

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held
2 in the Board Room of the County Administration Building, Parham and Hungary Spring Roads
3 at 9:00 a.m. on April 24, 2002.
4

5 Members Present: Allen J. Taylor, C.P.C., Three Chopt, Chairperson
6 Eugene Jernigan, C.P.C., Varina
7 C.W. Archer, C.P.C., Fairfield
8 Lisa Ware, Tuckahoe
9 Ernest B. Vanarsdall, C.P.C., Brookland
10 Frank J. Thornton, Board of Supervisors, Fairfield
11 John R. Marlles, AICP, Secretary, Director of Planning
12

13 Others Present: Randall R. Silber, Assistant Director of Planning
14 David D. O'Kelly, Jr., Principal Planner
15 James P. Strauss, CLA, County Planner
16 Leslie A. News, CLA, County Planner
17 Kevin D. Wilhite, CPC, County Planner
18 E. J. "Ted" McGarry, County Planner
19 Michael F. Kennedy, County Planner
20 Michael P. Cooper, County Planner
21 Diana B. Carver, Recording Secretary
22 Todd Eure, Assistant Traffic Engineer, Public Works
23

24 Mr. Taylor - Welcome to the Planning Commission meeting for Plans of Development
25 and I want to welcome everybody here and turn the meeting over to Mr. Marlles, our Director of
26 Planning.
27

28 Mr. Marlles - Good morning, Mr. Chairman, and members of the Commission. We do
29 have a full quorum today. We actually have quite a few deferrals and items on the Expedited
30 Agenda. It should be a very short meeting. We will start with the Requests for Deferrals and
31 Withdrawals, and those will be presented by Mr. McGarry.
32

33 Mr. Vanarsdall - Good morning, Mr. McGarry.
34

35 Mr. McGarry - Good morning, Mr. Chairman, and members of the Commission and Mr.
36 Thornton. We have four deferrals and withdrawals today. The first one is on Page 2.
37
38

38 **TRANSFER OF APPROVAL**

39

POD-29-94
Helig Meyers Distribution
Center – 8820 Park Central
Drive

Scott Traynham for Norman Seay: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Val T. Orton Trustee, Heilig-Meyers Furniture Company to Norman Seay. The 5.990 acre site is located on the west line of Park Central Drive, approximately 1,800 feet north of Parham Road on parcel 789-760-0587. The zoning is O-SC, Office/Service District (Conditional). **(Fairfield)**

40

41 Mr. McGarry - The applicant has requested deferral to your meeting of May 22, 2002.

42

43 Mr. Taylor - Is there anyone who is opposed to the deferral of POD-29-94 in the
44 audience? All right. Mr. Archer.

45

46 Mr. Archer - All right, Mr. Chairman, I move approval of the request for deferral to the
47 May 22, 2002.

48

49 Mr. Vanarsdall - Second.

50

51 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to defer
52 POD-29-94 to May 22, 2002. All in favor say aye. All opposed say no. The motion passes.

53

54 At the request of the applicant, the Planning Commission deferred Transfer of Approval for
55 POD-29-94, Helig-Myers Distribution Center – 8820 Park Central Drive, to its meeting on May
56 22, 2002.

57

58 **TRANSFER OF APPROVAL**

59

POD-69-85
Summit Breckinridge
Apartments – 9951 Racquet
Club Lane

Real Estate Advisory, L.L.C.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Summit Properties Partnership to Real Estate Advisory, L.L.C. The 21.370 acre site is located along Gaskins Road, approximately 700 feet north of W. Broad Street (U. S. Route 250) on parcels 753-760-0679 and 753-760-3407. The zoning is R-5C, General Residence District (Conditional). **(Three Chopt)**

60

61 Mr. McGarry - The staff is recommending deferral to your May 22, 2002 meeting. There seems
62 to be some insufficient information that is sufficient to complete the review and the inspection.

63

64 Mr. Taylor - Is there anyone opposed to the deferral of POD-69-85 in the audience,
65 Summit Breckinridge Apartments? There being none, I will move deferral of POD-69-85 to
66 May 22, 2002.

67

68 Mr. Jernigan - Second.

69

70 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in favor

71 say aye. All opposed say no. The ayes have. The motion passes.

