in opposition of this withdrawal?

43

44 Mr. Archer: All right. Then I move that POD-55-06, Magellan Center, be withdrawn at
45 the applicant's request.

46

47 Mr. Jernigan: Second.

48

49 Mr. Branin: Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor say
50 aye. All opposed say no. The motion has been approved.

51

52 At the request of the applicant, the Planning Commission withdrew POD-55-06, Magellan
53 Center, from further consideration by the Commission.

54

55 Ms. News: The next item is on page 8 of your agenda and located in the Three Chopt
56 District. This is POD-65-06, Lowe's at Short Pump Plaza, Garden Center Expansion. The
57 applicant has requested a deferral to the February 28, 2007 meeting.

58

59 **PLAN OF DEVELOPMENT (Deferred from the December 13, 2006 Meeting)**
60

POD-65-06
Lowe's @ Short Pump
Plaza – Garden Center
Expansion
(POD-85-97 Revised)

McKinney & Company for Lowe's Home Centers, Inc.: Request for approval of a plan of development, as required by Chapter 24, Sections 24-106 and 24-56 of the Henrico County Code, for approval of the outside display of merchandise and an expansion of an existing garden center for an existing Lowe's home improvement store. The 16.21-acre site is located in the Short Pump Plaza Shopping Center on parcel 740-763-6239. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

61
62 Mr. Branin: Is anyone in opposition to the deferral of POD-65-06? With that, I'd like
63 to move that POD-65-06 be deferred to the February 28, 2007 meeting, per the applicant's
64 request.

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66 Mr. Vanarsdall: Second.

67
68 Mr. Branin: Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All in favor
69 say aye. All opposed say no. The ayes have it. The motion is approved.

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71 At the request of the applicant, the Planning Commission deferred POD-65-06, Lowe's at Short
72 Pump Plaza – Garden Center Expansion, to its February 28, 2007 meeting.

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74 Ms. News: Next on page 9 of your agenda and located in the Varina District is POD-
75 66-06, Easthampton Townhomes. The applicant has requested a deferral to the February 28,
76 2007 meeting.

77
78 **PLAN OF DEVELOPMENT (Deferred from the December 13, 2006 Meeting)**
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POD-66-06
Easthampton Townhomes –
S. Kalmia Street and E.
Jerald Street

Engineering Design Associates for Extra Enterprises Construction & Development, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 44, two-story, 1440 square feet townhouse for sale units totaling 63,360 square feet. The 6.58-acre site is located at the southeast intersection of S. Kalmia Avenue and E. Jerald Street on parcel 822-722-0609. The zoning is RTHC, Residential Townhouse District. County water and sewer. **(Varina)**

80
81 Mr. Branin: Is anyone in opposition of POD-66-06? Mr. Jernigan.

82
83 Mr. Jernigan: Mr. Chairman, I move for deferral to POD-66-06, Easthampton
84 Townhomes, to February 28, 2007, by request of the applicant.

85

86 Mrs. Jones: Second.

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88 Mr. Branin: Motion made by Mr. Jernigan, seconded by Mrs. Jones. All in favor say
89 aye. All opposed say no. The motion carries.

90
91 At the applicant's request, the Planning Commission deferred POD-66-06, Easthampton
92 Townhomes, to its February 28, 2007 meeting.

93
94 Ms. News: The final item is on page 34 of your agenda and located in the Fairfield
95 District. This is SUB-05-06, Collin Court (January 2007 Plan). The applicant is requesting a
96 deferral to the February 28, 2007 meeting.

97
98 **SUBDIVISION**

99
SUB-5-06 **E-COM, LLC for Edwin W. Simpson, Brian Marron and**
Collin Court **Andrew McLean:** The 5.082-acre site proposed for a
(January 2007 Plan) subdivision of 14 single-family homes is located on the north
2200-2206 Hungary Road side of Hungary Road, approximately 350 feet east of Hungary
Road on parcels 774-759-4136, 3363 (part) and 5843. The
zoning is R-3, One-Family Residence District. County water and
sewer. **(Fairfield) 14 Lots**

100
101 Mr. Branin: Is anyone in opposition to SUB-5-07? No one?

102
103 Mr. Archer: Mr. Chairman, I move deferral of SUB-5-07 to the February 28 meeting at
104 the applicant's request.

105
106 Mr. Vanarsdall: Second.

107
108 Mr. Branin: Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in favor
109 say aye. All opposed say no. The motion carries.

110
111 At the applicant's request, the Planning Commission deferred SUB-5-06, Collin Court, (January
112 2007 Plan), to its meeting on February 28, 2007.

113
114 Mr. Silber: Next on the agenda would be consideration of plans that are placed on an
115 agenda called the Expedited Agenda. These are plans that are somewhat minor in nature. There
116 are no outstanding issues. Staff is recommending approval of these plans. The applicant is in
117 agreement with all the annotations on the plans and the conditions that have been recommended.
118 The Planning Commissioner from the district has no outstanding issues with the plans, so they're
119 placed on an agenda that can be heard more quickly. There are several items on the expedited
120 agenda. If there is opposition to any of these plans, they would be pulled off of the expedited
121 agenda and heard in the order in which they are found on the full agenda. I believe we have a
122 good number of plans that are on the expedited agenda. Ms. News.

123 Ms. News: Yes, we do. The first item is found on page 2 of your agenda and is
124 located in the Tuckahoe District. This is a Transfer of Approval for POD-77-82, Gayton

125 Terrace. There is an addendum item on page 1 of the Addendum. There's a revised
126 recommendation indicating that the applicant has responded to staff's inspection report and will
127 resolve all issues, and an added condition #1 regarding correction of these deficiencies. Staff
128 can recommend approval.

129

130 **TRANSFER OF APPROVAL**

131

POD-77-82 (Revised)
and POD-3-06
Gayton Terrace –
12401 Gayton Road

E. D. Lewis for CSH-ING Gayton Terrace LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Aspen Gayton Terrace, LLC to CSH-ING Gayton Terrace LP. The 9.874-acre site is located on the east side of Gayton Road, south of the intersection of Gayton Road and Ridgefield Parkway on parcel 732-750-7894. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

132

133 Mr. Branin: Is anyone in opposition to POD-77-82?

134

135 Ms. News: We have a corrected number on that.

136

137 Mr. Branin: No one? Mrs. Jones?

138

139 Mrs. Jones: I move approval of the Transfer of Approval for POD-77-82, Gayton
140 Terrace at 12401 Gayton Road with the added condition #1, as listed on the addendum.

141

142 Mr. Jernigan: Second.

143

144 Mr. Branin: Motion made by Mrs. Jones, seconded by Mr. Jernigan. All in favor say
145 aye. All opposed say no. The motion carries.

146

147 The Planning Commission approved the transfer of approval request for POD-77-82, Gayton
148 Terrace at 12401 Gayton Road, subject to the standard and additional conditions previously
149 approved for developments of this type from Aspen Gayton Terrace, LLC to CSH-ING Gayton
150 Terrace LP and the following additional condition:

151

152 1. The site deficiencies, as identified in the inspection report dated December 27, 2006,
153 shall be corrected by the fall of 2007.

154

155 Ms. News: On the next item, we have a corrected page number. It's on page 3 of
156 your agenda and located in the Brookland District. This is also a Transfer of Approval for POD-
157 153-84, Five Star Gyros and Subs, which is formerly Long John Silvers. There is an addendum
158 item on page 1 of the Addendum, which indicates a change in the name of the project. Staff can
159 recommend approval.

160

161 **TRANSFER OF APPROVAL**

162

POD-153-84
Five Star Gyros & Subs
(Formerly Long John Silvers)
9076 W. Broad Street

CXD Properties LLC for KFC US Properties Inc.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from FFCA Acquisitions Corp. to CXD Properties LLC. The .527-acre site is located along the north line of W. Broad Street (U.S. Route 250) in the Tuckernuck Shopping Center on parcel 758-756-4067. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

163

164 Mr. Branin: Okay. Is anybody in opposition? No one?

165

166 Mr. Vanarsdall: All right. I move that POD-153-84, Five Star Gyros and Subs, that was
167 formally Long John Silvers, be approved on an expedited agenda with the deficiencies noted as
168 minor replacements of landscaping, and condition #1, and then on the agenda it just changes the
169 name. It's now Five Star Gyros and Subs.

170

171 Mr. Jernigan: Second.

172

173 Mr. Branin: Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan. All in favor
174 say aye. All opposed say no. The motion carries.

175

176 The Planning Commission approved the transfer of approval request for POD-153-84, Five Star
177 Gyros and Subs (Formally Long John Silvers) subject to the standard and additional conditions
178 previously approved for developments of this type from FFCA Acquisitions Corporation to CXD
179 Properties LLS and the following additional condition:

180

181 1. The deficiencies, as identified in the inspection report dated November 16, 2006 shall be
182 corrected by March 1, 2007.

183

184 Ms. News: The next item is on page 19 of your agenda, and located in the Fairfield
185 District. This is POD-1-07 and a Master Plan, formerly POD-68-94, for North Park Shopping
186 Center Outparcel at E. Parham Road and Brook Road. There is an addendum item on page 5 of
187 your Addendum, which includes a revised recommendation. The applicant has agreed to provide
188 additional landscape areas around the building, additional architectural treatments on the
189 building, and repair pavement in the existing areas of the shopping center, as identified in an
190 inspection report. There is an added condition #42 in the addendum regarding this pavement
191 repair. Staff recommends approval.

192 **PLAN OF DEVELOPMENT & MASTER PLAN**

193

POD-1-07 **Timmons Group for Robert B. Ball, Jr. and Albert S. Diradour:** 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 one, one-story, ~~1,922~~ **1,944** square foot restaurant with a drive thru and one, one-story, 3,750 square foot retail building. The vacant 1.304-acre site is located in the existing North Park Shopping Center, at the southeast corner of Parham Road and Brook Road, south of an existing Shell gas station on parcels 785-756-2214 and 3418. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

194

195 Mr. Branin: Is anyone opposed to POD-1-07? No one? Mr. Archer.

196

197 Mr. Archer: All right. Mr. Chairman, with that, I move approval of POD-1-07, North
198 Park Shopping Center Outparcel, E. Parham Road, subject to the standard conditions and the
199 additional conditions 24 through 41, and the item on the addendum.

200

201 Mr. Silber: That's correct. That would be new condition #42.

202

203 Mr. Archer: Forty-two, I'm sorry. That's an additional condition.

204

205 Mr. Silber: That's correct.

206

207 Mr. Jernigan: Second.

208

209 Mr. Branin: Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor say
210 aye. All opposed say no. The motion carries.

211

212 The Planning Commission approved POD-1-07, North Park Shopping Center Outparcel, E. Parham
213 Road, subject to the standard conditions attached to these minutes for developments of this type,
214 and the following additional conditions:

215

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

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

223 26. Prior to issuance of a certificate of occupancy for any building in this development, the
224 engineer of record shall certify that the site has been graded in accordance with the
225 approved grading plans.

226

27. Outside storage shall not be permitted.

- 227 28. The developer shall install an adequate restaurant ventilating and exhaust system to
 228 minimize smoke, odors, and grease vapors. The plans and specifications shall be
 229 included with the building permit application for review and approval. If, in the opinion
 230 of the County, the type of system provided is not effective, the Commission retains the
 231 rights to review and direct the type of system to be used.
- 232 29. The certification of building permits, occupancy permits and change of occupancy
 233 permits for individual units shall be based on the number of parking spaces required for
 234 the proposed uses and the amount of parking available according to approved plans.
- 235 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
 236 form acceptable to the County Attorney prior to final approval of the construction plans.
- 237 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
 238 approved by the County Engineer prior to final approval of the construction plans by the
 239 Department of Public Works.
- 240 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
 241 the Henrico County Code.
- 242 33. In the event of any traffic backup which blocks the public right-of-way as a result of
 243 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up
 244 facilities until a solution can be designed to prevent traffic backup.
- 245 34. Insurance Services Office (ISO) calculations must be included with the plans and
 246 contracts and must be approved by the Department of Public Utilities prior to the
 247 issuance of a building permit.
- 248 35. Approval of the construction plans by the Department of Public Works does not establish
 249 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 250 elevations will be set by Henrico County.
- 251 36. The conceptual master plan, as submitted with this application, is for planning and
 252 information purposes only. All subsequent detailed plans of development and construction
 253 plans needed to implement this conceptual plan may be administratively reviewed and
 254 approved and shall be subject to all regulations in effect at the time such subsequent plans
 255 are submitted for review/approval.
- 256 37. The location of all existing and proposed utility and mechanical equipment (including
 257 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 258 shall be identified on the landscape plans. All equipment shall be screened by such
 259 measures as determined appropriate by the Director of Planning or the Planning
 260 Commission at the time of plan approval.
- 261 38. Except for junction boxes, meters, and existing overhead utility lines, and for technical or
 262 environmental reasons, all utility lines shall be underground.
- 263 39. Only retail business establishments permitted in a B-3 zone may be located in this center.
- 264 40. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of
 265 the total site area.
- 266 41. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 267 42. All of the areas as identified during the site inspection on January 19, 2007 shall be
 268 repaired/re-sealed and re-stripped before May 30, 2007, or a bond shall be posted.

269
 270 Ms. News: Next on page 27 of your agenda and located in the Three Chopt District is
 271 POD-5-07, LPL Financial Services on Parham Road. The applicant is in agreement and staff
 272 recommends approval.

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PLAN OF DEVELOPMENT

POD-5-07
LPL Financial Services –
3115 N. Parham Road

Koontz-Bryant, P.C. for LPL Financial Services: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to convert a single-family residence to an office building and to construct related parking and site improvements. The 0.47-acre site is located on the southwest corner of the intersection of N. Parham Road and Skipwith Road on parcel 761-753-0697. The zoning is O-1C, Office District (Conditional). County water and sewer. **(Three Chopt)**

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Mr. Branin: Is anyone in opposition to POD-5-07? Okay. With that, I'd like to move that POD-5-07 be approved on the expedited agenda, including conditions 24 through 28.

Mrs. Jones: Second.

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Mr. Branin: Motion made by Mr. Branin, seconded by Mrs. Jones. All in favor say aye. All opposed say no. The motion carries.

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The Planning Commission approved POD-5-07, LPL Financial Services on Parham Road, subject to the standard conditions attached to these minutes for developments of this type and the following additional conditions:

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- 24. The right-of-way dedication of seven feet from face curb is required along Parham Road, right-of-way dedication of 33 feet from centerline is required along Skipwith Road, and a right-of-way cord at the intersection of Parham Road and Skipwith Road of 50 feet in length is required for any future traffic signal changes.
- 25. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 26. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
- 27. A standard concrete sidewalk shall be provided along the south side of Parham Road and the west side of Skipwith Road.
- 28. The proffers approved as a part of zoning case C-9C-91 shall be incorporated in this approval.

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Ms. News: Next on page 29 of your agenda, and located in the Varina District, is POD-48-05, previously POD-106-00 expired. This is an architectural reconsideration for Roffis Office Building to change building materials. Staff recommends approval.

PLAN OF DEVELOPMENT – ARCHITECTURAL RECONSIDERATION

310

POD-48-05
Roffis Office Building –
4825 S. Laburnum Avenue
(POD-106-00 Expired)

Engineering Design Associates and Evans Construction for ARKS, LLC: Request for approval of revised architectural plans for a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 7,687 square foot medical office building. The 1.309-acre site is located on the east side of S. Laburnum Avenue, approximately 320 feet south of Finlay Street on parcel 816-715-2511. The zoning is B-2C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer.
(Varina)

311

312 Mr. Branin: Is anyone opposed to POD-48-05? No one?

313

314 Mr. Jernigan: Mr. Chairman, with that I'll move for approval of Architectural
315 Reconsideration of POD-48-05, Roffis Office Building, using the previous conditions of POD-
316 48-05 that were in the project before, and the reconsideration.

317

318 Mr. Vanarsdall: Second.

319

320 Mr. Branin: Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor
321 say aye. All opposed say no. The motion carries.

322

323 The Planning Commission approved the architectural reconsideration for POD-48-05, Roffis
324 Office Building, subject to the standard conditions for developments of this type and the
325 previous additional conditions with this case.

326

327 Ms. News: On page 35 of your agenda and located in the Fairfield District is
328 Subdivision 7-07, Langley East (January 2007 Plan) on Mountain Road for four lots. Staff
329 recommends approval.

330 **SUBDIVISION**

331

SUB-7-07
Langley East
(January 2007 Plan)
1821 Mountain Road

McKinney & Company for Bain Waring Builders: The 1.315-acre site proposed for a subdivision of 4 single-family homes is located at the southwestern intersection of Mountain Road and Langley Road on parcel 779-762-6430. The zoning is R-4, One-Family Residence District. County water and sewer.
(Fairfield) 4 Lots

332

333 Mr. Branin: Is anyone in opposition of SUB-7-07? No one.

334

335 Mr. Archer: Mr. Chairman, I move approval to SUB-7-07, Langley East, subject to the
336 standard conditions for subdivisions served by public utilities and the additional conditions 12, 13,
337 and 14.

338

339 Mr. Vanarsdall: Second.

340

341 Mr. Branin: Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor say
342 aye. All opposed say no. That motion carried.

343

344 The Planning Commission granted conditional approval to SUB-7-07, Langley East (January
345 2007 Plan), subject to the standard conditions attached to these minutes for subdivisions served
346 by public utilities and the following additional conditions:

347

348 12. A County standard sidewalk shall be constructed along the south side of Mountain Road.

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

359

360 Ms. News: The next item is on page 36 of your agenda and located in the Fairfield
361 District. This is SUB-8-07, Austin Manor (January 2007 Plan) on Austin Avenue for three lots.
362 There is an added condition on page 8 of your Addendum, condition #14 regarding the removal of
363 an existing garage on the property, which is to be removed in the event a house does not receive a
364 building permit within two years of recordation of the plat.

365

366 **SUBDIVISION**

367

SUB-8-07
Austin Manor
(January 2007 Plan)
3811 Austin Avenue

McKinney & Company for Rosemary Jones, ET ALS and Greg Oliver: The 1.032-acre site proposed for a subdivision of 3 single-family homes is located approximately 200 feet from E. Laburnum Avenue on parcel 801-736-1112. The zoning is R-4, One-Family Residence District. County water and sewer. **(Fairfield) 3 Lots**

368

369 Mr. Branin: Is anyone in opposition to SUB-8-07? No one? Mr. Archer?

370

371 Mr. Archer: Mr. Chairman, I move approval of SUB-8-07, Austin Manor, subject to the
372 annotations on the plan, standard conditions for subdivisions served by public utilities, and the
373 additional conditions 12 and 13, and 14 added on the addendum.

374

375 Mr. Vanarsdall: Second

376

377 Mr. Branin: Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in favor say aye.
378 All opposed say no. The motion carries.

379

380 The Planning Commission granted conditional approval to SUB-8-07, Austin Manor (January 2007
381 Plan), subject to the annotations on the plan, standard conditions attached to these minutes for
382 subdivisions served by public utilities, and the following additional conditions:

383

384 12. A County standard sidewalk shall be constructed along the south side of Austin Avenue.

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

387 14. The existing garage shown on Lot # 2 #12 shall be removed within two years of the
388 recordation of the plat, unless a building permit is approved for a primary dwelling on the
389 lot prior to that time. A bond shall be posted prior to recordation of the plat for
390 demolition of the existing garage.

391

392 Ms. News: The final item is on page 37 of your agenda and located in the Varina
393 District. This is SUB-9-07, Elko Place (January 2007 Plan) on White Oak Road for four lots.
394 Staff recommends approval.

395

396 **SUBDIVISION**

397

SUB-9-07
Elko Place
(January 2007 Plan)
6480 White Oak Road

Parker Consulting, LLC for Presbytery of The James, Inc. and West End Developers, LLC: The 4.7-acre site proposed for a subdivision of 4 single-family homes is located at the northeastern intersection of Elko Road (State Route 156) at White Oak Road on parcel 856-703-4406. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. **(Varina) 4 Lots**

398 Mr. Branin: Is anyone in opposition to SUB-9-07? Nobody?
399

400 Mr. Jernigan: Mr. Chairman, I move for approval of SUB-9-07, Elko Place, subject to the
401 annotations on the plans, the standard conditions for subdivisions served by public water and
402 individual septic tank and drain field, and the additional conditions 12, 13, and 14.
403

404 Mr. Vanarsdall: Second.
405

406 Mr. Branin: Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor
407 say aye. All opposed say no. This motion carries.
408

409 The Planning Commission granted conditional approval to SUB-9-07, Elko Place (January 2007
410 Plan), subject to the annotations on the plans, the standard conditions attached to these minutes for
411 subdivisions served by public water and individual septic tanks and drain field, and the following
412 additional conditions:
413

414 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
415 foot-wide planting strip easement along Elko Road (State Route 156) on Lot 3 shall be
416 submitted to the Department of Planning for review and approval prior to recordation of the
417 plat.

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

420 14. Any future building lot containing a BMP, sediment basin or trap and located within the
421 buildable area for a principal structure or accessory structure, may be developed with
422 engineered fill. All material shall be deposited and compacted in accordance with the
423 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
424 professional engineer. A detailed engineering report shall be submitted for the review and
425 approval by the Building Official prior to the issuance of a building permit on the affected
426 lot. A copy of the report and recommendations shall be furnished to the Directors of
427 Planning and Public Works.
428

429 Ms. News: That completes our Expedited Agenda.

430 Mr. Silber: Next on the agenda would be consideration of extension of conditional
 431 subdivision approvals. You'll note on your agenda that we have one subdivision that will require
 432 Planning Commission action. This is Lafayette Park. There are five additional subdivisions that are
 433 shown for informational purposes that these can be approved administratively. If the Commission
 434 has any questions about those listed for informational purposes, staff's here to answer your
 435 questions. Likewise, on Lafayette Park, staff is here to answer questions on this, and this does
 436 require Planning Commission action.

437

438 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL:**

439

440 **FOR PLANNING COMMISSION APPROVAL**

441

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Lafayette Park (January 2001 Plan)	Varina	121	80	5	1 Year 01/23/08

442

443

444

FOR INFORMATIONAL PURPOSES ONLY

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Henley (October 2003 Plan)	Three Chopt	80	32	2	2 Years 01/28/09
Hoke Brady Farms (October 2005 Plan)	Varina	43	43	0	1 Year 01/23/08
Roundabout Estates (January 2005 Plan)	Varina	61	61	1	1 Year 01/23/08
Shady Oak Farm (January 2006 Plan)	Varina	16	16	0	1 Year 01/23/08
Westin (January 2005 Plan)	Three Chopt	34	34	1	1 Year 01/23/08

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461

Ms. Goggin: Good morning. This was approved by the Planning Commission back in January of 2001 as Malvern Hill Manor. That might be what you all remember it as. The reason that this project has taken so long is basically obtaining the permits for disturbance from the Corps of Engineers, Department of Environmental Quality, State of Virginia, and other regulatory permitting processes. It's taken a while. Staff can recommend extension of this, due to the extraordinary circumstances. They were just trying to get it approved.

Mr. Silber: This does require Planning Commission action.

Mr. Branin: Okay.

Mr. Jernigan: With that, Mr. Chairman, I'll make a motion to extend Subdivision Lafayette Park for one year for the remaining 80 lots.

Mr. Vanarsdall: Second.

462 Mr. Branin: Okay. Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
463 favor say aye. All opposed say no. Motion carried.

464
465 The Planning Commission approved the extension of subdivision Lafayette Park for one year for
466 the 80 remaining lots until January 23, 2007.

467
468 Mr. Silber: Thank you.

469
470 Before we move into the full agenda, I wanted to introduce a new staff member in the Planning
471 Department. We have a new Planner II in the Plan Review Section. Matt, if you could stand,
472 please. This is Matt Ward. He is a new Planner II and will be working under Leslie's direction in
473 her division. Matt comes to us from the City of Concord, North Carolina, where he was a senior
474 planner. Before that, he worked for Rowan County in North Carolina as a county planner. He
475 comes to us with a fair amount of experience and we're glad to have him with us to hit the ground
476 running. He has his bachelor's degree in Geography and Urban Planning from UNC-Greensboro.
477 I just wanted to introduce him to the Planning Commission.

478
479 Next on the agenda would be on page 4. This is an alternative fence height plan.

480
481 **ALTERNATIVE FENCE HEIGHT PLAN**
482

Garcia Residence – 12198 Kain Road, off Pouncey Tract Road	Carlos Sol for Raul Garcia: Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-95(1)7 of the Henrico County Code to authorize a fence exceeding 42 inches in a front yard. The 7.45-acre site is located on the north side of Kain Road approximately .2 mile west of Pouncey Tract Road on parcel 730-767-2794. The zoning is A-1, Agricultural District. (Three Chopt)
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483
484 Mr. Garrison: Good morning. Mr. Garcia erected a fence exceeding the allowable height
485 of 42 inches, without approval, in his front yard for a distance of 710 feet along Kain Road. The
486 applicant, Mr. Garcia, states that he built a six-foot tall wooden fence in his front yard to address
487 safety concerns for the neighborhood children and pets from accessing the pond on his property.
488 He states that the fence was placed as close as possible to the pond, which allows 20 additional
489 feet from the right-of-way, therefore preventing the fence from being obtrusive. Additionally,
490 the fence is situated behind the existing trees in the front yard so as not to make it as visible to
491 the drivers.

492
493 County Code limits the maximum fence height of a fence in an agriculturally zoned front yard to
494 three feet, six inches, unless an alternative fence height is approved by the Planning
495 Commission.

496
497 Staff has received numerous phone calls in opposition to the fence and has received a petition
498 by the neighborhood association. Furthermore, staff has concerns about the quality of the
499 construction of the fence, which have been discussed with the applicant. The staff has made

500 several suggestions to improve the aesthetics and quality of the fence including provisions of
501 columns every 40 feet, scalloping the top of the fence, and staining the fence.

502
503 The applicant is here to answer any questions you may have. Mr. Garcia would also like to
504 state his reasoning for the fence as well.

505
506 If there are any questions, I'll be happy to answer them.

507
508 Mr. Branin: Mr. Garrison, before we ask you any questions, is there anyone in the
509 audience in opposition to this? Several. Mr. Secretary, would you explain the rules of
510 opposition if they choose to speak?

511
512 Mr. Silber: Yes. The applicant has 10 minutes to present their case, this case on the
513 alternative fence height. He can save some of that time for rebuttal. The opposition has
514 cumulatively a total of 10 minutes to present their case in opposition to this request. Any time
515 the Commission is asking questions of either party, that's not counted towards your allocated 10
516 minutes. Of course, the Planning Commission could extend that allotment of 10 minutes if they
517 so desire.

518
519 Mr. Branin: Thank you, sir. Does anybody have any questions for Mr. Garrison?

520
521 Mr. Archer: I'd like to ask the applicant a couple of questions.

522
523 Mr. Branin: Okay. No questions for Mr. Garrison?

524
525 Mr. Archer: I have no questions for Mr. Garrison.

526
527 Mr. Branin: Thank you. Can we hear from the applicant please? Mr. Garcia?

528
529 Sir, could you come down and introduce yourself, please?

530
531 Mr. Sol: My name is Carlos Sol. I'm representing Mr. Garcia. I'm the designer
532 and the builder for him. The reason he built this fence is, basically, for protection of the
533 integrity of the pond. He knows that he's in violation of the Code right now. He didn't know
534 before. The way that he would like to present this is bringing an alternative to the existing
535 fence that he has done. I don't know if I can show this.

536 Mr. Branin: Actually, you can. Mr. Garrison, would you help?

537
538 Ms. Sol: Sorry about the drawings, but we just sketched it in there. Okay. If you
539 allow us to scalp the front and leave the highest—if we can keep the six foot of the existing
540 fence and scallop to the 42 inches that would be in compliance with the Code, and also right at
541 the front, put some landscaping as trees and shrubs and all that, to architecturally blend a little
542 better with the neighborhood, with an ornamental top in each post of the fence. That is a
543 proposal that we pretty much would like for you to consider, an alternative to the straight fence
544 that has been built in there. That will allow him to kind of protect his property from the kids

545 trying to get inside, as well as maybe to the neighborhood will be more appealing, to go with
546 this alternative.

547

548 Mr. Branin: Sir, the 4 x 4, with the braces, what would the height of that be?

549

550 Mr. Sol: Six feet.

551

552 Mr. Branin: Are you proposing also that you put some sort of cap, because you show
553 a decorative cap on top of this.

554

555 Ms. Sol: That is correct.

556

557 Mr. Vanarsdall: My question is who was the contractor?

558

559 Mr. Sol: He was.

560

561 Mr. Vanarsdall: He was?

562

563 Mr. Sol: Yes.

564

565 Mr. Vanarsdall: The letter that I received, that all of us received, has about 50, not quite
566 50 names from the community on it. They say that Henrico inspectors came out with two
567 citations and he continued to build the fence. Regardless of what it looks like now, what was
568 the reason he disobeyed the County? In other words, you said he didn't know he needed a
569 permit to begin with.

570

571 Mr. Sol: Right.

572

573 Mr. Vanarsdall: That's one thing, but why did he did not stop the fence once the County
574 came and said, "You're in violation"?

575

576 Mr. Sol: I spoke with the inspector about that. He was out of the country when the
577 inspector came and the workers were just working there without a stop order from him. That's
578 why. It's not like he resisted, to continue, he just wasn't here. I spoke with the inspector and he
579 agrees that he couldn't reach Mr. Garcia at that point.

580

581 Mr. Vanarsdall: So, he didn't write him up for anything, he just cited him?

582

583 Mr. Sol: Yes.

584

585 Mr. Vanarsdall: Why did the fence have to be that high to begin with?

586

587 Mr. Sol: It's a pond in there. Basically, just for safety reasons. According to what
588 he was telling me, he found a dog that drown in the pond and he's afraid of kids or somebody
589 else.

590 Mr. Vanarsdall: Why didn't he put a fence around the pond?

591
592 Mr. Sol: Well—
593
594 Mr. Vanarsdall: It would have taken care of that.
595
596 Mr. Sol: Yes, it would take care of that, but he was trying to incorporate that fence
597 to the property.
598
599 Mrs. Jones: Mr. Sol, I have a question. You said that the suggested design you're
600 showing in front of us would bring your fence in compliance with the Henrico County Code.
601 Has that been confirmed by staff?
602
603 Mr. Sol: No. What I'm saying is, we will comply in the lowest point.
604
605 Mrs. Jones: You realize you'll still be in violation.
606
607 Mr. Sol: That's correct.
608
609 Mrs. Jones: All right. My other question is having driven by your property and looked
610 at the fence in question, right down the road two properties away—no, maybe three or four—is
611 another farm pond, which is close to the road and totally unfenced and unprotected. I wonder
612 why those folks haven't felt that they need to fence off the pond?
613
614 Mr. Sol: I cannot answer that because [unintelligible]. It's how you feel, what
615 chances you want to take in life, I don't know.
616
617 Mrs. Jones: The third question is, when you fence off a property or a subject like a
618 pond, normally a fence along one side and part of a second side does not keep that fenced off.
619 Normally, four sides would have to be used to fence something off. Why was the fence not
620 continued around the property?
621
622 Mr. Sol: Well, he is trying to prevent from the outside to get in. He can control
623 the inside of the—
624
625 Mrs. Jones: You just go around the side.
626
627 Mr. Sol: The other side.
628
629 Mrs. Jones: It doesn't extend around the property.
630
631 Mr. Garcia: I didn't finish the fence.
632
633 Mr. Branin: Sir, identify yourself. Let me explain why. All Commission meetings
634 are taped for record for minutes and so forth. So, we need you to state your name so we have
635 the record so we know.
636

637 Mr. Garcia: My name is Raul Garcia.
638
639 Mrs. Jones: Thank you.
640
641 Mr. Garcia: Okay. The questions you ask to Mr. Sol, I didn't finish all around the
642 property because first thing, wood fence is expensive. I am planning on in the future to divide
643 the property in lots, but not right now. Now I am concerned about the fence. Hunters can come
644 in and I really don't want anybody to come into the property with the shell guns or anything.
645 I've seen them. I'm probably going to finish all around with a wire fence, if that's approved,
646 the rest of the property, which is on the back side.
647
648 Mrs. Jones: Yes.
649
650 Mr. Vanarsdall: You mean like a chain link fence, something like that.
651
652 Mr. Garcia: Yes. Like wire mesh. It's less expensive than the wood fence.
653
654 Mr. Vanarsdall: Thank you.
655
656 Mr. Branin: Did anyone else have any other questions for Mr. Sol or Mr. Garcia?
657 None? Would the opposition like to come and speak?
658
659 Mr. Jernigan: You all can come up. It's not just one of you; all of you can come.
660
661 Mr. Branin: You don't even have to yield, ma'am; you both can speak.
662
663 Mr. Jernigan: All of you have a chance. You have 10 minutes.
664
665 Mr. Vanarsdall: You want him to break the ice.
666
667 Mr. Matthews: Good morning. My name is Steve Matthews and I am a property owner
668 on Kain Road. I also have a residence in the cul-de-sac at the end of Kain Road. This is the
669 gateway to our little community and our little piece of heaven. Right now, the fence being at
670 the 700-and-some-odd feet long is quite an eyesore to drive past. We know that residential is
671 creeping in on us and it's only a matter of a year or so before we're going to have housing
672 development after housing development and we're going to have a lot more of these fences. If
673 we set a precedent now where we can have a six-foot stockade fence, I think these future homes
674 are going to want a six-foot stockade fence for Kain Road. Number two, the pond has been
675 there forever. There have been no complaints from the prior owner prior to Mr. Garcia. The
676 pond used to have ducks, geese, occasional blue heron that we could see as we came home.
677 Very rural country road. Now, we have a stockade fence and it's quite an eyesore. We have to
678 pass it going to work, coming home from work. If we allow it, I can only image that the future
679 homeowners are going to want a stockade fence to protect their interests also.
680
681 Mr. Vanarsdall: What do you think of this design?
682

683 Mr. Matthews: The design is almost acceptable. It would be pretty. I don't know how
684 you can actually landscape 720 some-odd feet of frontage.

685
686 Mr. Vanarsdall: That's a lot of landscaping.

687
688 Mr. Matthews: Absolutely. A lot of dollars involved in correcting this fence.

689
690 Mr. Branin: Mr. Matthews, we understand that it is in violation. We understand that
691 what he's proposing is also in violation because the maximum height would still be the poles,
692 which will be at six foot.

693
694 Mr. Matthews: Yes.

695
696 Mr. Branin: When the Commissioner asked you what you thought, you said you're
697 almost in agreement. Can you expand on that in any way?

698
699 Mr. Matthews: There's some old history that goes along with this property. Currently, I
700 believe the present fence is there to hide illicit activity that has gone on in the past, and can go
701 on in the future. Number two, there's a lot of trash problems with this property and adjoining
702 properties, and I believe that the fence now, and it's a good thing, it hides the trash. Without
703 the fence, we have a trash mess.

704
705 Mr. Branin: My question is really on if we do approve this fence, it will still be in
706 violation of the code. What I'm trying to get a feel for is if the residents are okay with this
707 sculpted fence that is in violation, or are you guys looking as a neighborhood for it to come all
708 the way down to 42, the highest point being 42?

709
710 Mr. Matthews: I think the highest point being 42, if the column is six-foot tall with a
711 scallop, of 42 with a scallop is more appealing, if you have to have a fence. I would have to
712 think that we could take a drawing to the people that have signed the petition and ask their
713 advice. Speaking for myself, the 42-inch height with the scallop is a tremendous improvement
714 over the six-foot stockade that's there now.

715 Mr. Branin: Thank you.

716
717 Ms. Powell: My name is Sara Powell and I live in Steve's neighborhood at the end of
718 the road and we pass it every day. I've got the original petition, if you need it. I've added three
719 or four names since, and now we have over 50 names against this fence. The people on the
720 petition want to see the fence come down all the way to 42 inches. All the way. The pond, I
721 have to address the pond. The pond is a little pond and it's never been a problem. I've lived out
722 in that neighborhood since '78 and we've enjoyed the pond. We've enjoyed the property, until
723 recently. It is aesthetically just wrong for the whole road. Kain Road is one of the few real
724 rural roads left in this county in the West End, and we'd like to keep it that way as long as
725 possible although we know development's coming. As far as the people that use the road
726 currently enjoy the open spaces. That's why we moved out there. We just hate to see it ruined.
727 Everybody else has put up very nice decorative split-rail fences, except this eyesore.
728 Everybody that signed the petition said, "What is this junkyard fence?" That's exactly what it

729 looks like. Like you said, we have other large ponds. We have two big ponds beside, I think,
730 the one you were referring to and they've never been a problem. I think if we don't enforce the
731 Code on this one, we've opened a can of worms for the rest of the County. I think it will only
732 get worse. I think it's more important now than ever before to enforce these codes, because if
733 they're not enforced now, it'll go rampant through the County. Thank you.

734

735 Mr. Branin: Thank you, Ms. Powell.

736

737 Mr. Vanarsdall: Thank you.

738

739 Mr. Branin: Is there anyone else?

740

741 Mr. Perkins: Good morning. My name is Channing Perkins. I live at the end of Kain
742 Road. I also have a rental house third house down from Mr. Garcia's. With the subject
743 property, the pond there, he mentioned concern about kids getting in or what have you. The
744 previous owner of the property, I believe, used to be out there in waders in order to clean it. So,
745 I do not think it's a deep pond. The other two ponds, as you've mentioned, one doesn't have a
746 fence, the other one only has a 42-inch split fence. I just feel this fence is very wrong for the
747 aesthetics, for the preservation of all the properties along that corridor, and properties to come.
748 Thank you.

749

750 Mr. Vanarsdall: Would you accept the fence that's up there (pointing to the screen)?

751

752 Mr. Perkins: I don't see where you're going to scallop from 6 foot down to—

753

754 Mr. Vanarsdall: Forty-two inches.

755

756 Mr. Perkins: —42 inches. That's 30 inches of scallop. I don't see how you're going to
757 make it look right.

758

759 Mr. Branin: Mr. Perkins, I agree with you, and that's if I was going to recommend
760 lowering the pillars, to get a sculpted look that would bring down the lowest point to 42 of the
761 sculpture, they would have to come down to at least five feet with the poles, because I'm in
762 agreement with you. I can't see how you can get—

763

764 Mr. Perkins: I don't see how he can do a difference of 30 inches and still have it look
765 aesthetically pleasing to anybody.

766

767 Mr. Branin: Right.

768 Mr. Perkins: The other issue is, back I guess it was about three weeks ago, we had a
769 lot of rain, kind of a torrential downpour. The fence crosses the spillway of the pond. The
770 County of Henrico went and fixed that spillway, I guess it was about four or five years ago.
771 During that rain, there was a cooler that was lodged between the fence right where the spillway
772 was, obstructing the path of the water flow. This is a concern of mine, given that what other
773 trash might end up between, because the fence goes right over that little spillway. What's to
774 prevent something larger from getting in there, blocking the water up, then forcing the fence to

775 burst as a dam might, and then block the road and we have to go all the way around 'cause the
776 only other access point we have to our neighborhood or anywhere else on Kain Road, is by
777 going through Shady Grove Estates and Mill Lane Road.

778

779 Mr. Branin: Thank you, Mr. Perkins.

780

781 Mr. Perkins: Thank you.

782

783 Mr. Branin: Two and a half minutes left. Is there anyone else? No one? Mr. Sol, Mr.
784 Garcia, do you want come down and make any comments one way or the other?

785

786 Mr. Sol: My only comment that I would make at this point is I believe that six foot
787 probably is a little too high for the post. Five feet will make it more attractive in going from five
788 foot to 42 inches. I agree with that.

789

790 Mr. Branin: Okay. Any Commissioners have any other comments or questions?

791

792 Mr. Archer: Does the five-foot portion still require an alternate fence height plan?

793

794 Mr. Silber: Yes, sir.

795

796 Mr. Archer: Okay.

797

798 Mr. Jernigan: Anything above 42.

799

800 Mr. Archer: At any portion. Even the post.

801

802 Mr. Silber: That's correct.

803 Mrs. Jones: I have a comment. My assessment of this is probably largely driven by
804 the fact that I need to hear the indisputable reason why this has to be an alternate fence height.
805 So far, I haven't heard you say that you can accomplish a lot with the plans you're putting
806 forward that you couldn't accomplish with a fence that is in compliance with Henrico County
807 Code.