72

73 The Planning Commission deferred Transfer of Approval, POD-69-85, Summit Breckinridge

74 Apartments – 9951 Racquet Club Lane, to its meeting on May 22, 2002.

75

76 Mr. Vanarsdall - Mr. Chairman, I have a question about that. I notice that he said the

77 Planning Commission is deferring it. It always concerns me that the applicant wouldn't want to

78 defer a case. Did the applicant refuse to defer the case?

79

80 Mr. Taylor - I think this is an administrative deferral.

81

82 Mr. McGarry- Our approval letters read either the applicant has requested it or the

83 Commission, and so that is why it got written up precisely.

84

85 Mr. Vanarsdall - So the staff wanted it deferred?

86

87 Mr. McGarry - Yes, sir.

88

89 Mr. Vanarsdall - We ought to be indicating that.

90

91 Mr. Taylor - All right. We will ask that that be indicated. That was not at the request of

92 the Planning Commissioner. It was at the request of the administrative process.

93

94 Mr. Vanarsdall - Thank you.

95

96 **PLAN OF DEVELOPMENT (Deferred from the February 27, 2002, Meeting)**

97

POD-95-00 Superstar, Inc. Service Center – 9999 Brook Road (POD-3-96 Revised)	Keith & Associates for Superstar, Inc.: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one- story, three service bay addition to an existing convenience store with fuel pumps. The 1.316 acre site is located at 9999 Brook Road at the southeast corner of Brook Road (U.S. Route 1) and J.E.B. Stuart Parkway on parcel 783-769-9052 (33-A- 3C). The zoning is B-3C, Business District (Conditional). County water and sewer. (Fairfield)
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99 Mr. McGarry- The applicant is requesting deferral to June 26, 2002.

100 Mr. Taylor- Is there anyone in the audience who is opposed to the deferral of POD-95-

101 00, Superstar, Inc.? There is opposition, so we will leave it on the agenda.

102

103 Mr. Archer - Mr. Chairman, before we do that, since this is a deferral request, the

104 applicant is not here. We have been bouncing this thing around now for almost two years, and

105 Mr. McGarry, what is the primary reason that the applicant has for not being able to come
106 forward today?

107
108 Mr. McGarry - The engineering firm that he has chosen to represent him continues to submit
109 plans that do not meet our submission requirements, and so we keep declining to accept them,
110 and he has run out of time to get it to this meeting.

111
112 Mr. Archer - The original plan that he filed for it is out the door? We can't use that
113 anymore? Is that correct?

114
115 Mr. McGarry - Yes, sir. He has changed his mind again. The applicant has also changed his
116 configuration, and so the layout has changed again since we first started in this.

117
118 Mr. Archer - So, he is trying to comply but the engineer has not come forward with
119 what you need.

120
121 Mr. McGarry - That is correct.

122
123 Mr. Archer - OK. I hate to deny him the opportunity to at least revisit this plan, but I
124 know the people from the community out there are tired of being jerked around on this, too. Mr.
125 Chairman, it would be my suggestion that we, and maybe we have said this before, that we allow
126 him until June to bring this plan forward. Can we so notify him in writing and, if he does not,
127 then it will be the last time we will have to put up with it, or he will have to withdraw it.

128
129 Mr. Vanarsdall - If that is what you want to do. That is fine.

130
131 Mr. Jernigan - This is our last deferral.

132
133 Mr. Archer - Yes.

134
135 Mr. Taylor - What I would say is, perhaps we should get him a definitive period of say
136 60 days from the date of this meeting, which gives him...

137
138 Mr. Archer - Well, that is what he asked, until June 26.

139
140 Mr. Taylor - OK.

141
142 Mr. McGarry - And the engineer has been notified. I have been communicating with the engineer
143 and I told him his deadline for the June meeting is May 10.

144 Mr. Taylor - So this would be a deferral to May 10?

145
146 Mr. McGarry - No. He knows he has to resubmit to us by the 10th in order to even make the June
147 meeting.

148
149 Mr. Vanarsdall - Is that all right with you?