808

809 Mr. Vanarsdall: I haven't either.

810

811 Mr. Sol: One thing that I will say is that the 42 inches all straight, it would be
812 probably less attractive than some architectural element that would do the scallop, going from
813 42. For the look of seeing a 42-inches fence straight that would be in compliance with the
814 County versus five feet to 42 scalloped, probably architecturally more pleasing, would be much
815 better. That would be my only comment.

816

817 Mr. Archer: Sir, if this Commission did not approve the alternate fence height, would
818 you build a 42-inch anyway?

819

820 Mr. Garcia: Yes. If I have to do it, I will.

821
822 Mr. Archer: You would build a 42-inch regardless.
823
824 Mr. Garcia: Have to cut it, the whole fence, to 42.
825
826 Mr. Silber: They're just going to top it.
827
828 Mr. Garcia: He's going to do the same way it is now, just lower.
829
830 Mr. Vanarsdall: Shorter.
831
832 Mr. Archer: Then my next question would be, for one of the representatives from the
833 neighborhood, if you're going to end up with a 42-inch fence, would you consider, what was it,
834 five scalloped down to 42?
835
836 Mr. Branin: I think we could even do it at 48.
837
838 Mr. Archer: At 48 scalloped down to 42. If it would create something that's more
839 attractive—
840
841 Mr. Branin: That would be our goal.
842
843 Mr. Archer: Yes.
844
845 Mr. Sol: It is going to be more expensive to do it that way than just go ahead and
846 take that chainsaw and cut it.
847
848 Mr. Archer: I understand that, but I guess I'm trying to come up with the best of both
849 worlds here. In order to achieve that, we need to know if the neighborhood would rather see 48
850 scalloped down or just a flat 42 straight across, which is what he said we would end up with.
851
852 Ms. Powell: You're talking about 48 inches for the posts rather than five feet.
853
854 Mr. Branin: The highest level, which would be the posts.
855
856 Mr. Jernigan: Does that include the cap?
857
858 Mr. Vanarsdall: In other words, the pole would be six inches higher than the fence itself.
859
860 Ms. Powell: Forty-eight inches is a lot different than five feet.
861
862 Mr. Vanarsdall: It wouldn't go to five feet; it would go to 48 inches, which is four feet.
863
864 Mr. Branin: Four feet and drop down to 42.
865

866 Mr. Silber: Another alternative would be to have the top of post be at 48 inches and
867 the bottom of the scallop would be at 36 inches.

868
869 Ms. Powell: That would be even better.

870
871 Mr. Silber: It would be a foot difference. That would be six inches above what the
872 Code says, but then you're coming down six inches below the Code in the middle. I think it
873 would look more attractive.

874
875 Ms. Powell: Or if we go to 42-inch height for the post, then they could scallop it—

876
877 Mr. Branin: [Unintelligible] straight across.

878
879 Mr. Sol: The alternative of the post is just to bring a little more attractive look of
880 the fence.

881
882 Mr. Branin: Right.

883
884 Mr. Branin: I'm willing to concede a little height to get a little beauty.

885
886 Ms. Powell: To go to 48-inch posts.

887
888 Mr. Branin: Forty-eight inch posts.

889
890 Ms. Powell: Down to a 42-inch scallop. At what span would that be?

891
892 Mr. Branin: From pole to pole. Are your poles six or ten? Eight foot on center? Ms.
893 Powell, we can rule that it has to be a straight 42-inch fence, okay?

894
895 Ms. Powell: The scallop would probably look better.

896
897 Mr. Branin: He'll comply to that and we know how he's going to comply because
898 he's already told us how he's going to comply. He's going to get a chainsaw and measure out
899 42 inches, put a chalk line and cut it off. What that will end up doing is providing you with
900 another eyesore, but they're in compliance.

901
902 Ms. Powell: I understand.

903 Mr. Branin: I'm willing to give them a little height to get the aesthetics.

904
905 Mr. Matthews: I don't know if Greg was able to get in touch with Public Works. Has
906 Public Works reviewed the spillway issue on it and any obstruction that might end up
907 happening?

908
909 Mr. Garrison: It's out of the right-of-way.

910
911 Mr. Vanarsdall: You need to get up here so we can hear you, Greg.

912
913 Mr. Garrison: Yes, I spoke with Public Works. They didn't have any issues with it.
914 Traffic said it was clearly out of the right-of-way.
915
916 Mr. Matthews: With that big spillway coming in, [unintelligible] right there on Kain
917 Road.
918
919 Mr. Garrison: Right. Public Works didn't have any issues.
920
921 Mr. Matthews: Okay. I saw the cooler and I saw the water being clearly blocked there.
922 If the water was to be blocked and it backed up, would there be enough force to cause the fence
923 to go down? Is there anything that Public Works would like to see done on that fence crossing
924 the spillway?
925
926 Mr. Garrison: They didn't indicate that.
927
928 Mr. Matthews: Okay.
929
930 Mr. Jernigan: Mr. Chairman, I have one question. Let's clear this up so when the
931 inspector goes out there, is the top of the pole including the ornamental fixture on top?
932
933 Mr. Branin: I was going to do it at 48 inches to the top of the pole. With the
934 ornamental fixture, it would probably come out at probably right at 50.
935
936 Mr. Jernigan: Okay. I just wanted to make sure so we knew that the pole height itself is
937 48 and then the ornamental on top of it is not included into the height.
938
939 Mr. Matthews: Steve Matthews. I just want to be clear, are we talking the entire fence,
940 the side property?
941
942 Mr. Branin: No sir. I was going to ask them to scroll the side and dress it up, but that
943 will be their decision.
944
945 Mr. Archer: Nothing else is in violation right now.
946
947 Mr. Jernigan: The side yard and backyard can be six feet.
948 Mr. Silber: Let me clarify that, though. The Code says that the front yard is not just
949 where the fence is parallel to the road, but where it turns and moves back towards the front
950 building elevation or the front yard setbacks. Where the front yard setback is at, they need to
951 extend that shortened fence back to that point.
952
953 Mr. Jernigan: If you draw a line across the front of the house all the way across, that
954 would be considered the front yard.
955
956 Mr. Thornton: Mr. Chairman, I'm extremely empathetic to Mr. Garcia, I suspect, but
957 you know, these kind of cases always raise, in my mind, an issue that we need to always

958 remember, and that is that the residents who live on this street have been there for some time.
959 Having lived there for some time, they, then, are stewards of that particular residence. When you
960 have something like this, which detracts and is also not according to the law there, as someone
961 said earlier, it creates a bad precedent. I see what, I think, the Commissioners are going to do.
962 They're going to try to ameliorate that. I think we need to be very, very sensitive in sending
963 messages to the County residents. The first is you have to honor the Code for the County, and
964 we have to start respecting neighborhoods better. This whole idea of putting up fences. Robert
965 Frost talks about that. We need to be a little bit careful. My only point is that sometimes when
966 we make a mistake, we can't correct it properly, but we can make sure that things are done
967 according to law. When we do that, we're dealing with conformity a little bit. I'm always
968 concerned about the people who live on Kain. They've been there. They saw the herons, they
969 saw the ponds. It just seems to me that they have more of a say-so in this, and we have allowed
970 that. I'm always concerned about these cases wherein people come and they come into a
971 neighborhood and they want to make some of these changes there. In my opinion, the people
972 who live there must always be privy to say what it is that they want to live in contingency with.
973 That's my comment on that, Mr. Chairman.

974

975 Mr. Branin: Thank you, Mr. Thornton. I must apologize to the audience. I am a new
976 chairman and it is tradition and also respect to introduce our Supervisor who is sitting on the
977 Board with us this year. Being a new chairman, I was so excited to get started on my first POD,
978 I neglected Mr. Thornton, and I apologize, Mr. Thornton.

979

980 I'm going to make a motion. I would like to make a motion in regards to the Garcia residence
981 for a height exception of 50 inches with the fence being—

982

983 Mr. Jernigan: Make it 48 at the pole because it could be two or three inches difference
984 depending on what kind of cap they put on it.

985

986 Mr. Branin: With the ultimate height of 48 inches of the pole, and the fence to be
987 scalloped, and landscaping as can be provided.

988

989 Mrs. Jones: The scalloped height.

990

991 Mr. Branin: To come to 42 inches. Forty-two inches or less.

992

993 Mr. Jernigan: Second.

994

995 Mr. Vanarsdall: Mr. Chairman, before we move now, that also means they could put a cap
996 on the poles.

997

998 Mr. Jernigan: The decorative cap can be above that.

999

1000 Mrs. Jones: Before we vote, Mr. Chairman, how high will it be including the cap, 48
1001 inches?

1002

1003 Mr. Branin: To give that leeway, that's why in my motion I said the pole to be 48.

4320 – 4350 Belfast Road

Puryear; Larry C. Riley and Patricia R. Coleman and Myrtle B. Graves: The 2.254-acre site proposed for a subdivision of 30, single-family homes is located between the east line of I-295 entrance ramp and the west line of Belfast Road on parcels 743-763-3572, 743-762-7481, 743-763-8604 (part), 743-763-8655, 743-762-3527 (part) 9020 and 9533. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 30 29 Lots**

1047

1048 Mr. Branin: Is anyone in opposition to SUB-59-06, Dalton Park? No one?

1049

1050 Ms. Goggin: Good morning again. The applicant proposes a plan with two stem lots,
1051 which requires an exception from the Planning Commission. These are the stem lots right here.
1052 (Referring to rendering). The Commission did approve four stem lots in October 2004 within an
1053 earlier section of the same-named subdivision. The stem lots were requested by the same
1054 developer to lesson environmental impacts on wetlands and floodplains located near the
1055 approved stem lots. This plan, on the other hand, does not have any extenuating circumstances
1056 such as environmental impacts which necessitate the use of the stem lots.

1057

1058 Staff has prepared an alternative layout, which would not require an exception from the Planning
1059 Commission, but does lose one lot within the proposed subdivision. A copy of that plan is in
1060 your packet and this is staff's redesign.

1061

1062 If the Commission chooses to grant the exception, the applicant has proffered two additional
1063 conditions addressing the maintenance of a shared driveway between the two stem lots. The
1064 other condition that the applicant has offered states that the existing house on this lot would
1065 remain. Staff has an image of that existing house on that one lot.

1066

1067 Staff does not recommend approval of the proposed stem lots and recommends that the applicant
1068 revisit the layout to provide a design that can be approved without an exception from the
1069 Commission. Should the Commission choose to act on this request, in addition to the standard
1070 conditions for subdivisions served by public utilities, the annotations on the plan, and conditions
1071 11 through 18 in the agenda are recommended. Should the Commission choose to approve the
1072 exception request for the stem lots, at the Commission's discretion, both the subdivision and the
1073 exception approval can be made in one motion.

1074

1075 I would be happy to answer any questions the Commission may have. Webb Tyler is here to
1076 present his request for the exception. If the Commission has any questions for me or him, we'd
1077 be happy to answer them.

1078

1079 Mr. Branin: Does anybody have any questions for Ms. Goggin?

1080

1081 Mr. Vanarsdall: Yes. Christina.

1082

1083 Ms. Goggin: Yes, sir.

1084

1085 Mr. Vanarsdall: Which one of these did you provide?
1086
1087 Ms. Goggin: The second plan where—
1088
1089 Mr. Vanarsdall: That's what I thought; I just wanted to make sure.
1090
1091 Ms. Goggin: Yes, sir.
1092
1093 Mr. Vanarsdall: Thank you.
1094
1095 Ms. Goggin: So, that plan would remove the stem lots, it wouldn't need an exception
1096 from the Commission, but the applicant would lose one lot within the subdivision.
1097 Mr. Vanarsdall: Thank you.
1098
1099 Mrs. Jones: Christina, can you tell me, on your alternate plan, lots 24 and 25, the
1100 houses would be facing the cul-de-sac on those lots.
1101
1102 Ms. Goggin: Yes ma'am.
1103
1104 Mrs. Jones: The existing house on the neighboring lot, that faces the back or the side
1105 yard.
1106
1107 Ms. Goggin: Yes, ma'am. One thing I would say about our Code is even though we do
1108 have front, rear, and side yard setbacks, nothing demands the orientation of a front door to the
1109 front yard. A person could always build their house in a manner that most of us wouldn't.
1110
1111 Mrs. Jones: Okay.
1112
1113 Mr. Tyler: Good morning. Just for the record, my name is Webb Tyler. I'm an
1114 engineer with Youngblood, Tyler. I'm also the developer and contract purchaser of this property
1115 and the developer of the areas between Sadler Road and Interstate 295.
1116
1117 The reason we're here today is to discuss the question of stem lots. This Commission does have
1118 the ability to approve stem lots if a good case can be presented that it is justified. That's my job,
1119 to try to convince you all that it is justified. The reason for the request is that of the 57 properties
1120 that Mr. Massey and I have assembled and developed over the last seven years, we are really not
1121 what you would define as developers. We are re-developers. We've removed 13 houses. We've
1122 cleaned up trash dumps. I've taken out two tractor-trailer loads of tires, a tractor-trailer load of
1123 mufflers in this area, had way too many downed trees due to bug infestation. This is an area that
1124 is basically between Twin Hickory and Innsbrook, and is an area that was developed by John and
1125 Mary McDonald and the Green family over a hundred years ago. The McDonald's did it
1126 approximately 60 years ago. So, I think it's important to realize that in this particular project, we
1127 are going to take down two houses, but those houses are much older. They're 50, 60, 70 years
1128 old. But this particular house that you've seen a picture of is only five to six years old.
1129 Therefore, we believe, and the owner believes, that it still has a very good life. It's also a house
1130 that is maybe not exactly like the ones that we're building, but many of these homes are now

1131 having additions on them. A good case in point is River Road going from Gaskins out to
1132 Goochland. Many of those homes have additions and are doubled in size, but they still keep
1133 their style and are beautiful.

1134
1135 The reason that we're requesting this here is simply the orientation of the house. The existing
1136 house right here faces Belfast, which is the existing road right here. The original lot on Small
1137 McDonald farms is that area right there. It's an A-1 lot. It has a long driveway that comes in
1138 this way. The front of the house is right here. It faces to the right. What we are proposing is to
1139 have a house here and a house here that would face the front of that existing house. (Referring to
1140 rendering). We believe a common driveway right in that area where the front of the house faces
1141 the front of the existing house, and this front of the house faces the front of the house here, is the
1142 correct orientation whereas the rest of these lots in here and in here would orientate incorrectly
1143 with the new proposed streets. These are, of course, all new proposed streets. It really boils down
1144 to a function of what is good design versus bad design. That's truly what it boils down to. It's a
1145 matter of opinion.

1146
1147 I've got three examples. I did them all, so I'm showing you the good and the bad that I do. The
1148 good designs are to the north [unintelligible] to the south there. It's call Trayburn. Those are
1149 good designs. The reason that they're good designs is because...

1150
1151 Mr. Silber: Mr. Tyler, I think there's a portable mike. If staff can hand him a portable
1152 mike, we can better hear you.

1153
1154 Mr. Tyler: Thank you. The reason that they're good designs is because they orientate
1155 the house correctly to the amenity that is necessary in not having the front of a house face the
1156 back of a house. For example, in Trayburn, we have an orientation where the houses back up to
1157 the golf course. Here, hole #7, and here, up against the driving range. They have a common
1158 driveway here, but they have the view and the amenity here. Whereas these houses face this cul-
1159 de-sac and orientate that way, but we never had the front of a house looking at the back of a
1160 house. They're considered private drives, very exclusive. They actually generate a higher
1161 revenue, higher taxing because they're considered exclusive. Again, you'll notice that these are
1162 much larger homes on this exclusive little private driveway. On Preston, which is to the left
1163 here, you have homes that are the largest ones in the Preston community on a private driveway
1164 overlooking hole #5 in Wyndham and fronting an actual private driveway. On the other side of
1165 the private driveway is a little creek. Those homes were also the most expensive homes in
1166 Preston and were, I might add, the largest homes in Preston. I consider that good design.

1167
1168 I'm human; I've made a mistake. I consider the next one bad design, my design. This bad
1169 design is Belstead at Wyndham. That's in red. Could you move that, please? Thank you. That
1170 is a stem lot, or in the old days called a flag lot, where the front of house looked at the back of
1171 houses. It looked at the back of a house. You can see that the existing house on that aerial
1172 photograph is looking at the back of these houses. I consider that bad design. The question isn't
1173 whether or not this is something that is extenuating circumstances, it's a function of this
1174 Commission that has the ability to approve what it believes to be good design versus bad design.
1175 The last case, that was a discussion of design. That is the charge of this Commission. I believe
1176 that this is bad design.

1177
1178 What I am proposing I believe to be good design. It correctly orientates the houses given the fact
1179 that we've got an existing house that would need to stay. The owner has insisted upon it staying
1180 and it is very logical for it to stay because it is only five years old. It is illogical to rip down a
1181 house that is only five years old. This is a re-development, not a new development. In this
1182 particular set of circumstances, we believe that this Commission should approve this proposed
1183 design because it is better design. To further enforce that, we believe that offering the
1184 maintenance of the driveway as we did on the previous approval, the Commission did approve
1185 some stem lots for the Dalton Park original. It made that decision on a 4 to 1 vote. I think the
1186 question boils down to what does this Commission believe is good design or bad design. You
1187 have established a precedent of approving this only on what I'd like to think is good design. I
1188 was the beneficiary of that. If it was purely upon economic reasons or if I was purely
1189 capitalistic, I would have added flag lots on the other side of that bubble because we could have
1190 gotten another flag lot in there, but we didn't because we didn't have what I would consider to
1191 be justifiable reasons. It is for that reason that I ask you to please approve this with the added
1192 considerations of the maintenance of the driveway, \$300 per year for those two lots, and the
1193 condition that the existing house is to remain. That is an acceptable condition. I would like the
1194 ability to put an addition on it, but it is to remain in place. Do you have any questions?
1195

1196 Mr. Vanarsdall: We're talking about three houses.

1197
1198 Mr. Tyler: We're talking about one existing house and two proposed houses.
1199

1200 Mr. Vanarsdall: We're talking about three things. All right. What do you find wrong with
1201 the staff plan, the suggestion of the staff plan.
1202

1203 Mr. Tyler: The orientation of the front of that house I believe forces the front to
1204 overlook the rear yard of the other house, and that rear yard is, as the Architectural Review
1205 Control Committee, I am protective of the front of houses and the street side of houses, but I do
1206 not restrict people on what they do in their rear yards. Everyone has different things as to what
1207 they like to do in rear yards. Everything from above-ground pools to lots of kid's play
1208 equipment. It's a function of finding the balance. I don't believe I should dictate what people
1209 can do in their rear yards as an Architectural Review Committee. I have much lower control
1210 over that, whereas the front and the side yards, which are highly visible, I believe is the
1211 Architectural Review Committee's primary responsibility. Therefore, I believe that there is a
1212 high probability of an offensive view, coming up to the front of a house to look at someone's
1213 rear yard, I believe to be not in the best interest of good design.
1214

1215 Mr. Silber: Mr. Vanarsdall, if I could maybe elaborate a little bit more on the staff
1216 plan, and maybe for the benefit of the Planning Commission, I think we're coming from this
1217 from several different perspectives. One is, if you look at the staff plan that we have on the slide
1218 right now, you'll see on lots 24 and 25, we believe a house could be easily placed on those lots,
1219 certainly on lot 24, so that the existing house is not looking into the back of the house, as Mr.
1220 Tyler's indicated. In fact, you'd be looking into, perhaps, a side, or it could be oriented so it
1221 would be a side or somewhat the front. I think if you also use Mr. Tyler's argument, one would
1222 have to question lot 22, which is on the opposite side of the existing house because that house, in

1223 fact, would be looking into the back of an existing house, whereas Mr. Tyler said that you really
1224 don't want to have design where you have a house looking at the back of another house. I would
1225 also like to point out that if you look at lots 34 and 35, which front onto Belfast, those lots have
1226 been shortened up on Mr. Tyler's plan in order to be able to get his stem lots in there. I would
1227 argue that you don't want to jeopardize those other two lots, make them smaller or shorter, have
1228 future problems with setbacks. I think the staff plan expands out lots 34 and 35.

1229
1230 So, I think there are a number of reasons. I think Mr. Tyler has some good arguments. I would
1231 really think that what this is all about is good design and I would argue that Mr. Tyler maybe has
1232 come up with good design but the staff has come up with better design.

1233
1234 Mr. Vanarsdall: Thank you.

1235
1236 Mr. Jernigan: Webb, let me ask you something. When you first started out, you were
1237 aligned around the individual that's in this house, that's five or six years old, that was all his
1238 property, right?

1239
1240 Mr. Tyler: That is correct.

1241
1242 Mr. Jernigan: His frontage was on...

1243
1244 Mr. Tyler: Belfast.

1245
1246 Mr. Jernigan: So, he sold these lots knowing these houses were coming in there.

1247
1248 Mr. Tyler: He has sold us a portion of his property and the contract is for him to
1249 retain his existing house on some acreage that he is going to retain that would ultimately fit with
1250 some lot layout. What we're trying to do is to abide by the wishes of this Commission so that I
1251 can establish a lot layout and thus determine actually what are the metes and bounds of the
1252 property he is to retain, but he will be living in that house and will retain the house and some
1253 configuration of an underlying land area.

1254
1255 Mr. Branin: Let me rephrase Mr. Jernigan's question for you, then. The current owner
1256 of that house that has contracted to sell you the land is aware that there will be some fashion of
1257 house on the land that he has sold you.

1258
1259 Mr. Tyler: That is correct.

1260
1261 Mr. Branin: Okay. Thank you. Did that answer your question, Mr. Jernigan?

1262
1263 Mr. Jernigan: Be looking at something.

1264
1265 Mrs. Jones: On lot 24, as the staff plan has it presented, the buildable area for these
1266 homes seems to be quite extensive. Is the size of house that you're thinking of putting on a lot
1267 like 24 approximately the same size as the existing home that we're discussing here?

1268

1269 Mr. Tyler: It would probably be slightly larger. The existing home is slightly
1270 smaller. It is highly likely that the existing home would, at some point, have an addition because
1271 it would be one of the smaller homes in the neighborhood. Again, as the example of the River
1272 Road corridor, 1500-square-foot houses, one-story ranches, are now having additions of 1500 to
1273 2,000 square feet in order to create a 3500-square-foot house. It's the renovation, the
1274 redevelopment.

1275
1276 Mrs. Jones: I'm well aware of that trend. I was just pointing that on lot 24, the
1277 buildable area gives you a lot of options for how to place a house if it isn't 2 to 3 times what
1278 you're seeing on the existing.

1279
1280 Mr. Tyler: I don't disagree that the buildable area is large there. I think it's a
1281 function of opinion, Mrs. Jones.

1282 Mrs. Jones: Okay.

1283
1284 Mr. Tyler: It's a function of my opinion of design versus Mr. Silber's opinion. The
1285 world will not come to an end whatever the decision comes to here.

1286
1287 Mrs. Jones: Thank you.

1288
1289 Mr. Branin: Does anybody else have any other questions? Mr. Archer?

1290
1291 Mr. Archer: No, I don't, Mr. Chairman.

1292
1293 Mr. Branin: Okay. Mr. Tyler, I'm feeling the way the Commission's going to go on
1294 this and it's not going to be in a positive fashion for you, if I set this to vote.

1295
1296 Mr. Tyler: Mr. Branin, I've been beat by this Commission so many times, I've gotten
1297 used to it. Some days I win and some days I lose.

1298 Mr. Branin: I will also say you are doing a fantastic job out there and keep up the good
1299 work. Now, before this goes to vote and you get denied, I will give you the opportunity to go
1300 with the staff's plan because that's looking like, as you put it, good design.

1301
1302 Mr. Tyler: Mr. Branin, the situation is one where it seems, certainly, based upon your
1303 comment, that this is what the Commission desires. Obviously, I will honor whatever the
1304 Commission desires. I'm sure you understand that at some point, things just don't make
1305 economic sense and therefore, one has to humbly bow out. I don't know where we are on that
1306 spectrum. Certainly, the world is changing and the economics of things are changing, but I do
1307 understand this Commission's need to approve something that is appropriate and where they're
1308 comfortable. I'm sure you can appreciate that I don't want to do anything where I'm going to go
1309 broke.

1310
1311 Mr. Branin: All right. Well, I'm going to make a recommendation to approve the
1312 staff's plan. That way, if you choose to proceed forward with development of this, you'll have
1313 that right. With that,

1314

1315 Mr. Silber: I think you'd still approve it with all of these conditions. You'll be
1316 denying the exception. Ms. Goggin, we'd be denying, I guess, the exception for the stem lots,
1317 correct?

1318
1319 Ms. Goggin: Yes sir. I think you could make a motion to approve the alternative staff
1320 plan as in the packet.

1321
1322 Mr. Silber: With all the conditions listed on the agenda.

1323
1324 Ms. Goggin: Yes sir.

1325
1326 Mr. Branin: Well, that's the way I'll do it then. With that, I'd like to move for
1327 approval of SUB-59-06, Dalton Park, with conditions 11 through 18, the annotated staff plan.
1328 Am I missing anything?

1329
1330 Ms. Goggin: I would like to state for the record, it would result in the loss of one lot, so
1331 it would be 29 lots versus 30.

1332
1333 Mr. Silber: That's correct.

1334
1335 Mr. Branin: With reduction of—

1336
1337 Mr. Jernigan: Twenty-nine lots.

1338
1339 Mr. Branin: Twenty-nine lots as opposed to 30.

1340
1341 Mr. Jernigan: I'll second the motion.

1342
1343 Mr. Branin: Motion made by Mr. Branin, seconded by Mr. Jernigan. All in favor say
1344 aye. All opposed say no. The motion carries.

1345
1346 The Planning Commission granted conditional approval to SUB-59-06, Dalton Park (November
1347 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions serve by
1348 public utilities, and the following additional conditions:

- 1349
1350 11. Each lot shall contain at least 11,000 square feet exclusive of the flood plain areas.
1351 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
1352 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
1353 floodplain as a "Variable Width Drainage & Utilities Easement."
1354 13. The detailed plant list and specifications for the landscaping to be provided within the 35-
1355 foot-wide planting strip easement along I-64 shall be submitted to the Department of
1356 Planning for review and approval prior to recordation of the plat.
1357 14. Any necessary offsite drainage easements must be obtained prior to approval of the
1358 construction plan by the Department of Public Works.
1359 15. The proffers approved as part of zoning cases C-16C-06, C-9C-04 and C-40C-06 shall be
1360 incorporated in this approval.

- 1361 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
1362 the maintenance of the common area by a homeowners association shall be submitted to
1363 the Department of Planning for review. Such covenants and restrictions shall be in form
1364 and substance satisfactory to the County Attorney and shall be recorded prior to
1365 recordation of the subdivision plat.
- 1366 17. Any future building lot containing a BMP, sediment basin or trap and located within the
1367 buildable area for a principal structure or accessory structure, may be developed with
1368 engineered fill. All material shall be deposited and compacted in accordance with the
1369 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1370 professional engineer. A detailed engineering report shall be submitted for the review and
1371 approval by the Building Official prior to the issuance of a building permit on the affected
1372 lot. A copy of the report and recommendations shall be furnished to the Directors of
1373 Planning and Public Works.
- 1374 18. Prior to requesting recordation, the developer shall furnish a letter from **Plantation**
1375 **Pipeline** stating that this proposed development does not conflict with its facilities.

1376 **PLAN OF DEVELOPMENT (Deferred from the December 13, 2006)**

1377

POD-67-06
American Family Fitness –
Short Pump Town Center

Balzer & Associates, Inc. for Short Pump Town Center, LLC, Bee-Pump, LLC and American Family Fitness: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, ~~82,189~~ **82,891** square foot fitness center. The 5.92-acre site is located along the south line of I-64, approximately 2,600 feet west of Pouncey Tract Road, on part of parcel 737-764-0069. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

1378

1379 Mr. Branin: Mr. Wilhite.

1380

1381 Mr. Wilhite: Thank you, Mr. Chairman. I'd like to point out that there is a correction to
1382 the square footage, 82,891 square feet as opposed to 82,189. Staff has received information on
1383 the parking demand for this use of the property. We have looked at that and find it acceptable to
1384 staff that the number of parking spaces shown on the plan will be sufficient for this particular
1385 use. Also, you just received a handout with the revised elevation. The elevation has some
1386 enhancements to it, most importantly a more pronounced cornice on top of the building, plus the
1387 addition of a brick band just below that cornice. I'd also like to point out that this has been
1388 reviewed by Forest City and they have approved this design. Staff does find it acceptable.

1389

1390 On page 2 of your addendum, there is an additional condition #31 that deals with the installation
1391 of radio equipment within this building to make sure that the County's emergency
1392 communication's system will operate inside. The applicant is okay with the addition of this
1393 condition. Therefore, staff does recommend approval of this plan with this revised elevation.

1394

1395 Mr. Branin: Is anyone in opposition to this project? Anybody have any questions for
1396 Mr. Wilhite? None? With that, I'd like to move for approval of POD-67-06, American Family
1397 Fitness, Short Pump Town Center, with the change in the square footage to ~~82,191~~ **82,891**,
1398 annotations on the plan, and additional condition #31.

1399

1400 Mr. Archer: Second.

1401

1402 Mr. Branin: Motion was made by Mr. Branin, seconded by Mr. Archer. All in favor
1403 say aye. All opposed say no. The motion carries.

1404

1405 The Planning Commission approved POD-67-06, American Family Fitness, Short Pump Town
1406 Center, subject to the annotations on the plan, the standard conditions attached to these minutes
1407 for developments of this type, and the following additional conditions:

1408

1409 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
1410 and Division of Fire.

1411 25. Outside storage shall not be permitted.

- 1412 26. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this
 1413 approval.
- 1414 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1415 approved by the County Engineer prior to final approval of the construction plans by the
 1416 Department of Public Works.
- 1417 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts
 1418 and must be approved by the Department of Public Utilities prior to the issuance of a
 1419 building permit.
- 1420 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1421 Department of Planning and approved prior to issuance of a certificate of occupancy for this
 1422 development.
- 1423 30. The location of all existing and proposed utility and mechanical equipment (including
 1424 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 1425 shall be identified on the landscape plans. All equipment shall be screened by such
 1426 measures as determined appropriate by the Director of Planning or the Planning
 1427 Commission at the time of plan approval.
- 1428 31. In order to maintain the effectiveness of the County's public safety radio communications
 1429 system within buildings, the owner will install radio equipment that will allow for
 1430 adequate radio coverage within the building, unless waived by the Director of Planning.
 1431 Compliance with the County's emergency communication system shall be certified to the
 1432 County by a communications consultant within ninety (90) days of obtaining a certificate
 1433 of occupancy. The County will be permitted to perform communications testing in the
 1434 building at anytime.

1435
 1436 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**
 1437

POD-7-07
 Holiday Inn @ Towne
 Center West – W. Broad
 Street

Balzer & Associates, Inc. for Towne Center West, LLC, Andronikas Moudilos, and Nick Patel: Request for approval of a plan of development and special exception for a building exceeding 45 feet in height as required by Chapter 24, Sections 24-2, 24-94(b), and 24-106 of the Henrico County Code, to construct a six-story, 192-room hotel with a proposed height of 88.9 feet, in an existing shopping center. The 6.34-acre site is located along the north line of W. Broad Street (U. S. Route 250) approximately 1,750 feet west of its intersection with Lauderdale Drive on parcels 735-763-7898 and 9381. The zoning is B-2C, Business District (Conditional) and WBSO, (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

- 1438
 1439 Mr. Branin: Is anyone in opposition to POD-7-07? All right. Mr. Wilhite, again.
 1440
 1441 Mr. Wilhite: There were a number of issues identified in the staff report that were still
 1442 being worked out. I believe we've resolved them. The applicant is proposing a second entrance
 1443 on West Broad Street. This was not shown on the staff plan or the site plan included with the
 1444 rezoning case. However, this is in the location of the current Dominion Virginia Power access to

1445 their substation. We have gotten a letter from Dominion Virginia Power stating that they'd like
1446 to have the entrance stay. Both the Virginia Department of Transportation and our own traffic
1447 engineer are okay with that second location. With the way the proffers are written on this site, it
1448 does require specific approval by the Planning Commission. There would be a gate at this
1449 entrance so commercial traffic would not be using it; it would only be for the use of Dominion
1450 Virginia Power to access their substation in the rear.

1451
1452 There is currently a request for rezoning application for the property immediately to the north,
1453 which is located in the Town Center West development. There is no approved plan for this
1454 portion of the site. They are requesting reconsideration of the zoning in a zoning request change.
1455 This application has not made it to the Planning Commission yet. If this application were to go
1456 through, that portion of the site would be removed from Town Center West Shopping Center,
1457 which would mean that the hotel site does have the 50-foot setback requirements, which they do
1458 meet. Normally this would mean they would have a transitional buffer requirement as well. Due
1459 to the fact that zoning is consistent with the hotel at this time, staff feels that any discussion of
1460 any buffering between these two sites would have to be addressed during the rezoning process
1461 and that the adjacent property would more than likely need to install any buffers that are
1462 required.

1463
1464 The two restaurants in front of the property, we have not received architectural plans for yet.
1465 That portion of the site in front would not be part of this approval; however, there would be the
1466 need for some additional parking to satisfy the hotel requirements and the addition of about two
1467 rows of parking, that are shown on the restaurant side, would need to be constructed with the
1468 hotel.

1469
1470 They are requesting special exception for height for a total of 88.9 feet. That's measured from
1471 the finished floor to the peak of the parapet. Forty-five feet is the limitation of this zoning
1472 district. There are two conditions on the addendum on page 3. Number 42 deals with the
1473 prohibition of any cargo containers placed on the site. Number 43 would require the certification
1474 of the final height of the building prior to any issue of a Certificate of Occupancy. That would be
1475 necessary with any approval of the special exception applied by the Commission.

1476
1477 With that, staff can recommend approval subject to the special exception for height. I'd be
1478 happy to answer any questions that you have.

1479
1480 Mr. Branin: Anybody have any questions for Mr. Wilhite. I have one. Did you state
1481 what kind of barrier they're going to put with the special entrance?

1482
1483 Mr. Wilhite: Yes. Staff has already spoken to the applicant about their concern. We
1484 wanted to make sure that we received something more substantial and aesthetically pleasing,
1485 rather than just a chain across the driveway or a chain link fence type of design. Staff would
1486 recommend that the final gate design be of tubular steel and possibly with a painted finish to
1487 make it more aesthetically pleasing.

1488
1489 Mr. Branin: Has the applicant agreed to that?

1490

1491 Mr. Wilhite: The applicant has agreed to do that.
1492
1493 Mr. Branin: Good. All right. Does anyone need to hear from the applicant?
1494
1495 Mrs. Jones: I have a quick question. Mr. Wilhite, could you use the cursor and show
1496 me the entrance that we're talking about?
1497
1498 Mr. Wilhite: It would be down here, right next to the Short Pump Town Center site and
1499 the bank on that location. That is currently where the entrance is, that Dominion Virginia Power
1500 has to their substation site. They do have, I believe, a 100-foot wide access easement that would
1501 exist there. The buildings proposed are outside that access easement, but some of the parking
1502 and some other improvements are within that easement. That location was not shown during the
1503 rezoning. The one entrance here on West Broad Street was where the site plans during the
1504 rezoning process, showed the access to the site.
1505
1506 Mrs. Jones: Thank you.
1507
1508 Mr. Silber: Mr. Wilhite, are there going to be two gates at that location or one? The
1509 plan shows for two.
1510
1511 Mr. Wilhite: I think there's still discussion about whether or not two gates are going to
1512 be necessary there. The final location of the gates is still being looked at by the traffic engineer.
1513
1514 Mr. Silber: I was going to suggest that the gate be pulled back off of Broad Street so
1515 you don't have a gate right out on Broad Street, but at the same time, we don't want people
1516 pulling into that access point and realizing that it's gated off and have to back out.
1517
1518 Mr. Branin: Which was my concern, which was why I didn't want chain or anything
1519 that would be too unsightly, but something that creates a definite physical barrier so they don't
1520 turn in and get stuck.
1521
1522 Mr. Silber: At the same time, if you have the gate out by Broad Street and Dominion
1523 Virginia Power wants to use this and has a large truck, they're going to have to park on Broad
1524 Street to unlock the gate and then maneuver in?
1525
1526 Mr. Wilhite: I've been told by Dominion Virginia Power that in certain circumstances,
1527 they have to blockade West Broad Street anyway to get the large transformers back to that site. I
1528 think there was discussion about pushing the gate back off of Broad Street so somebody's not
1529 stopping within West Broad Street to make a turn, that there would be sufficient room to pull off.
1530 It wouldn't satisfy all the vehicles that Virginia Power has, to be able completely to get off the
1531 roadway. There will also be signage there stating that that's not a right turn, or prohibiting a
1532 right turn into that area. So, it would be signed as well as gated.
1533
1534 Mr. Silber: So, the traffic engineer will be taking a closer look at this when the plans
1535 come in for signature.
1536 Mr. Wilhite: Exactly.

1537
1538 Mr. Branin: So, did you resolve that? Does anybody need to hear from the applicant?
1539
1540 Mr. Jernigan: I want to ask one question about 42, which you just explained to me.
1541 Outside storage containers. I notice we do have people dropping PODS and Smart Boxes and all
1542 off. Actually, when they do that, they're advertising those. I don't think they're storing things. I
1543 mean, I agree with 42. I didn't know we were having that much of a problem in the West End.
1544 One question I do want to add, when they drop those boxes off as advertisement, that actually is
1545 illegal, I believe, because if you're advertising something, they would have to include it into the
1546 hotel advertising.
1547
1548 Mr. Silber: A buffer sign area.
1549
1550 Mr. Jernigan: Yeah. Well, they've been dropping PODS off. I noticed a couple of hotels
1551 that had three of them sitting in there. They weren't full; they were just there for advertisement.
1552
1553 Mr. Silber: Are you sure?
1554
1555 Mr. Jernigan: Yes. They've been dropping them off to let people see them. Smart
1556 Boxes.
1557
1558 Mr. Branin: We're also seeing with hotels that if they're going to renovate or they're
1559 going to whatever, they're dropping off PODS. I have one case that was deferred, that there's 37
1560 containers outside of it right now because they're doing renovation. A lot of times, the hotels
1561 will put mattresses in them and they'll take a year or two to rotate them out. So, we're trying to
1562 address that up front. Trying to be proactive.
1563
1564 Mr. Jernigan: Oh, I agree with it. I was just questioning.
1565
1566 Mr. Wilhite: As was stated, we have had problems with different sites. I think one
1567 hotel site in particular also had this issue before and that's what drove this condition. As you're
1568 aware, there are some other cases currently before us that we have had problems with.
1569
1570 Mr. Branin: Trying to address it beforehand. I will have to make two motions, correct?
1571
1572 Mr. Wilhite: Yes.
1573
1574 Mr. Branin: Okay. Anybody else have anything? Good. I'd like to move that POD-7-
1575 07 be approved with a request for a special exception for the height to allow the building to be
1576 88.9 feet tall.
1577
1578 Mr. Vanarsdall: Second.
1579
1580 Mr. Branin: Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All in favor say
1581 aye. All opposed say no. That motion carries.
1582

1583 Mr. Silber: Mr. Branin, that did include the two additional conditions, 42 and 43.
1584
1585 Mr. Branin: That's what I was going to include in my second because that was just the
1586 height exception.
1587
1588 Mr. Silber: I'm sorry. Okay.
1589
1590 Mr. Vanarsdall: Cut you off at the pass.
1591
1592 Mr. Silber: I'm sorry.
1593
1594 Mr. Branin: With that, I'd like to move for approval of the site plan for the hotel
1595 including the revised floor plan and the specific approval for the second entrance on West Broad
1596 Street, subject to staff's annotations, standard conditions for a development of this type,
1597 conditions 24 through 41 on the agenda, and the additional conditions 42 and 43 on the
1598 addendum.
1599
1600 Mr. Vanarsdall: Second.
1601
1602 Mr. Branin: Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All in favor
1603 say aye. All opposed say no. The motion carries.
1604
1605 The Planning Commission approved POD-7-07, Holiday Inn, Town Center West, subject to
1606 annotations on the plans, the standard conditions attached to these minutes for a development of
1607 this type, and the following additional conditions:
1608
1609 24. The right-of-way for widening of W. Broad Street (U.S. Route 250) as shown on
1610 approved plans shall be dedicated to the County prior to any occupancy permits being
1611 issued. The right-of-way dedication plat and any other required information shall be
1612 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1613 occupancy permits.
1614 25. The easements for drainage and utilities as shown on approved plans shall be granted to
1615 the County in a form acceptable to the County Attorney prior to any occupancy permits
1616 being issued. The easement plats and any other required information shall be submitted
1617 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1618 permits.
1619 26. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
1620 approved by the Virginia Department of Transportation and the County.
1621 27. A notice of completion form, certifying that the requirements of the Virginia Department
1622 of Transportation entrances permit have been completed, shall be submitted to the
1623 Department of Planning prior to any occupancy permits being issued.
1624 28. The developer shall provide fire hydrants as required by the Department of Public Utilities
1625 and Division of Fire.
1626 29. A standard concrete sidewalk shall be provided along the north side of W. Broad Street
1627 (U.S. Route 250).
1628 30. Outside storage shall not be permitted.