150

151 Mr. Taylor - Yes, if you would, please come down to the microphone and identify
152 yourself for the record.
153
154 Ms. Jane Erskine - I am Jane Erskine. Good morning. And I live in the neighborhood of
155 Holly Glen Estates adjacent to the B-3 zoning that the Superstar is located in. And I would just
156 like to have you clarify again the conditions that you just made for the new deferral. This has
157 gone on at least two years, and I think he is just really stonewalling. I don't think it is a lack of
158 knowledge of how the process works. I think he is just working the process until he gets what he
159 wants. So, could you reclarify the conditions for the deferral at this point. It is going to be
160 deferred until the 26th and then he has to wait a year before he can resubmit. Is that what that is?
161
162 Mr. Archer - If he withdraws it, Mr. Secretary can you explain that. He can come back?
163
164 Mr. McGarry - If he withdraws, there is no penalty for him to reapply.
165
166 Mr. Archer - He can reapply again, which he can do anyway, ma'am. But we are
167 talking about this particular case, and he has not submitted the information that Planning needs to
168 be able to make a recommendation.
169
170 Ms. Erskine - Well, he hasn't done that previously, either.
171
172 Mr. Archer - I understand that, but he does have the right to request a deferral and he
173 should have an opportunity, at least, to present what he has. The important thing is that nothing
174 has been done yet.
175
176 Ms. Erskine - Yes, I suppose, that is the important thing.
177
178 Mr. Archer - Well, you know, bearing in mind that it was his original submission, as
179 long as what he submitted fits within the zoning classification, he can do it.
180
181 Ms. Erskine - Well, his original submission may have, but it seems not to, right now. He
182 is having an inability fitting what he wants into the area that he bought into.
183
184 Mr. Archer - Then if he does not, then he won't be able to do it period. We appreciate
185 you all coming out again, and I am sorry we have had to meet so much on this.
186
187 Ms. Erskine - Thank you.
188
189 Mr. Taylor - Thank you, Ms. Erskine.
190
191 Mr. Archer - Mr. Chairman, did I already make a motion?
192
193 Mr. Taylor - I think, Mr. Archer, that is appropriate.
194
195 Mr. Vanarsdall - You haven't yet.
196

197 Mr. Archer - Well, I move to defer this under those conditions to the June 26, 2002
198 meeting at the applicant's request.

199
200 Mr. Vanarsdall - Second.

201
202 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
203 say aye. All opposed say no. The motion passes.

204
205 At the applicant's request, the Planning Commission deferred POD-95-00, Superstar, Inc.
206 Service Center – 9999 Brook Road (POD-3-96 Revised) to its meeting on June 26, 2002.

207
208 **PLAN OF DEVELOPMENT**

209
POD-21-02 **Balzer & Associates, Inc. for Tascon – Ridgefield LLC:**
Trellis Crossing Request for approval of a plan of development, as required by
Chapter 24, Section 24-106 of the Henrico County Code, to
construct 46 condominium units for sale, a clubhouse and
associated parking areas. The 11.20 acre site is located on the
southwest quadrant of the intersection of Pump Road and
Ridgefield Parkway on parcel 741-750-3069 (66-A-11J) (67-A-
2A). The zoning is RTHC, Residential Townhouse District
(Conditional). County water and sewer. (**Tuckahoe**)

210
211 Mr. McGarry -The applicant is requesting deferral to May 22, which is your next daytime
212 meeting.

213
214 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral of POD-
215 21-02, Trellis Crossing, to the May 22, 2002 meeting? There being none, Ms. Ware.

216
217 Ms. Ware - I think this case needs to be deferred once more so that the adjacent
218 property owners can get a visual idea of where utility connections and other things will be
219 located, so I am going to ask that POD-21-02 be deferred at the applicant's request to the May
220 22, 2002 meeting.

221
222 Mr. Vanarsdall - Second.

223 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Vanarsdall to defer POD-
224 21-02 to May 22, 2002, at the applicant's request. All in favor say aye. All opposed say no. The
225 ayes have it and the motion passes.

226
227 At the applicant's request, the Planning Commission deferred POD-21-02, Trellis Crossing, to its
228 meeting on May 22, 2002.