- 1629 31. The proffers approved as a part of zoning cases C-49C-04, C-43C-05 and C-44C-06 shall
1630 be incorporated in this approval.
- 1631 32. The developer shall install an adequate restaurant ventilating and exhaust system to
1632 minimize smoke, odors, and grease vapors. The plans and specifications shall be
1633 included with the building permit application for review and approval. If, in the opinion
1634 of the County, the type system provided is not effective, the Commission retains the
1635 rights to review and direct the type of system to be used.
- 1636 33. Prior to issuance of a building permit, the developer must furnish a letter from **Dominion**
1637 **Virginia Power** stating that this proposed development does not conflict with their
1638 facilities.
- 1639 34. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1640 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1641 35. Deviations from County standards for pavement, curb or curb and gutter design shall be
1642 approved by the County Engineer prior to final approval of the construction plans by the
1643 Department of Public Works.
- 1644 36. Insurance Services Office (ISO) calculations must be included with the plans and
1645 contracts and must be approved by the Department of Public Utilities prior to the
1646 issuance of a building permit.
- 1647 37. Approval of the construction plans by the Department of Public Works does not establish
1648 the curb and gutter elevations along the Virginia Department of Transportation
1649 maintained right-of-way. The elevations will be set by the contractor and approved by
1650 the Virginia Department of Transportation.
- 1651 38. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1652 Department of Planning and approved prior to issuance of a certificate of occupancy for
1653 this development.
- 1654 39. The conceptual master plan, as submitted with this application, is for planning and
1655 information purposes only. All subsequent detailed plans of development and
1656 construction plans needed to implement this conceptual plan may be administratively
1657 reviewed and approved and shall be subject to all regulations in effect at the time such
1658 subsequent plans are submitted for review/approval.
- 1659 40. The location of all existing and proposed utility and mechanical equipment (including
1660 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
1661 shall be identified on the landscape plans. All equipment shall be screened by such
1662 measures as determined appropriate by the Director of Planning or the Planning
1663 Commission at the time of plan approval.
- 1664 41. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of
1665 the total site area.
- 1666 42. The location of outdoor storage containers on the site is prohibited.
- 1667 43. Evidence that an engineer has certified the height of the building shall be provided to the
1668 Director of Planning prior to the issuance of a certificate of occupancy.

1669 **PLAN OF DEVELOPMENT (Deferred from the December 13, 2006 Meeting)**

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1671

POD-70-06
Courtyard by Marriott –
Virginia Center Commons

Timmons Group and Brook Hospitality, 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 150-

Shopping Center room hotel with a proposed height of 45 feet in an existing shopping center. The 4.08-acre site is located approximately 700 feet east of Brook Road (U.S. Route 1) on JEB Stuart Parkway on parcel 784-769-4292. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

1672

1673 Mr. Garrison: Mr. Chairman, Planning Commission members, Mr. Conklin, the
1674 representative for the applicant has just informed me that the applicant wishes to defer until next
1675 month. However, staff is prepared to make a presentation considering there's opposition from the
1676 Holly Glen residents, and answer any questions you may have.

1677

1678 Mr. Branin: Is there any opposition to this case? Yes? One? Okay. He asked for
1679 deferment, yes sir. Okay.

1680

1681 Mr. Archer: Who asked for deferment?

1682

1683 Mr. Silber: The applicant.

1684

1685 Mr. Branin: The applicant asked for a deferral to next month. Would anyone like to take
1686 any other action on this? No?

1687

1688 Mr. Garrison: We will need a motion.

1689

1690 Mr. Archer: Before we move, and bearing in mind that we have opposition and the
1691 applicant has met with the opposition just last week, could we just hear a portion of this so that we
1692 could pin down the opposition. Then we'll probably go with the deferment anyway.

1693

1694 Mr. Branin: Absolutely, Mr. Archer. So sir, you are the only one in the room in
1695 opposition, correct? Okay. Mr. Garrison, would you proceed?

1696

1697 Mr. Garrison: This POD was deferred from the December meeting. Since that time, the
1698 developer and staff and the Fairfield representative, Mr. Archer, have met with the neighborhood.
1699 The layout and the elevations for the Courtyard by Marriott have been revised showing a reduced
1700 height of 45 feet. Therefore, a special exception is no longer required. However, the footprint of
1701 the building has increased and the developer is requesting approval of 150 bedrooms in lieu of 139.
1702 However, the floor plans submitted do not show dimensions or uses in the building, and do not
1703 adequately show the screening of the loading area. Therefore, staff cannot recommend approval
1704 until the required information is provided. The applicant has indicated that they have plans to
1705 present at this meeting and a waiver of time limits would be required if the plans were required to
1706 be provided.

1707

1708 Mr. Branin: Thank you, Mr. Garrison. Anybody have any questions for Mr. Garrison?
1709 None? Mr. Archer, you'd like to hear from the applicant or opposition?

1710

1711 Mr. Archer: I'd like to hear from the opposition.

1712

1713 Mr. Branin: The opposition first? Sir, if you could state your name for the record.
1714

1715 Mr. Lassiter: Yes. My name is Donald Lassiter and I live at 1012 Ethelwood Road. I'm
1716 the third house from the back door of this hotel. Mr. Thornton, I appreciate the very eloquent
1717 statement you made about the man's fence. The residents of the neighborhood should have some
1718 input. Here, you want to put 150-room hotel in my back door. All of the residents of Holly Glen
1719 are totally against this. Mr. Silber was nice enough to give me some case law. I'm sure that there's
1720 case law, but there's also probably some case law against it. So, I would suggest that you go by the
1721 deferral. I would also suggest that you defeat this hotel. This mall, by the way, is on a steep
1722 downhill decline. You all know what happened to Azalea Mall. The same thing is getting ready to
1723 happen to Virginia Center Commons. It takes 10 security guards at the theater at night. The shops
1724 in there have changed hands a dozen times. Hecht's couldn't make it. Macy's just bought them
1725 out. The Spaghetti Warehouse couldn't make it. The building on the corner's vacant; there's been
1726 a half a dozen tenants in there. The shops in the mall have turned over many a time. As soon as the
1727 lease is up on J. C. Penny and Sears, you're going to have another Azalea Mall on your hands.
1728

1729 I'd also suggest that what's going to happen, if this man doesn't make it as a Marriott Hotel, it's
1730 going to become a flophouse. Sooner or later, very quickly that can happen. I would suggest that
1731 you allow him or make him post at least a \$5 million bond and he has to operate this hotel for at
1732 least 10 years as the Marriott. That way, it protects the County and protects the homeowners, if
1733 you're going to approve it. I'm still opposed to the hotel itself, because it's going to interfere with
1734 my private enjoyment of my home, which is my castle. There's no way of getting by it. He should
1735 fill up two nights a week. From one of the plans I've seen, there's not enough parking there to start
1736 with. How about the parking for housekeeping, for the clerks, for the managers? Where's all this
1737 come from? Plus, there's another Marriott 6/10ths of a mile at the corner of Virginia Center
1738 Commons and Brook Road, and they're building another hotel right across the street called the
1739 Kenwood or the Candlelight; I forgot the name of it. But anyway, I don't think it's going to
1740 support another hotel.
1741

1742 It's two nights a year that that hotel should fill up, and that's the week that we have the NASCAR
1743 races here in town. So, what's going to happen by the time these people get home, get back to that
1744 hotel at 2 or 3:00 in the morning and they're all drunk and they're fighting and arguing over who
1745 won the race or why, who wrecked who and all this kind of stuff. The lights are 24 feet high. No.
1746 It is going to disturb my sleep. The dumpster, 277 feet from my property line? That's interfering
1747 with my private enjoyment and peaceful enjoyment of my home, which is my castle. I intended on
1748 living there the rest of my life. I just spent about \$50,000 upgrading the property, remodeling the
1749 kitchen, 25-year roof, vinyl siding, replacement windows, new heat pump. So, I plan on staying
1750 there the rest of my life. At my age, a 25-year roof, I don't think I'll be having to replace it. I was
1751 there for the long-term. I don't want this hotel in my backdoor. I'd appreciate it if you would
1752 decline this. Again, I think there's probably case law that's went the opposite way. I'm going to
1753 research it thoroughly. I think all of you got a letter on what I was going to do. I didn't write the
1754 letter just to have something to do—I mean what I say. Again, I only ask you to deny this request.
1755 Thank you.
1756

1757 Mr. Branin: Mr. Lassiter, I just have two quick comments. As for Marriott being closed,
1758 in my district, I have four Marriott's within one mile and all of them are fine and all of them are big
1759 race hotels. To the best of my knowledge, we're not having any problems.
1760
1761 Mr. Lassiter: You might have four, but there's always a chance—
1762
1763 Mr. Branin: As for the mall's decline or improvement, Hecht's was bought out by
1764 Macy's nationwide, so it had nothing to do with that mall itself.
1765
1766 Mr. Lassiter: Have you been in that mall lately?
1767
1768 Mr. Branin: Yes sir, but Hecht's being bought out by Macy's was nothing to do with that
1769 mall; that was a national buyout.
1770
1771 Mr. Lassiter: Okay. That mall is 15 years old. What's the life of a mall? It's about 20
1772 years. You've got 5 years.
1773
1774 Mr. Archer: Mr. Lassiter, before you sit down, when we met the other night, I think I
1775 told you that I appreciated you and Mrs. Brown coming up to express your concerns so that we
1776 could determine what concerns the neighborhood actually did have. I think we tried to explain to
1777 you about what we have to do by law when a zoning case has already been passed, and what can be
1778 done by right. Now, we were able to convince the applicant to do away with the upper story, and
1779 they've agreed to do that. The reason we're going to defer this today is because they haven't had
1780 an opportunity to look at their design plan. But, I just wanted to say to you that yesterday, you
1781 were in a pretty acrimonious mood, I guess I would say and when you called my office and spoke
1782 to my secretary, you used some language that was inexcusable.
1783
1784 Mr. Lassiter: I did not, I beg your pardon.
1785
1786 Mr. Archer: Well, she said you did, sir.
1787
1788 Mr. Lassiter: Well, I did not. I said, "Is Mr. Archer in?" She said, "No." I said, "Well,
1789 just tell him that I'm opposed to this plan." That's all I said.
1790
1791 Mr. Archer: Well, I don't think she would make up what she said to me, because I had to
1792 press her to get it out of her.
1793
1794 Mr. Lassiter: Okay. That's all I said. My letter, I know Mr. Silber has a copy of it and I
1795 think Mr. Thornton has a copy of it. I mean what I say in the letter. You all do whatever you got to
1796 do.
1797 Mr. Archer: We understand that, but I guess what I'm trying to say is when you call me
1798 during the daytime and my people answer the phone, they don't have any idea what this is all
1799 about.
1800
1801 Mr. Lassiter: I was not discourteous. I did not use any foul language. I said, "Tell Mr.
1802 Archer I was opposed to this plan." That's all I said.

1803
1804 Mr. Archer: Okay, thank you.
1805
1806 Mr. Lassiter: That's all I said. I am a gentleman.
1807
1808 Mr. Branin: Any other comments?
1809
1810 Mr. Archer: Mr. Chairman, we're not going to vote on this today because the plan that
1811 came in, I think it's too late for staff to have an opportunity to examine it. Is it one month, sir?
1812
1813 Mr. Boggs: I am Ryan Boggs on behalf of the applicant. We are in agreement with staff
1814 that we are going to request a deferral today. The reason that the revised plans were not submitted
1815 in proper time was it took a little bit longer to redesign the hotel than we had anticipated. We had
1816 brought the height of the hotel down and expanded the floor plan, which just took more time than
1817 we had anticipated. That was in response to the neighbors who came out at the last hearing. As
1818 Greg said, we did have the meeting with the neighbors. Their concerns were basically the hotel use
1819 and the height. We basically explained to them that we had comprised on the height, but that the
1820 zoning permitted the hotel use and we were moving forward with our plans for the hotel.
1821
1822 Mr. Thornton: Mr. Silber, my question to you is one for education. I think this is
1823 something that maybe residents probably are not privy to sometimes. According to your
1824 information, when was the zoning approved for this case?
1825
1826 Mr. Silber: I may have to refer to staff. I believe the zoning was approved. What year
1827 was it?
1828
1829 Mr. Garrison: 1980.
1830
1831 Mr. Thornton: Okay. See, that's my point here. You take something that was approved in
1832 1980, I wasn't around and I believe in this particular case that this particular location was in a
1833 different magisterial district. Sometimes when citizens see that there's a piece of land and it is
1834 vacant, they may assume that it doesn't belong to someone. Here's a case where some of the
1835 citizens are becoming somewhat perturbed, and I can understand that, but this is not anything that
1836 happened under Mr. Thornton's administration. This was in 1980, which I was never aware of
1837 until I came onto the Board, and the citizens now are reacting to that. So I'm saying, I guess, what
1838 we're going to have to do is have more education for citizens to understand that when some of
1839 these cases come up, the zoning could have been done many years prior to that. There are some
1840 ramifications about this case I knew nothing about that are coming up now. Now, I have to
1841 husband those types of things there. I do hope that Mr. Lassiter and other persons are going to be a
1842 little bit more sensitive to cases that were zoned prior to my time and prior to the time of some
1843 other persons on this Commission. I think that was something that may have been omitted,
1844 perhaps.
1845
1846 Mr. Silber: Mr. Thornton, I do appreciate that, and I think it's a very good point.
1847 There's a lot of zoning that exists in the County at this point in time that's undeveloped and the
1848 zoning occurred many years ago. As a result, you have development that happens many years after

1849 the original rezoning and it's difficult to deal with conflicts that may exist with current land uses
1850 that maybe didn't exist back then. Your point is well taken. This was not in the Fairfield District
1851 when the zoning was approved. I think that needs to be taken into consideration by Mr. Lassiter as
1852 well.

1853

1854 Mr. Vanarsdall: We could find out if there's any opposition by going back to the minutes in
1855 1980. That would tell at the rezoning meeting if there was any opposition and what it was.

1856

1857 Mr. Jernigan: Mr. Silber, also adding onto what Mr. Thornton said, being as that property
1858 was zoned in '80, we also have laws that we have to follow today. I hope Mr. Lassiter appreciates
1859 that. There are codes that we have to follow as a Planning Commission, and they're set up by the
1860 State.

1861

1862 Mr. Boggs: If I could add, I know that several of the residents of Holly Glen were
1863 involved with the Virginia Center Commons rezoning, which is why there are so many protections
1864 afforded to them in the proffers for that case, including a conservation district on their side of JEB
1865 Stuart Parkway, and a landscape buffer requirement on our side of the parkway. There were, in
1866 fact, several of the B-3 uses that were prohibited at the time that the Virginia Center Commons case
1867 was approved. Hotels was not one of them. We did our best to explain that to the neighbors at the
1868 neighborhood meeting, and that the time to object to the use of the property was at the rezoning.

1869

1870 Mr. Branin: You were requesting the deferral.

1871

1872 Mr. Boggs: Yes we are.

1873

1874 Mr. Archer: I'm going to move on it in just a second. Anybody else have any questions,
1875 comments? All right. With that, then, I will move for deferral of this case to the February 28
1876 meeting, at the request of the applicant.

1877

1878 Mr. Vanarsdall: Second.

1879

1880 Mr. Branin: Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in favor say
1881 aye. All opposed say no. The motion carries.

1882

1883 At the request of the applicant, the Planning Commission deferred POD-70-06, Courtyard by
1884 Marriott – Virginia Center Commons Shopping Center, to its meeting on February 28, 2007.

1885 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1886

POD-4-07 **Timmons Group for Audubon Land, LLC and Shamin Hotels:** Request for approval of a plan of development and special exception for a building exceeding 45 feet in height as required by Chapter 24, Sections 24-2, 24-94(b) and 24-106 of the Henrico County Code, to construct a six-story, 143 room hotel with a proposed height of 71 feet, and 56 additional parking spaces. In addition, a five-story, 130-room, hotel with 367 parking spaces has been previously approved on the site. The 8.99-acre site is located on the east line of International Centre Drive, approximately 1000 feet north of Audubon Drive on parcels 822-717-4473 and 4415 (part). The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

1887

1888 Ms. Goggin: A revised plan was just handed out to you that address staff's concern with
1889 the proposed architectural elevation by adding additional sections of masonry to the entrance tower
1890 on the building. The plans were submitted after the time limit for revised items to be submitted to
1891 the Planning Commission agenda; therefore, it will require a time limit waiver.

1892

1893 The applicant is also requesting approval of a special exception to allow a 71-foot-tall building.
1894 Forty-five feet is permitted by right in the M-1 District. There are two other hotels adjacent to this
1895 one, which have received special exceptions for height. (Referring to rendering). This hotel right
1896 here received one in 1997. This hotel, well, they both received them in 2006, but this one is
1897 coming back just to be a little bit taller than previously approved. The applicant will need to present
1898 their case to the Commission for their request.

1899

1900 There are two additional conditions in your handout Addendum that require verification for the
1901 building height for compliance with the special exception should the Commission choose to
1902 approve it. The other condition addresses non-POD-approved outdoor storage containers. Both of
1903 these conditions were discussed with the Holiday Inn in Short Pump that you all just heard.

1904

1905 Staff recommends approval subject to the annotations on the staff plans, the revised architecturals,
1906 conditions 24 through 36 in the agenda, additional conditions 37 and 38 on page 6 in your
1907 Addendum, which are inadvertently numbered wrong. Should the Commission choose to approve
1908 this special exception, it will require a separate motion from POD approval, as well as the time
1909 limit waiver.

1910

1911 I would be happy to answer any questions the Commission may have. Michael Sweeney,
1912 representing Omni Hotels, and Chris Early from Timmons are both here to present their request for
1913 the special exception and if the Commission has any questions for them.

1914

1915 Mr. Branin: Thank you. Is anyone in opposition of this case? No. Does anyone have
1916 any questions for Ms. Goggin?

1917 Mr. Jernigan: Just like to hear from the applicant.

1918
1919 Mr. Branin: Can we hear from the applicant?
1920
1921 Mr. Early: Good morning. My name is Chris Early. I'm the project manager from
1922 Timmons Group, the engineering firm on this project. It may seem familiar to you because the
1923 same location got through POD approval once before and the only change, the fundamental change
1924 is this went from a Holiday Inn Select to a Holiday Inn Millennium with a smaller footprint. It was
1925 driven by a big drop in construction cost for that. It's only two rooms short from the last hotel. The
1926 elevations that I think you're looking at show the applicant's willingness to add stone facing to
1927 meet some concerns for aesthetics from staff, to keep the upgrade of the hotel based on what they
1928 wanted. Infrastructure-wise, in terms of the site plans and smaller footprint, the hotel did not
1929 actually lessen the burden on the utilities, that type of thing, and similar management, the boring
1930 stuff that we do wasn't really affected by this. The FAA has approved, once again as in before, that
1931 there's no hindrance to the airport being nearby. We went through the same routine with the first
1932 submittal. We were actually at the pre-construction meeting before and then we decided this was a
1933 better hotel for their budget and it's a nice hotel also. That's sort of the long and short of it. More
1934 details. We went from 117,525 square feet down to 90,141 square feet total for the first floor. It is
1935 a smaller meeting space, but it still has plenty of meeting room. So, if you have any questions.
1936
1937 Mr. Branin: Thank you, Mr. Early. Anybody have any questions for Mr. Early?
1938
1939 Mr. Jernigan: Mike, did you bring that elevation with you? Yes, but you didn't bring the
1940 other one that you showed me. That's fine. The one you showed me the other day that had the
1941 coloration. I met with Neil Amin, which is P. C.'s son, and Mike, and we were discussing this
1942 because normally we like to get a little more brick or stone on the architectural. But, after seeing,
1943 this explains a little better to where the EFIS sits on the outside of this changes a little bit of color
1944 as it comes down. They are going to put stone that matches the first floor stone over the entrance
1945 that runs up the parapet wall there. It has kind of a Tuscan look to it, and I felt with the trim right
1946 down on the front, that protrudes out where, I guess, one of the meeting rooms is through there. I
1947 thought being as it has the Tuscan appearance, we would go ahead and do it as they have it here
1948 and see how it looks. I think that looks good and I'm satisfied with it.
1949
1950 Mr. Branin: Okay.
1951
1952 Mr. Thornton: Gentlemen, I had a few questions I wanted to ask. Sir, you gave the
1953 delineation of some different levels of the hotel. Would you be so kind as to repeat that?
1954
1955 Mr. Early: In terms of the difference in square footage?
1956
1957 Mr. Thornton: No, not the footage, but yes, I think—
1958
1959 Mr. Early: They're both Holiday Inns. The difference between the two?
1960
1961 Mr. Thornton: Yes.
1962 Mr. Early: Yes sir, no problem. We've gone from a Holiday Inn Select to a Holiday
1963 Inn Millennium. It still has meeting space. It's a smaller footprint hotel, but only two rooms

1964 shorter than the last hotel. From a site perspective in terms of the design, we were able to easily fit
1965 that into the current site plan that was already previously approved. In terms of square footages for
1966 the, the architect may speak better than I can.

1967
1968 Mr. Sweeney: I'm Michael Sweeney. I'm with Shamin Hotels. Not to get hung up on the
1969 numbers, but just to clarify. We didn't change, per se, for the square footage difference. It was a
1970 change in branding, is really what it amounted to, because Select is not being pushed by the
1971 franchise, where this particular brand is. From a marketing standpoint, this is a better route for us
1972 to go. It's really not about the square footage; it's more about the branding of it. I wanted to clarify
1973 that they are not hung up on the numbers.

1974
1975 Mr. Thornton: I'm appreciative for you answering that. I appreciate that. My second
1976 question is, since you all are in this particular enterprise, in your professional opinion, what's the
1977 longevity of a hotel such as that?

1978
1979 Mr. Sweeney: As an architect? A hotel like that could, I mean, easily a hundred years, 80
1980 years to a hundred years. It's not built for 10 years to be torn down and franchises require you to
1981 go through retrofits every so many years. We're in the business of providing high-quality customer
1982 service, so we constantly maintain these buildings.

1983
1984 Mr. Thornton: I apologize. I think my question was not very clear. Maybe I'm asking the
1985 wrong person. I'm more concerned about the persons who build the hotel as to how long will that
1986 remain, according to their data, and maybe nobody can tell me this today. How long will that
1987 remain a Holiday Inn?

1988
1989 Mr. Sweeney: Well, I think it's safe to say that we're in for the long term. We don't roll
1990 hotels over. Do you want to speak? This is P. C. Amin.

1991
1992 Mr. Amin: Hi. My name is P. C. Amin. I just wanted to tell you why we changed the
1993 brand. Holiday Inn Select, after we got approval from the County and from Holiday Inn
1994 [unintelligible], Holiday Inn Select does not exist anymore. They abandoned that brand, so there
1995 was no point for us to build something that they no longer have as a Holiday Inn brand. All the
1996 franchises nowadays, they give the license for 10 years. At the end of the 10 years, they can come
1997 out and ask us to make major renovations, whatever is applicable 10 years from now. Then we
1998 agree that we will go and make those changes at our expense so they will give another 10-year
1999 license. Normally, until a few years back, all the franchises were giving out 20-year licenses.
2000 Now, they have started doing it only 10 years so that gives them the right to make any changes for
2001 upgrading those hotels at about 10 years to reflect the mood at that time, whatever the customer is
2002 asking for or whatever structure changes, or inside. So, it will look like a new hotel 10 years later.
2003 It is a 10-year license that we have.

2004
2005 Mr. Thornton: I thank you so very much. That clearly answered my question. Thank you.

2006
2007 Mr. Branin: Mr. Armin, since he asked that question, I have a question for you. How
2008 many of these franchises do you currently own?

2009

2010 Mr. Amin: I have, existing, 24.
2011
2012 Mr. Branin: Twenty-four. How many of those 24 have reached the 10-year or the end of
2013 the franchise mark?
2014
2015 Mr. Amin: I think two of them.
2016
2017 Mr. Branin: Two of them? Did you renew them with Holiday Inn?
2018
2019 Mr. Amin: Yes. Well, in the old franchise agreement, they were for 20 years. Now,
2020 they are coming out, this new franchise agreement that we are building, we are building about 12
2021 hotels. Holiday Inn is the only one which has changed from 20 year to 10 years.
2022
2023 Mr. Branin: In 10 years, do you plan to renew it as the Holiday Inn?
2024
2025 Mr. Amin: Yes, [unintelligible]. It's a premium brand and we want to keep that.
2026
2027 Mr. Branin: Okay. That's all I wanted to know.
2028
2029 Mr. Silber: Mr. Amin, the County has been seeing a large number of hotels planned and
2030 plans submitted to the County for consideration. We've seen the numbers increase over the last 6
2031 to 8 months, the past 12 months, perhaps. You can see from today's agenda we have a number of
2032 hotels on our agenda. Can you elaborate as to what may be happening in the market relative to the
2033 need for hotels?
2034
2035 Mr. Amin: I'm not exactly an expert on market, but this is what we do. We go after the
2036 premier brand, which are Homewood Suites, Marriott, Holiday Inn, and Hilton. It doesn't matter
2037 what happens to the market, these brands always perform well. You probably will hardly ever see
2038 any of these; this brand went out of business, and is converting to something else. All of our
2039 brands are [unintelligible] either with Homewood Suites, Marriott, or Holiday Inn. Also, if you
2040 look back, I came to Richmond in 1970 and for almost 10, 15 years, except for one or two hotels,
2041 nothing was built in the Richmond market. So, the market was really never well [unintelligible] by
2042 quality hotels. If you look at the airport, there are so many old hotels and many of the places in
2043 Richmond, there are many, many old hotels. So, new hotels are not necessarily going to generate a
2044 lot more new demand, but the existing demand has never been met by the old hotel. People will
2045 prefer to just cut their trip short and go back when they have to go back. Once this new hotel
2046 comes, I think chances are people will stay a little bit longer here. Some of the old hotels probably
2047 will go out of business. Hotels are 40 years old. They really do not meet expectations of the guests
2048 of today. That is why as long as there are not enough hotels, those hotels will be there, but as new
2049 hotels come into the market—I had one hotel. The first one that I bought, it was 20 years old. Then
2050 I tore down about three years ago. It was about 50 years old. It was still performing very good
2051 financially, but it was pretty outdated and it was not fitting our portfolio. I think a lot of hotels will
2052 eventually go out of the business and something better will happen, because they are at prime
2053 locations. I'm talking about old hotels.
2054

2055 It looks like that there are many hotels coming to Richmond, but Richmond is really behind
2056 Norfolk or Virginia Beach or Baltimore or Washington. In Washington, right now probably about
2057 60, 80 hotels are being built. We are also trying to build more hotels. Richmond really has not
2058 picked up the supply yet.

2059
2060 Mr. Branin: Thank you. Does anybody else have any other questions?

2061
2062 Mr. Jernigan: I just want to clear up one thing. Mr. Thornton was asking about how many
2063 had come around. He owns more than Holiday Inns. He also owns Homewood Suites and some
2064 other hotels on Airport Drive. They are not all Holiday Inns. What he's speaking of also, the
2065 Holiday Inn that we did have on Williamsburg Road, they opted not to do the renovation that
2066 Holiday Inn wanted them to do and that's the reason that the Clarion came in and took that over.
2067 Now, I've found out that Clarion wouldn't accept the outside rooms, so we have two hotels in the
2068 same structure. The Clarion takes care of all the inside rooms, and Red Roof Inn is in control of the
2069 outside rooms.

2070
2071 Mr. Vanarsdall: The one on Williamsburg Road is not a Holiday Inn anymore, is it?

2072
2073 Mr. Jernigan: That's the one I was just talking about. That went to a Clarion for the
2074 internal rooms and a Red Roof for the external rooms. They have two offices, two hotels in the
2075 same building. Mr. Amin also has a Hilton that has a conference center that's going to be coming
2076 next to this hotel on Airport Drive. All right. Well, I'm ready to make a motion. First thing, I'd like
2077 to waive the time limits on POD-4-07.

2078
2079 Mr. Vanarsdall: Second.

2080
2081 Mr. Branin: Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor?
2082 All opposed.

2083
2084 Mr. Jernigan: Randy, can we do the special exception separate or all together.

2085
2086 Mr. Silber: It can be done together or separate.

2087
2088 Mr. Jernigan: Okay. With that, I will move for approval for the special exception and the
2089 Plan of Development on POD-4-07, International Airport Center on International Center Drive,
2090 subject to the annotations on the plans, the standard conditions for developments for this type, and
2091 the following additional conditions numbers 24 through 36, and number 37 and number 38 added
2092 on the addendum.

2093
2094 Mr. Vanarsdall: Second.

2095
2096 Mr. Branin: Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor say
2097 aye. All opposed say no. The motion carries.

2098

2099 The Planning Commission approved POD-4-07, International Airport Center on International
2100 Center Drive, subject to the annotations on the plans, the standard conditions attached to these
2101 minutes for developments of this type, and the following additional conditions:
2102

- 2103 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2104 the County in a form acceptable to the County Attorney prior to any occupancy permits
2105 being issued. The easement plats and any other required information shall be submitted
2106 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2107 permits.
- 2108 25. The developer shall provide fire hydrants as required by the Department of Public
2109 Utilities and Division of Fire.
- 2110 26. Outside storage shall not be permitted.
- 2111 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2112 form acceptable to the County Attorney prior to final approval of the construction plans.
- 2113 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
2114 approved by the County Engineer prior to final approval of the construction plans by the
2115 Department of Public Works.
- 2116 29. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
2117 the Henrico County Code.
- 2118 30. Insurance Services Office (ISO) calculations must be included with the plans and
2119 contracts and must be approved by the Department of Public Utilities prior to the
2120 issuance of a building permit.
- 2121 31. Approval of the construction plans by the Department of Public Works does not establish
2122 the curb and gutter elevations along the Henrico County maintained right-of-way. The
2123 elevations will be set by Henrico County.
- 2124 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
2125 Department of Planning and approved prior to issuance of a certificate of occupancy for
2126 this development.
- 2127 33. The location of all existing and proposed utility and mechanical equipment (including
2128 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
2129 shall be identified on the landscape plans. All equipment shall be screened by such
2130 measures as determined appropriate by the Director of Planning or the Planning
2131 Commission at the time of plan approval.
- 2132 34. Provide a letter which demonstrates the hotel owner's experience that the 8% parking
2133 reduction from the required Code would not create a parking problem.
- 2134 35. There shall be no exterior signage or other means of advertising that identifies the
2135 presence of food service at these facilities.
- 2136 36. Federal Aviation Administration (FAA), Form 7460-1 shall be submitted to the FAA and
2137 proof of such approval shall be provided to the Planning Department prior to approval of
2138 any building permit application.
- 2139 37. The location of outdoor storage containers on the site is prohibited.
- 2140 38. Evidence that an engineer has certified the height of the building shall be provided to the
2141 Director of Planning prior to the issuance of a certificate of occupancy.
2142

2143 **PLAN OF DEVELOPMENT**

2144

POD-2-07
Panera Bread & Retail Shops
– Staples Mill Road and
Parham Road

VHB, Inc. for Dynamic Commercial Real Estate Advisors:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 12,630 square foot building with retail and restaurant uses. The 1.63-acre site is located at the northwest intersection of Staples Mill Road and Parham Road on parcels 769-755-9242 and 7448. The zoning is B-2C, Business District (Conditional) and O-2C, Office District (Conditional). County water and sewer. **(Brookland)**

2145
2146 Mr. Branin: Is anybody in opposition? No?
2147
2148 Mr. Jernigan: Yes, you have opposition.
2149
2150 Mr. Branin: Yes? One.
2151
2152 [Off mike]: [Unintelligible.]
2153
2154 Mr. Branin: Okay. Hopefully we'll address that. All right. Mr. Kennedy.
2155
2156 Mr. Kennedy: Good morning. The applicant has submitted a revised site plan that
2157 addresses staff's previous concerns regarding circulation loading and parking layout. The applicant
2158 has also submitted a complete elevation plan, which complies with the proffered elevations. Staff
2159 is prepared to recommend approval at this time, subject to the annotations on the plans, standard
2160 conditions for a development of this type, the conditions on the agenda, and additional condition
2161 number 41 that speaks to a proffer which requires posting of a bond for a wall on an adjoining
2162 property. Staff is recommending approval at this time with that added condition. We need to
2163 waive time limits because the plans were submitted late.
2164
2165 Mr. Branin: Okay. Anybody have any questions for Mr. Kennedy?
2166
2167 Mr. Vanarsdall: I've already asked him a dozen, so I don't need to ask him anything else.
2168
2169 Mr. Branin: You sure?
2170
2171 Mr. Jernigan: I have one, just for my information. Number 41. Why do you have to post a
2172 bond if they wouldn't be able to get a CO at the end of it?
2173
2174 Mr. Kennedy: The proffers require it. Basically, the adjoining property is zoned residential
2175 and is undeveloped and ordinarily would require a transitional buffer. A masonry wall was
2176 proffered to satisfy that. If the property is developed residentially, they would have to provide the
2177 wall. It provides that they could post the bond because it's contingent that the adjoining property
2178 would be rezoned. If it got rezoned to a business, it would be require a transitional buffer or the
2179 wall. It gives the developer some kind of leeway.
2180

2181 Mr. Jernigan: I just know they couldn't get a CO because the proffer said that the wall
2182 would have to be—
2183
2184 Mr. Kennedy: The proffer is kind of repeating it.
2185
2186 Mr. Jernigan: Okay.
2187
2188 Mr. Vanarsdall: The proffer also says a letter of credit.
2189
2190 Mr. Kennedy: Right.
2191
2192 Mr. Branin: Does the Commission want to hear from the applicant?
2193
2194 Mr. Vanarsdall: I want to hear from the applicant, yes.
2195
2196 Mr. Chapman: I'm Scott Chapman with VHB, civil engineer.
2197
2198 Mr. Bushey: Rick Bushey with Dynamic Commercial Real Estate Advisors.
2199
2200 Mr. Vanarsdall: Good to see you again. You can just run down what you're going to do. In
2201 addition to Panera Bread, is Starbucks going to come, or if they're holding out or....
2202
2203 Mr. Bushey: Yes sir, they've signed their lease finally.
2204
2205 Mr. Vanarsdall: I noticed in all the information we have it said retail. I know we talked
2206 about Starbucks in the beginning, so that's good.
2207
2208 Mr. Chapman: We've known about Panera Bread for some time, but, as Rick said,
2209 Starbucks has come on board and they will be on the end cap.
2210
2211 Mr. Vanarsdall: What about the third building? It was rumored that FedEx/Kinko's would
2212 be there.
2213
2214 Mr. Chapman: FedEx has passed.
2215
2216 Mr. Silber: I may have missed it, but can you identify each of yourselves please.
2217
2218 Mr. Chapman: Sure. Mr. Silber, I'm Scott Chapman with VHB, civil engineer.
2219
2220 Mr. Bushey: I'm Rick Bushey with Dynamic Commercial Real Estate Advisors. I'm the
2221 developer.
2222
2223 Mr. Vanarsdall: We've been looking forward to it. When are you going to start, next month?
2224
2225 Mr. Chapman: As soon as the plan is approved.
2226

2227 Mr. Vanarsdall: I don't have any more questions.
2228

2229 Mr. Jernigan: Well Scott, I do, the gentleman in the back. If you could answer now about
2230 water.
2231

2232 Mr. Chapman: Water is provided from Staples Mill Road. There's a 12-inch main that
2233 exists along that property that will adequately serve this site. We've been through one set of
2234 reviews, obviously, with the Department of Public Utilities. They're asked for some changes but
2235 there's been no suggestion that that system will not serve our site. In fact, the data they've
2236 provided to us shows that it will serve our site adequately. Sanitary sewer is an obstacle, but it's an
2237 obstacle that we're going to have to overcome with cost. We're going to have to go under Parham
2238 Road and pick up our sanitary sewer from across the street. That will require a jack and bore for
2239 this property, which is just a cost item. It's not a design issue or anything like that.
2240

2241 Right turn lanes will be provided both on Staples Mill Road and Parham Road. These have been
2242 designed and submitted preliminarily to both the County Department of Transportation and the
2243 Virginia Department of Transportation. Obviously, we don't have final approval, but we are
2244 working through those details
2245

2246 Mr. Vanarsdall: Come on down and identify yourself and see if you can work it out with
2247 him.
2248

2249 Mr. Robertson: I'm Wayne Robertson, the 9.59 acres that you're putting the wall by. Has
2250 there got to be additional property purchased to make the turn lane? Nobody's come to me about
2251 anything. The 12-inch water main, I had put onto the 54 trunk line, the County constructed across
2252 my property after I negotiated with Jack Burns, reduced the amount of money that I took for the
2253 easement, which allowed us to control the 12-inch waterline. I haven't heard anything from you all
2254 about how you're going to get the water across my property.
2255

2256 Mr. Chapman: Based on County records and survey, the 12-inch waterline extends down
2257 just beyond our entrance -
2258

2259 Mr. Robertson: Twenty feet.
2260

2261 Mr. Chapman: —into our site. We can do further research, but there's nothing that
2262 would—
2263

2264 Mr. Robertson: Coming from west?
2265 Mr. Chapman: From Staples Mill Road. Yes sir.
2266

2267 Mr. Robertson: It stops- Do you know where the trunk line goes through under the power
2268 lines?
2269

2270 Mr. Chapman: Mmm-hmm.
2271

2272 Mr. Robertson: I had 20 feet of 12-inch put in. That's as far as it goes.

2273
2274 Mr. Chapman: Okay. According to County records and our survey, which we've done, the
2275 12-inch line extends through, so we'll have to do some further research on that. I don't believe
2276 that's an issue, but we'll work with you on that.
2277
2278 Mr. Robertson: You all are not going to put another turn lane in?
2279
2280 Mr. Chapman: We are going to have to put in another turn lane on Staples Mill Road, yes
2281 sir.
2282
2283 Mr. Robertson: How are you going to get the property for that?
2284
2285 Mr. Chapman: We are not. The County has worked with us so that the turn lane will not
2286 cause us to need any additional property from your land. We are having to dedicate property both
2287 on Staples Mill and Parham in our property for turn lanes.
2288
2289 Mr. Robertson: So, it's going to be a short one, then.
2290
2291 Mr. Chapman: Yes sir, it will be.
2292
2293 Mr. Robertson: The surveyors, they told me originally it was going to go back up to the
2294 power lines.
2295
2296 Mr. Chapman: I think probably at the time we may have assumed there may have been
2297 issues like that, but we were able to work those out with Mr. Vanarsdall and Mr. Glover.
2298
2299 Mr. Vanarsdall: That's all been changed.
2300
2301 Mr. Silber: We're going to put the site plan up so you can show where that right turn
2302 lane is.
2303
2304 Mr. Robertson: I would like to see the detail too.
2305
2306 Mr. Chapman: You can see the right turn lane on Staples Mill there and you can see how
2307 we are ending the curve lines just before your property. I assume that this is your property. You
2308 see the right turn lane on Parham. Both of these require right-of-way dedication and we'll make
2309 those dedications.
2310 Mr. Robertson: VDOT is only a foot off.
2311
2312 Mr. Chapman: Yes sir, it's all been surveyed. It's all been surveyed. We're not designing
2313 this in the dark. We've done the survey, we've picked up the monumentation, and we are
2314 designing to that monumentation to stay off of your property. Okay?
2315
2316 Mr. Robertson: I was amazed. Originally, Mr. Glover thought it was going to be a whole
2317 lane coming off as far back as the power line.
2318

2319 Mr. Chapman: I think that's what Mr. Glover would like to see, but the development would
2320 need to occur on your property for something like that to happen. There may be some negotiations
2321 in the future when that is developed to extend that lane, but we can't design for that with this site.
2322

2323 Mr. Roberson: You're going to bore sewer under.
2324

2325 Mr. Chapman: Yes sir.
2326

2327 Mr. Robertson: You're going to take water across my property.
2328

2329 Mr. Chapman: I'm going to look into that. You've got me a little worried, but I think we're
2330 okay.
2331

2332 Mr. Silber: Mr. Chapman and Mr. Robertson, maybe what we can do is, these are good
2333 questions, but it really doesn't have anything to do with the Planning Commission's decision. Why
2334 don't you all get together and talk about this.
2335

2336 Mr. Vanarsdall: Scott, you know him, don't you, Mr. Robertson?
2337

2338 Mr. Chapman: I do now.
2339

2340 *[Laughter.]*
2341

2342 Mr. Vanarsdall: Get his name, rank, and serial number and phone number.
2343

2344 Mr. Chapman: That's what we'll do. We'll trade.
2345

2346 Mr. Vanarsdall: You all get together and we'll work it out.
2347

2348 Mr. Chapman: Thank you.
2349

2350 Mr. Branin: Anybody else have any other questions? None? Mr. Vanarsdall.
2351

2352 Mr. Vanarsdall: All right. I recommend that we approve POD-2-07, Panera Bread and
2353 Retail Shops, which I hope will be Starbucks also, with annotations on the plans, and conditions of
2354 developments of this type. We'll have No. 9 amended, No. 11 amended. We have 24 through 40,
2355 and 41 is added on the addendum. Change No. 31. It says, "The proffers approved as a part of
2356 zoning case C-02C-06." That was a typographical error. It should be "C-62-06."
2357

2358 Mr. Branin: Anyone want to second? Ray?
2359

2360 Mrs. Jones: Second.
2361

2362 Mr. Branin: Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All in favor say
2363 aye. All opposed say no. Motion carries.
2364

2365 Mr. Silber: Mr. Kennedy, was there a need to waive the time limits?
2366
2367 Mr. Kennedy: Yes.
2368
2369 Mr. Vanarsdall: I'm sorry. It says at the bottom I have to waive the time limits and Mike
2370 was good enough to put it on there. I move that the time limits be waive on POD-2-07.
2371
2372 Mrs. Jones: Second.
2373
2374 Mr. Branin: Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All in favor?
2375 All opposed. Time limits are waived.
2376
2377 The Planning Commission approved POD-2-07, Panera Bread and Retail Shops, subject to the
2378 standard conditions for developments of this type, annotations on the plans, and the additional
2379 conditions listed below:
2380
2381 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
2382 Planning for review and Planning Commission approval prior to the issuance of any
2383 occupancy permits.
2384 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2385 depictions of light spread and intensity diagrams, and fixture and specifications and
2386 mounting height details shall be submitted for Department of Planning review and
2387 Planning Commission approval.
2388 24. The right-of-way for widening of Staples Mill Road (Route 33) and Parham Road (Route
2389 73) as shown on approved plans shall be dedicated to the County prior to any occupancy
2390 permits being issued. The right-of-way dedication plat and any other required
2391 information shall be submitted to the County Real Property Agent at least sixty (60) days
2392 prior to requesting occupancy permits.
2393 25. The easements for drainage and utilities as shown on approved plans shall be granted to
2394 the County in a form acceptable to the County Attorney prior to any occupancy permits
2395 being issued. The easement plats and any other required information shall be submitted
2396 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2397 permits.
2398 26. The entrances and drainage facilities on Staples Mill Road (Route 33) and Parham Road
2399 (Route 73) shall be approved by the Virginia Department of Transportation and the
2400 County.
2401 27. A notice of completion form, certifying that the requirements of the Virginia Department of
2402 Transportation entrances permit have been completed, shall be submitted to the Department
2403 of Planning prior to any occupancy permits being issued.
2404 28. The developer shall provide fire hydrants as required by the Department of Public Utilities
2405 and Division of Fire.
2406 29. A standard concrete sidewalk shall be provided along the north side of Parham Road and
2407 the west side of Staples Mill Road.
2408 30. Outside storage shall not be permitted.
2409 31. The proffers approved as a part of zoning case C-62C-06 shall be incorporated in this
2410 approval.

- 2411 32. Prior to issuance of a building permit, the developer must furnish a letter from **Verizon**
2412 stating that this proposed development does not conflict with their facilities.
- 2413 33. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2414 form acceptable to the County Attorney prior to final approval of the construction plans.
- 2415 34. Deviations from County standards for pavement, curb or curb and gutter design shall be
2416 approved by the County Engineer prior to final approval of the construction plans by the
2417 Department of Public Works.
- 2418 35. In the event of any traffic backup which blocks the public right-of-way as a result of
2419 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up
2420 facilities until a solution can be designed to prevent traffic backup.
- 2421 36. Storm water retention, based on the 50-10 concept, shall be incorporated into the
2422 drainage plans.
- 2423 37. Insurance Services Office (ISO) calculations must be included with the plans and
2424 contracts and must be approved by the Department of Public Utilities prior to the
2425 issuance of a building permit.
- 2426 38. Approval of the construction plans by the Department of Public Works does not establish
2427 the curb and gutter elevations along the Virginia Department of Transportation
2428 maintained right-of-way. The elevations will be set by the contractor and approved by
2429 the Virginia Department of Transportation.
- 2430 39. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
2431 Department of Planning and approved prior to issuance of a certificate of occupancy for
2432 this development.
- 2433 40. The location of all existing and proposed utility and mechanical equipment (including
2434 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
2435 shall be identified on the landscape plans. All equipment shall be screened by such
2436 measures as determined appropriate by the Director of Planning or the Planning
2437 Commission at the time of plan approval.
- 2438 41. The applicant shall submit a bond in accordance with Proffer Number 1. c. of Zoning
2439 Case Number C-62C-06, prior to final approval of construction plans.

2440 **MR. BRANIN LEAVES DURING THIS CASE & MR. JERNIGAN PRESIDES OVER**
2441 **THE MEETING**

2442
2443 **PLAN OF DEVELOPMENT**
2444

POD-3-07
Country Inn & Suites
(POD-110-83 Revised)
8006 W. Broad Street

Dean E. Haskins, ASLA for YSJ, LLC and Monument Hospitality, 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 three-story, 43,854 square foot, 74-room hotel. The 1.33-acre site is a portion of the total 2.871 acre site and located in the rear of 8006 W. Broad Street (U.S. Route 250) adjacent to Schrader Road, approximately 900 feet northwest of the intersection of Schrader and Hungary Spring Roads on part of parcel 764-752-4572. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

2445
2446 Mr. Branin: Anyone in opposition to POD-3-07? No? Tony?
2447

2448 Mr. Greulich: Mr. Chairman, Planning Commission. Staff has concerns about both the
2449 layout and the appearance of the proposed hotel. Staff requested that the dumpster, shown here,
2450 be relocated so that it does not back up onto Schrader Road. The applicant requested that it
2451 remain in its proposed location and agreed to provide additional landscaping around it. Staff has
2452 also requested that the applicant provide additional architectural treatments and features to the
2453 building. Staff has researched other existing Country Inn and Suites throughout the country and
2454 believes that other features can be added to this site. All three examples that I will show you
2455 today are similar three-story buildings, but they have attractive enhancements that should be
2456 incorporated into this proposal.

2457
2458 This picture is from South Carolina and has additional bump-outs on the side, which you can see
2459 over here (referring to screen); shutters on the majority of the windows, which you can see over
2460 here; and also has varying rooflines, which you can see up here and these features along there.

2461
2462 This picture is from Michigan. Although difficult to see, it shows the front of the building,
2463 which is this, that appears to be approximately 75% brick, if not more. It also appears to have
2464 several bump-outs, which you can see here and also over on this side. Again, it also has the
2465 varying rooflines.

2466
2467 Finally, this picture is from Arizona and also has the additional bump-outs that the other hotels
2468 have, here and here; has arches above the ground-floor windows; and also has quions, which are
2469 these corner architectural features in the bump-outs.

2470
2471 These architectural features aside, there is also the issue of the amount of brick that is proposed.
2472 A precedent has already been established in the immediate area regarding the amount of brick
2473 used for new buildings. This hotel is to the north of the proposed hotel. As you can see, it's
2474 roughly 100% brick. That's another view of it. This hotel is to the south of the proposed hotel

2475 and is roughly about 60% to 70% brick. Finally, these buildings are just across Schrader Road
2476 and are at least 80% brick, with these smaller buildings being 100% brick.

2477
2478 All of these enhancements could be incorporated into the proposed architectural elevations. Staff
2479 has also requested on several occasions to see a color elevation and received one this morning.
2480 Staff has not had an opportunity to review this. Should the Commission choose to act on this
2481 proposal, then staff could recommend approval, subject to the annotations on the plans, the
2482 standard conditions for development of this type, and additional conditions 24 through 37 as
2483 stated in the packet. The Commission would also have to vote on whether or not to waive the
2484 time limits to accept the late submittal of the architectural elevation. Staff and representatives of
2485 the applicant are available to answer any questions that you may have. Thank you.

2486
2487 Mrs. Jones: Mr. Greulich, may I see the color elevation that you received this
2488 morning?

2489
2490 Mr. Greulich: Sure, absolutely. It's a little difficult to read from this. I can tell you that
2491 the red color is basically brick, the light brown is EIFS. The roof is standing seam metal and
2492 there are white pickets around the entranceway. Also, it looks like there are quions on some of
2493 the sides.

2494
2495 Mrs. Jones: Okay.

2496
2497 Mr. Vanarsdall: When did you see that?

2498
2499 Mr. Greulich: Just this morning, sir.

2500
2501 Mr. Vanarsdall: Thank you.

2502
2503 Mrs. Jones: Thank you.

2504
2505 Mr. Greulich: You're welcome.

2506
2507 Mr. Vanarsdall: I'd like to hear from the applicant.

2508
2509 Mr. Hawkins: I'm Dean Hawkins, landscape architect for this project. We have
2510 concentrated on two issues that have been raised here. The architectural elevations have been
2511 changed, as well as I'd like to discuss the dumpster location, if you wish. This hotel chain
2512 usually has more of a residential appearance than most. As you can see, the peaked roof and the
2513 siding look more of a residential character than say the adjacent hotel that is entirely brick and
2514 block. The standard prototype of this hotel does have brick on the finished, the first finished
2515 floor all the way around, and we have added brick into the second story, of course, with the
2516 Dryvit and the details that that would have about it. We would prefer to have something like this
2517 rather than more brick, not so much for the cost differential, but simply because of the residential
2518 character that this chain does promote. We are offering to go up into the second story vertically
2519 and break up the long line of the hotel front. We do have some bump-outs, as you say, on our

2520 plan. They don't show it very well here. We have them on the end where the brick goes vertical,
2521 and then the front portico is quite detailed with some different elevation changes in that area.

2522
2523 The second thought on the dumpster, and we can look at the site plan, maybe, to see this in better
2524 detail. I have located the dumpster next to Schrader Road mainly because of the way that this
2525 site has been developed over the past. We are occupying a portion of the site which is vacant, but
2526 we're also taking some parking from the existing development which has been allocated
2527 previously to the existing retail building, which was a restaurant. They needed much more
2528 parking at that time. Currently, it's an office/retail building, which they really don't need but a
2529 third of the parking that they have still.

2530
2531 We are planning to separate the property into two parcels. The property line that we're
2532 configuring goes vertically from the road here, straight down the middle of the drive aisle, down
2533 to the bottom of the site next to the Suburban Lodge. We will own from this point over to
2534 Schrader Road and we'll have a common access easement through here, leaving them plenty of
2535 parking for their retail building. If I had to move the dumpster from this location, the only place
2536 that I can see that I would have an opportunity to place it would be somewhere in this area. I
2537 wouldn't want my dumpster truck to have to go under the canopy, even though it's 14 feet high
2538 and it accommodate it. If I put the dumpster in this location, it would change the parking
2539 numbers that I have allocated to my site and we would lose some spaces and have to reconfigure
2540 the parking more over this imaginary line into this area to accommodate our parking numbers.
2541 The dumpster pad that I'm showing is in an area that is away from, as much as possible, the
2542 Suburban Lodge right here (referring to screen). As well, I'm encompassing it within a brick
2543 wall, and I will add the extra landscaping that we talked about. I feel that from an activity
2544 standpoint, this is a better location then putting it anywhere else on the site that I can see at this
2545 time. It would be away from visibility as much as possible from adjacent tenants of the hotel.
2546 The doors would be far away from the adjacent perimeter roads. If somebody would ride around
2547 there, they would not see that activity.

2548
2549 Basically, those are the things that I can offer at this time. I'd be willing to certainly answer your
2550 questions. We've had some discussions even over the weekend on the architectural and this
2551 other issue about the dumpster. I tried to make some changes as I could.

2552
2553 Mrs. Jones: May I ask about the rooflines, windows, other features that seem to be
2554 very appealing? You're phrase is, "residential appearance." Of course, those are all features
2555 that are important in residential settings. Do you feel that you have the ability to add some of
2556 these things realistically?

2557
2558 Mr. Hawkins: That's a good example of some other places. As you can see again, this
2559 prototype has the brick on the first floor only with vinyl siding above it. We're proposing brick
2560 or dryvit, which is a little more commercial, which blends well with this area. What I was
2561 speaking of is that, as you can see, the canopy and the porch that's on the front of all of these
2562 County Inns and Suites is a little more residential, a little Victorian, I guess you could say. We
2563 do try to keep that motif. This one, for instance, doesn't have shutters. Another one that you
2564 might have seen does. Those details are easy to add and are not a big issue. Those shutters are
2565 certainly easy to add and it's not an issue with us one way or another.

2566
2567 Mrs. Jones: The huge expanse of the seam roof, is there a way to make that a little
2568 more—
2569
2570 Mr. Hawkins: It doesn't show up on our elevation, but on my site plan, there is a bump-
2571 out there on the end. It may not be as broken up as this one may show, but it's a possibility to do
2572 some of that. I'm only working with what the architect has provided for our site. We don't have
2573 a lot of room front to back to make those big changes because of the configuration of the site.
2574 As I say, we are right at the number of parking spaces we have. We do have some room to play
2575 with it, but it's just a matter of one footprint versus another on those details.
2576
2577 Mr. Vanarsdall: Can you flip back to the other drawing there to the color rendering? I
2578 can't tell what that color is. I don't particularly like the green roof with it. As a matter of fact,
2579 Dean, I asked for this this past Monday, and I saw it the same as staff saw it, a few minutes ago.
2580
2581 Mr. Hawkins: As did I.
2582
2583 Mr. Vanarsdall: I can't guess how much brick that is, whether it's 75%, 50%, 40%. I
2584 notice that Tony has suggested a lot of amenities there that you didn't incorporate. I don't know
2585 why you can't change the dumpster. What I'd like for you to do is defer this for 30 days and we
2586 sit down and get together. I want you to tell me what you will do and what you won't, and I'll
2587 tell you what I'll accept and what I won't. We should have done that in the beginning.
2588
2589 Mr. Hawkins: Yes sir.
2590
2591 Mr. Vanarsdall: Is that all right with you?
2592
2593 Mr. Hawkins: Yes sir.
2594
2595 Mr. Vanarsdall: All right.
2596
2597 Mr. Archer: May I just interject one thing? In looking at this particular rendering and
2598 comparing it with the ones we were shown from around the country, I notice that A-frame
2599 structure in the front seems to be rather plain. In some of the other ones, there's some white trim
2600 around the top soffit or fascia or whatever you call it. Could some of that be incorporated? I
2601 think it would make a better appearance than just having that sort of bland—
2602
2603 Mr. Hawkins: I think in this case, if we're trying to look at what we have proposed
2604 today, this is not the total picture. What you're seeing is just the portico underneath the canopy.
2605 The canopy where people will drive under is in front of what you see there.
2606
2607 Mr. Vanarsdall: In answer to Mr. Archer, I thought the same thing, Mr. Archer. I notice
2608 that you keep saying this is sort of residential when you're not in a residential area.
2609 Mr. Hawkins: All I'm saying is the prototype is more residential.
2610

2611 Mr. Vanarsdall: There's a residential subdivision across Schrader Road behind a nine-foot
2612 brick fence. All those other places are all commercial. Did you want to say something, Amir?

2613
2614 Mr. Hawkins: I'd like to introduce Amir Patel. He is the owner of Monument
2615 Hospitality.

2616
2617 Mr. Vanarsdall: Thank you.

2618
2619 Mr. Patel: How are you all today. My name is Amir Patel. I appreciate your time. I
2620 do understand your concerns, Mr. Vanarsdall. I'd like to start by apologizing for bringing this to
2621 you this morning. You are 100% correct. I just got the e-mail from Dean. I was out of town on
2622 Saturday. I got the e-mail Sunday, called the architect, who is also the builder, most likely, and
2623 started pushing him to do something to show you that I'm not just sitting on what you told us to
2624 do. I wanted to bring something here to show you exactly what we can do, what we're willing to
2625 do to try to make this better. Dean was 100% correct and the reason is not a cost standpoint at
2626 all. It's basically from what Hilton Hotels, what Marriott Hotels, what Mr. Amin from Shamin
2627 Hotels is doing, in putting more of the brick base on the bottom. I've brought some examples of
2628 what we would be building, what it would look like. I'll show you that in a second. What Dean
2629 is saying by "residential look," it's more in the sense of Country Inn and Suites as a brand has to
2630 try to brand itself. It's based out of Minneapolis. A lot of franchises based out of there have
2631 tried to have that sort of appeal. What it is, inside there's a lot of craftsmanship done, a lot of
2632 woodwork on the inside. When you walk in, there's a whole sofa/lounge area with a fireplace, a
2633 staircase going up, a wooden staircase with a lot of detailed work going up to the second floor to
2634 give it that type of a feel. The reason why they're doing the porch as well is to give it that type
2635 of a feel. I agree with you 100% for a commercial property to look like a residential property is
2636 not what we're trying to do here at all. It's just from a perspective standpoint of what kind of feel
2637 we're trying to give to the customer. The market that we're competing in is directly with
2638 Hampton Inn, with the Fairfield Inns, with the Holiday Inn Express out there, which are other
2639 flags that we do currently own and operate.

2640
2641 I would like to, if you guys could take a second, show you some of the pictures that I've gotten
2642 from the corporate office of what we're trying to develop, and incorporate some of these
2643 additional changes that you guys are requesting into this so it doesn't look like this. I agree with
2644 you, this doesn't look that great. It's just the best thing I could get together starting from Sunday
2645 to bring here, to have something to kind of present to you.

2646
2647 Mr. Vanarsdall: We don't object to you doing that, Amir, but that doesn't help me any.

2648
2649 Mr. Patel: You're right.

2650
2651 Mr. Vanarsdall: To keep on looking at pretty pictures, because we had plenty that you
2652 could have gone by before.

2653
2654 Mr. Patel: Yes sir.

2655 Mr. Vanarsdall: Here's what I tried to do. I have these pictures here that he just showed. I
2656 tried to encourage you to make it look like that corridor across there. There's nine acres across

2657 the street, the orthopaedics, two more buildings and on down toward the police headquarters. I
2658 always want to raise the bar, or keep it, in anything we do in my district. I don't like what I see.
2659 You know that you have to put more brick in there and I'd like to have a rendering that shows
2660 what it looks like. Nowhere else in Richmond do you have one of these except in Southside, and
2661 that is not brick at all; I went over and looked at that. So, where is one nearer to this? Is there
2662 one in Petersburg, Williamsburg?
2663
2664 Mr. Patel: No sir.
2665
2666 Mr. Vanarsdall: That would look like what you're trying to do here.
2667
2668 Mr. Patel: There's one that just opened in the Hampton Roads area, which has just
2669 basically opened two months ago.
2670
2671 Mr. Vanarsdall: That looks like what you're trying to do here?
2672
2673 Mr. Patel: Yes sir.
2674
2675 Mr. Vanarsdall: Where is that in Hampton?
2676
2677 Mr. Patel: I'm not sure. It's in the Newport News area.
2678
2679 Mr. Vanarsdall: Newport News.
2680
2681 Mr. Patel: Yes sir, before you get to the beach area. I'm not 100% sure of what exit
2682 is near it.
2683
2684 Mr. Vanarsdall: Is it up and running and finished?
2685
2686 Mr. Patel: Yes sir. That's kind of like some of the prototypes that I brought here to
2687 also show you guys. I agree with you, we don't want to do anything to degrade the area. If
2688 anything, the reason why we're building there is because we feel the area's in a developmental
2689 phase. The reason why we're putting that hotel there versus say in the West End or what have
2690 you, is because there's a lot of old inventory right there that does fairly decent. We're trying to
2691 provide with the new Wyndham, with Phillip Morris, with more corporations coming to that
2692 area, something new in the middle of this old inventory.
2693
2694 Mr. Vanarsdall: That's good. That's good and I want to help you have something
2695 attractive for them to come there.
2696
2697 Mr. Patel: Yes sir.
2698
2699 Mr. Vanarsdall: Dean has agreed to a 30-day deferral.
2700 Mr. Patel: Okay.
2701
2702 Mr. Vanarsdall: I want to get together with him and with you.

2703
2704 Mr. Patel: Yes sir.
2705
2706 Mr. Vanarsdall: And, of course, Tony. We'll decide what we need there.
2707
2708 Mr. Patel: Whatever feedback we get from you, we'll take it positively and do that.
2709
2710 Mr. Vanarsdall: Thank you. I appreciate your understanding.
2711
2712 Mr. Patel: Thank you, sir. I appreciate your time.
2713
2714 Mr. Vanarsdall: Mr. Chairman, with that, I move that POD-3-07 be deferred to the 28th of
2715 February, at the applicant's request.
2716
2717 Mrs. Jones: Second.
2718
2719 Mr. Jernigan: We have a motion on the floor by Mr. Vanarsdall and seconded by Mr.
2720 Jones. All in favor say aye. Opposed? The ayes have it; the motion has passed.
2721
2722 The Planning Commission deferred POD-3-07, Country Inn and Suites, to the February 28, 2007
2723 meeting, at the applicant's request. Mr. Branin was absent.
2724

2725 **PLAN OF DEVELOPMENT – ARCHITECTURALS (Buildings A1, A2, A3, A11 and P1)**
2726

POD-42-06
West Broad Village –
W. Broad St./Three Chopt
Road

Timmons Group and Antunovich Associates for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, Inc.: Request for approval of architectural plans, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 59,032 square foot retail/office building (A11), a five-story, 80,365 square foot retail/residential building with 48 dwelling units (A1), a five-story, 154,672 square foot retail/residential building with 84 dwelling units (A2, A3), and a four-level, 418 space, parking garage (P1) in an urban mixed use development. The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

2727
2728 Mr. Jernigan: Do we have any opposition in the audience to case POD-42-06? No
2729 opposition. Mr. Wilhite, how are you?
2730
2731 Mr. Wilhite: I am fine. Thank you, sir. The image of the two-story building, the
2732 location is here (referring to screen), show on the site layout. This is on the south side of the

2733 main east/west road through the development. Visibility from Broad Street of this façade here is
2734 probably going to be very limited. There are going to be large buildings in front of it. It is at the
2735 end of a private street coming off of Broad Street; however, there would be a lot of median
2736 landscaping within that corridor so the view from Broad Street of this building is probably going
2737 to be very limited. Staff has reviewed the plans. We are okay with the design shown.
2738

2739 The larger group of buildings before you, the concept is essentially the same as we saw last
2740 month. It's a grouping of mixed-use buildings, retail, restaurant, office, and residential buildings,
2741 plus a parking garage in the interior. The mixed-use portion is going to be along the west, south,
2742 and east portions of this block. The parking garage is in the center. It has a storefront façade
2743 very similar to what we saw last month. It is the portion of the building that faces W. Broad
2744 Street. The issues that were identified last month, they're essentially the same here. We have
2745 annotated the plan to request some variation in the façade.
2746

2747 The lower portion of the rendering here is the façade that faces W. Broad Street and in the
2748 middle you have the parking garage with the lower stories, with the streetscape type of look.
2749 We've asked them to vary the heights of these parapets and the facades to have a little bit more
2750 variation, plus the addition of brick, just as stated last month, to enhance the materials that are
2751 used facing W. Broad Street. Once again, the applicant has stated they are willing to work with
2752 staff prior to issuance of a building permit for this. We have that commitment in writing. With
2753 that, staff is recommending approval of both of these buildings with the annotations stated. Joe
2754 Antunovich, the architect, is here to make a presentation as well. Also, we do have
2755 representatives from Timmons, the engineer, and also Unicorp as well.
2756

2757 Mr. Jernigan: All right. Are there any questions for Mr. Wilhite from the Commission?
2758

2759 Mrs. Jones: Mr. Wilhite, we did have a protracted discussion last time about parking
2760 and what is visible from the street, and lighting and this kind of thing. How has that been
2761 discussed in relation to this particular presentation?
2762

2763 Mr. Wilhite: The comments are still the same. These were submitted roughly about the
2764 same time we approved the last ones. Once again, the architect has committed to working with
2765 staff to come up with a design solution that incorporates those comments. As stated before, staff
2766 is going to consult with the Planning Commission member to make sure that he's satisfied with
2767 what the final outcome's going to be.
2768

2769 Mrs. Jones: Just wanted to emphasize it.
2770

2771 Mr. Wilhite: Yes ma'am.
2772

2773 Mrs. Jones: That's still important. Thank you.
2774

2775 Mr. Jernigan: Any other questions? We'd like to hear from the applicant, please.
2776

2777 Mr. Antunovich: Good morning. Joe Antunovich representing Unicorp with Antunovich
2778 Associates. I'm thrilled to be back here again. These buildings are different. They're similar to

2779 others that we've presented, but they are a collection of different buildings. They are large, also.
2780 They are almost a city block-and-a-half long, especially the mixed-use building. How do I
2781 advance this (referring to screen)? Oh, up and down here, right? The overall site plan and
2782 master plan that were approved by you. The whole concept here is that the main area, the village
2783 center, be a collection of buildings. Even though the buildings are located on these separate
2784 blocks, that the individual buildings are a collection of individual structures brought together as
2785 if they were built over a period of time. That's what we've attempted to do with the buildings
2786 before you today.

2787
2788 A-11, just to back up a second. A-11, which sits on access in the center area coming off of West
2789 Broad. Kevin, I would never correct you in public, but we're actually marketing this building as
2790 being very visible from W. Broad Street.

2791
2792 *[Laughter.]*

2793
2794 Correct the record in case there's some potential retailers sitting in the audience. We think this
2795 building will be one of the centerpieces of the development. What we've tried to do is develop it
2796 so that a large two-story retail tenant could occupy the center portion. This is the first floor with
2797 two retail tenants, one on the right and one on the left. Then with office lobbies that will get you
2798 up to the second floor. The tower will be centered on that main access drive. As you can see, that
2799 first-floor retail then would extend to the left, retail all the way across, and then a two-story retail
2800 extending up in the higher portion of the building, with office space on either side. This is a large
2801 building, but we've been able to break it up and we're trying to make this appear as if it is a
2802 collection of three separate buildings.

2803
2804 The second building that we're in for approval for, even though it's technically four buildings
2805 hooked together, we call it one building, the parking garage surrounded by residential and retail.
2806 Retail on the ground floor in this U-shape, with the parking garage back towards W. Broad and
2807 camouflaged from W. Broad for the use of those retailers on the first floor and the residential
2808 above, but also for the outparcels. You see those three outparcels there at the top of this image.
2809 It's important that the garage be very accessible and very attractive from that side.

2810
2811 The shaded portion, the brown shaded portion illustrates how the residential will lay in on the
2812 four floors above and then the lobbies, two separate residential lobbies that are accessible from
2813 the main shopping area.

2814
2815 All single-loaded retail because we don't want views from the units to go back over the parking.
2816 The amenities are the marvelous retail streets below and the streetscape, the landscape, and all of
2817 the activity. So, we're able here to minimize the fitness facilities, all of those other facilities that
2818 you get in more typical residential buildings because we feel we have those in and around the
2819 retail streets. Those are our amenities. These are single-loaded corridors all the way around and
2820 coming up to the parking garage.

2821
2822 Unfortunately, these long elevations don't accurately show the spirit. I'll come back to this one.
2823 These show the detail of the buildings a little better. These are the end elevations. You can see
2824 here they're very articulated with the retail at the base being expressed differently than the four

2825 levels above. Even on the ends on the buildings here, you can see as many as five or six separate
2826 buildings expressed on one, and two on the other. The long elevation that we show here,
2827 unfortunately, it's so long it doesn't show as much of the detail. We have as much detail as I
2828 showed on that previous slide. It'll be as colorful and as energetic, and we've documented that
2829 in a subsequent letter to staff.

2830
2831 Your concerns about the garage, I shouldn't apologize for rushing, but we did rush a little bit in
2832 getting in to meet the deadline, and the coloration and the amount of detail on the garage that
2833 faces W. Broad is not as much as you had requested, I would like to say, quite frankly. We've
2834 made a commitment to raise the parapets and show more variation in that roof, and then also
2835 show more coloration with different materials and increase the amount of brick that would be on
2836 that façade. We're studying with our engineers now just how we will handle the lighting with
2837 low brightness fixtures and ways in which we will not be intrusive with the lighting on W.
2838 Broad. All of those comments we made last time and had that hour-long debate, have registered
2839 and you have our commitment that all of those will be incorporated into the design for what we
2840 think is a truly wonderful project. Thank you.

2841
2842 Mr. Jernigan: All right. Are there any questions for Mr. Antunovich from the
2843 Commission?

2844
2845 Mr. Silber: I have one question. Looks like on a couple of the elevations, it looks as
2846 though there are balconies.

2847
2848 Mr. Antunovich: Yes.

2849
2850 Mr. Silber: How deep are those balconies?

2851
2852 Mr. Antunovich: They're approximately five-feet deep. No narrower than five feet. We've
2853 also got some juliet balconies so you'll be able to open the door and those will just be like
2854 French balconies. We do have some step-out balconies.

2855
2856 Mr. Vanarsdall: It's a balcony but it's not a balcony.

2857
2858 Mr. Antunovich: You could say that. When you go to New Orleans, you don't make the
2859 comment, do you?

2860
2861 Mr. Vanarsdall: Take a half a step and you're on the street.

2862
2863 Mr. Antunovich: Well, coming from Chicago, I had to get the New Orleans touch into that
2864 today.

2865
2866 *[Laughter.]*

2867
2868 Mr. Jernigan: Any more questions? Thank you, sir.

2869
2870 Mr. Antunovich: Thank you.

part of 809-725-8954. The zoning is R-5AC, General Residence District (Conditional) and R-5, General Residence District. County water and sewer. (**Varina**) ~~27~~ **28 Lots**

2949

2950 Mr. Jernigan: Is there any opposition to SUB-2-07? No opposition. Mr. Kennedy.

2951

2952 Mr. Kennedy: The applicant has made a revised plan, which increases the number of
2953 units by one. Staff has reviewed the revised plan and can recommend approval.

2954

2955 Mr. Jernigan: Okay. Any questions for Mr. Kennedy from the Commission? I don't
2956 need to hear from the applicant on this one either. With that, I would like to move for approval
2957 of SUB-2-07, the Steeple Lane Townhouses, the January 2007 Plan, subject to the annotations
2958 on the plans, the standard conditions for residential townhouses for sale subdivisions, and the
2959 following additional conditions No.13 and No.14, and staff recommendation on the addendum,
2960 and that is for 28 lots.

2961

2962 Mr. Vanarsdall: Second.

2963

2964 Mr. Jernigan: Motion made by Mr. Jernigan, second by Mr. Vanarsdall. All in favor say
2965 aye. Opposed? The ayes have it; the motion is passed.

2966

2967 The Planning Commission granted conditional approval to SUB-2-07, Steeples Lane
2968 Townhouses (January 2007 Plan) subject to annotations on the plans, the standard conditions for
2969 residential townhouses for sale subdivisions, and the following additional conditions. Mr.
2970 Branin was absent.

2971

2972 13. A County standard sidewalk shall be constructed along the west side of N. Laburnum
2973 Avenue (State Route 197).

2974 14. Any necessary offsite drainage easements must be obtained prior to approval of the
2975 construction plan by the Department of Public Works.

2976 **SUBDIVISION**

2977

SUB-4-07
McCabe's Grant
(January 2007 Plan)
End of Loreine's Landing
Lane

Koontz-Bryant, P.C. for McCabe's Grant, LLC: The 14.98-acre site proposed for a subdivision of 26 single-family homes is located on the terminus of Loreine's Landing Lane, 1,400 feet south of Church Road on parcels 742-755-8449, 743-755-1624, 742-754-8984 and 743-754-4375. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 26 Lots**

2978

2979 Mr. Jernigan: All right. Is there any opposition to SUB-4-07, McCabe's Grant? There is
2980 no opposition. Tony, how are you, sir?

2981

2982 Mr. Greulich: Doing fine, thank you. Mr. Chairman, Planning Commission members, the
2983 layout of the proposed subdivision matches what was approved with the rezoning case for the
2984 project. The applicant has agreed to all the comments from staff, and as a result, staff could
2985 recommend approval, but there is one outstanding issue.

2986

2987 The length of the proposed cul-de-sac exceeds what is permitted in the Subdivision Ordinance.
2988 The maximum allowable length is 1,320 feet, unless otherwise requested and approved by the
2989 Planning Commission. The applicant has requested that this exception be made and is prepared
2990 to speak to this request.

2991

2992 If the Planning Commission chooses to grant this exception, then the staff can recommend
2993 approval. It is subject to the annotations on the plan, the standard conditions for conditional
2994 subdivisions served by public utilities, and additional conditions Nos. 12 through 19. Please note
2995 that the Commission can make one motion by incorporating the exception approval and the
2996 subdivision approval. Finally, staff and the applicant are here to answer any questions that you
2997 may have. Thank you.

2998

2999 Mr. Jernigan: Thank you, Tony. Are there any questions for Tony from the
3000 Commission?

3001

3002 Mrs. Jones: Tony, how long is this length? How much further than the standard?

3003

3004 Mr. Greulich: The existing from Church Road all the way down to where it ends is
3005 approximately 1400 feet now. With the approval of the subdivision, it would be down to maybe
3006 1600 to 1650.

3007

3008 Mrs. Jones: Okay, thank you.

3009

3010 Mr. Greulich: Sure.

3011

3012 Mr. Jernigan: Okay, any other questions for Mr. Greulich from the Commission? All
3013 right, thank you, Tony. Can we hear from the applicant, please?

3014 Mr. Amason: Good morning, my name is Roy Amason. How are you all today? I
3015 haven't met many of you all, but some of you I know quite well. The reason for this request,
3016 quite frankly, is due to the neighborhood request and the Planning Commission's request. They
3017 did not want to attach Loreine's Landing Drive with Brookmont Road down there at the bottom
3018 of your map, because it would cause a little cut-through through major subdivisions to Church
3019 Road. The traffic would be unbearable. What we came up with was putting a cul-de-sac back
3020 there. These are going to be expensive, very quiet, very nice homes on the Lake Loreine. We got
3021 with the Planning Commissioner and staff and all the neighborhoods around and this was a direct
3022 result of the request from them that we not connect these subdivisions. That's why we're here
3023 today.

3024
3025 Mr. Jernigan: Okay, thank you. Are there any questions for Mr. Amason from the
3026 Commission? Thank you, Roy. Mr. Branin discussed this with me before he left and told me he
3027 was fine with this case. With that, I will make a motion to approve SUB-4-07, McGabe's Grant,
3028 January 2007 Plan and the special exception to the layout for the cul-de-sac, Loreine's Landing,
3029 exceeding the maximum length of 1,320 feet. Plan approval is subject to the annotations on the
3030 plan, the standard conditions for subdivisions served by public utilities, and the following
3031 additional conditions numbers 12 through 20.

3032
3033 Mr. Vanarsdall: Second.

3034
3035 Mr. Jernigan: Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor
3036 say aye. Opposed? The ayes have it; the motion is passed.

3037
3038 The Planning Commission granted conditional approval to SUB-4-07, McCabe's Grant (January
3039 2007 Plan), and the special exception subject to the annotations on the plan, the standard
3040 conditions attached to these minutes for subdivisions served by public utilities, and the following
3041 additional conditions: Mr. Branin was absent.

- 3042
3043 12 Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.
3044 13. Prior to requesting final approval, the engineer shall furnish the Department of Planning
3045 Staff a plan showing a dwelling situated on Lots 4, 23 and 26 to determine if the lot design
3046 is adequate to meet the requirements of Chapter 24, of the Henrico County Code.
3047 14. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
3048 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
3049 floodplain as a "Variable Width Drainage & Utilities Easement."
3050 15. Any necessary offsite drainage easements must be obtained prior to approval of the
3051 construction plan by the Department of Public Works.
3052 16. The proffers approved as part of zoning case C-26C-06 shall be incorporated in this
3053 approval.
3054 17. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
3055 maintenance of the common area by a homeowners association shall be submitted to the
3056 Department of Planning for review. Such covenants and restrictions shall be in form and
3057 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
3058 the subdivision plat.

- 3059 18. Any future building lot containing a BMP, sediment basin or trap and located within the
3060 buildable area for a principal structure or accessory structure, may be developed with
3061 engineered fill. All material shall be deposited and compacted in accordance with the
3062 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
3063 professional engineer. A detailed engineering report shall be submitted for the review and
3064 approval by the Building Official prior to the issuance of a building permit on the affected
3065 lot. A copy of the report and recommendations shall be furnished to the Directors of
3066 Planning and Public Works.
- 3067 19. The construction access on Crown Grant Road shall be maintained in accordance with the
3068 letters in the file between the developer and the Department of Public Works, dated July 24,
3069 2006 and July 25, 2006.
- 3070 20. The applicant shall determine the legal status, and provide evidence to the Director of
3071 Planning, regarding the "25-foot road strip" along the eastern property line prior to final
3072 plan approval. If it is determined that right-of-way exists, or if others have an interest in
3073 this strip, it shall be quit claimed prior to recordation of any proposed lots impacted by this
3074 "road strip."
3075

3076 Mr. Vanarsdall: Mr. Chairman, we have a long-lost staff member sitting back there, trying to
3077 hide behind Mr. Amason. He's on the other side of the desk now. You're in good hands with him
3078 back there, Roy.
3079

3080 Mr. Silber: That concludes the plans on your agenda. The only remaining item would
3081 be consideration of the minutes from the December 13, 2006 meeting.
3082

3083 Mrs. Jones: I have the corrections. I sent them via e-mail, but it was late. I don't know
3084 if you all have gotten them. Just a few spellings and grammatical things. Page 20, line 711. I
3085 believe the spelling of "Clerestory" is c-l-e-r-e-s-t-o-r-y. Page 25, line 918. "Renderings." Line
3086 919, "stop" instead of "start." Line 925, "things" plural. On page 27, the last one, line 998, I
3087 believe that should be, "Well put, Mr. Branin."
3088

3089 Mr. Jernigan: What line on 27?
3090

3091 Mrs. Jones: 998.
3092

3093 Mr. Jernigan: Are there any other corrections to the minutes?
3094

3095 Mr. Archer: I had a couple and I forgot to bring my copy with me, so I can't find them.
3096

3097 Mr. Jernigan: You want to borrow mine and read them?
3098

3099 *[Laughter.]*
3100

3101 Mr. Archer: They weren't anything earth shaking.
3102

3103 Mr. Silber: Do you want to defer these minutes?
3104

Mr. Archer: It didn't change the meaning of anything I don't think.

3105
3106 Mr. Jernigan: All right. Do we have a motion to approve the minutes of December 13,
3107 2006.
3108
3109 Mr. Vanarsdall: I move that we approve them.
3110
3111 Mrs. Jones: Second.
3112
3113 Mr. Jernigan: We have a motion from Mr. Vanarsdall, a second from Mrs. Jones to
3114 approve the minutes from December 13, 2006. All in favor say aye. Opposed? The ayes have it,
3115 the motion passes.
3116
3117 Mr. Vanarsdall: If Mr. Silber doesn't have anything left, I move that we move.
3118
3119 *[Laughter.]*
3120
3121 Mrs. Jones: Adjourned.
3122
3123 Mr. Jernigan: The meeting's adjourned.

3124
3125 On a motion by Mr. Vanarsdall and a second by Mrs. Jones, the Planning Commission adjourned
3126 its January 24, 2007 meeting.

3127
3128
3129

Tommy Branin, Chairman

3130
3131
3132
3133

3134
3135
3136

Randall R. Silber, Secretary