229
230 Mr. Marlles - Mr. Chairman, the next item on the agenda is a review of those items that
231 are recommended for the Expedited Agenda, and, again, those will be presented by Mr.
232 McGarry.

233

234 **TRANSFER OF APPROVAL**

235

POD-94-84 **Foster & Miller, P.C. for Famous Dave's of America:**
Famous Dave's Restaurant Request for approval of a transfer of approval, as required by
(Formerly Shoney's) Chapter 24, Section 24-106 of the Henrico County Code from
7007 W. Broad Street Motels of America, LLC to Famous Dave's of America. The
1.059 acre site is located on the south side of W. Broad Street
(U.S. Route 250), approximately 200 feet west of the
intersection of Glenside Drive and W. Broad Street (U.S. Route
250) on parcel 766-746-9974. The zoning is M-1, Light
Industrial District. **(Three Chopt)**

236

237 Mr. Taylor - Is there anybody in the audience who is opposed to POD-94-84 being
238 placed on the Expedited Agenda? No opposition? I will move that POD-94-84, Famous Dave's
239 Restaurant, in the Three Chopt District, be approved.

240

241 Mr. Vanarsdall - Condition No. 1. There was a condition on there.

242

243 Mr. Taylor - Subject to the annotations on the plans, standard conditions, and Condition
244 No. 1.

245

246 Mr. Archer - Second.

247

248 Mr. Taylor - Motion made by Taylor and seconded by Mr. Archer. All in favor say aye.
249 All opposed say no. The motion passes.

250

251 The Planning Commission approved Transfer of Approval for POD-94-84, Famous Dave's
252 Restaurant (Formerly Shoney's) 7007 West Broad Street, subject to the annotations on the plans,
253 continued compliance with the conditions of the original approval and added Condition No. 1 as
254 follows:

255

256 1. The site deficiencies, as identified in the inspection report, dated **March 21, 2002**, shall
257 be bonded or corrected by **June 1, 2002**.

258

259 **SUBDIVISION**

260

Meadow Farms **Youngblood, Tyler & Associates, P.C. for Meadow Farms**
(April 2002 Plan) **Associates, L.L.C., Fred T. and Helen M. Mayers, Fred T.**
and Christine W. Mayers and Fred T. and Dayle S. Mayers,
III: The 18.34 acre site is located between the southern stub
end of Farm Meadow Drive and the north side of Courtney
Road on parcels 764-767-7797 (30-A-27), 9890 (30-A-28) and
8114 (30-A-58) and part of 765-767-0848 (30-A-57) and 3218
(30-A-56). The zoning is R-2C, One-Family Residence District
(Conditional). County water and sewer. **(Brookland) 20 Lots**

261

262 Mr. McGarry - There is an Addendum item and that Addendum item adds Condition No. 17
263 requiring a sidewalk to the Glen Allen Library.

264
265 Mr. Taylor - Is there anybody in the audience opposed to Subdivision Meadow Farms
266 (April 2002 Plan) being handled on the Expedited Agenda? None. Mr. Vanarsdall.

267
268 Mr. Vanarsdall - Mr. Chairman, I move Meadow Farms (April 2002 Plan) be approved at
269 the recommendation of the staff on the Expedited Agenda, subject to the annotations on the
270 plans, standard conditions for subdivisions of this type, and Conditions Nos. 12 through 16 and
271 on the Addendum we have Condition No. 17.

272
273 Mr. Jernigan - Second.

274
275 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
276 favor say aye. All opposed say no. The motion passes.

277
278 The Planning Commission approved Subdivision Meadow Farms (April 2002 Plan), subject to
279 the annotations on the plans, the standard conditions for subdivisions served by public utilities
280 and the following additional conditions:

- 281
- 282 12. The proffers approved as part of zoning cases C-27C-93 and C-71C-01 shall be
283 incorporated in this approval.
 - 284 13. Prior to requesting recordation, the developer shall furnish a letter from Dominion Virginia
285 Power stating that this proposed development does not conflict with its facilities.
 - 286 14. The detailed plant list and specifications for the landscaping to be provided within the 25-
287 foot-wide planting strip easement along Courtney Road shall be submitted to the Planning
288 Office for review and approval prior to recordation of the plat.
 - 289 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
290 maintenance of the common area by a homeowners association shall be submitted to the
291 Planning Office for review. Such covenants and restrictions shall be in form and substance
292 satisfactory to the County Attorney and shall be recorded prior to recordation of the
293 subdivision plat.
 - 294 16. The "Reserved Area" abutting Lot 39 shall either be conveyed to the owner of Lot 39 prior
295 to final approval of the plat or included in the adjacent common area prior to recordation.
 - 296 17. A sidewalk for access to the Glen Allen Library shall be provided in the common area
297 between Farm Meadow Drive and the southern property line. The details shall be shown
298 on the construction plans prior to approval.

299
300 **PLAN OF DEVELOPMENT**

301

POD-23-02 Loveland Distributing Receiving & Truck Parking Expansion (POD-77-95 Revised)	Foster & Miller, P.C. for Loveland Distributing Company: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to expand a truck parking lot with an 11,385 square foot loading dock addition. The 18.504 acre site is located along the west line of Dabney Road approximately 20 feet north of Par
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Street at 2290 Dabney Road on parcels 776-739-4008 (104-A-18N), 8841 (3), 9517 (3C) and 77-738-0291 (27). The zoning is M-2, General Industrial District. County water and sewer. **(Brookland)**

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Mr. McGarry - There is an Addendum item. It is a revised recommendation for approval.

Mr. Taylor - Is there anybody in the audience who is opposed to POD-23-02 being on the Expedited Agenda? Mr. Vanarsdall.

Mr. Vanarsdall - I move that POD-23-02, Loveland Distributing Receiving and Truck Parking Expansion (POD-77-95 Revised), be approved on the Expedited Agenda with the annotations on the plans, the standard conditions for developments of this type, and Conditions Nos. 23 through 28 and the approval from the staff is on the Addendum on Page 2. I want to thank Mr. Stupanion for coming this morning to see that Spud was doing the job right.

Mr. Jernigan - I will second it.

Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved POD-23-02, Loveland Distributing Receiving and Truck Parking Expansion (POD-77-95 Revised), on the Expedited Agenda, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

23. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
25. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
26. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
27. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
28. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

344 **PLAN OF DEVELOPMENT**

345

POD-25-02
BB&T
4799 S. Laburnum Avenue

TIMMONS for Parker, Pollard & Brown, P.C., BB&T, Betty B. Watson, Thomas H. Robinson, William M. Shipman, Everette A. and Marie N. Felts, Ashby Milton Myers and Mary E. Short: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 5,268 square foot bank. The 1.42 acre site is located at the northeast intersection of S. Laburnum Avenue and Finlay Street on parcels 816-715-1082 (162-A-52), 815-715-9860 (162-A-56) and part of 816-715-1063 (162-A-56). The zoning is O-2C, Office District (Conditional) and ASO (Airport Safety Overlay District). County water and sewer. (**Varina**)

346

347 Mr. Taylor - Is there anyone in the audience in opposition to POD-25-02, BB&T, in the
348 Varina District, being managed on the Expedited Agenda? There being none, Mr. Jernigan.

349

350 Ms. Myers - What does that exactly mean? On the Expedited Agenda?

351

352 Mr. Marlles - Ma'am, items that are on the Expedited Agenda, staff is recommending
353 approval. There are no concerns by the Planning Commissioner from the district and there is no
354 known opposition to the case. If you have a question, ma'am, you might want to come to the
355 podium, and if you would, as you are approaching, would you give us your name and address at
356 the podium.

357

358 Ms. Betty Myers - I am Betty Myers. I was wondering if we could see the plan as it is for
359 that fencing and lighting, so that we would be sure that that was what we intended?

360

361 Mr. Marlles- Mr. Chairman, you might want to just pass this up to the end, and give the
362 applicant a chance to meet with the residents out in the lobby.

363

364 Mr. Jernigan - They haven't shown you anything?

365

366 Ms. Myers - I am not sure. Have they Bill?

367

368 Man in the Audience -No. It was agreed that – my house adjoins that lot – and they agreed they
369 would put up a vinyl fence with a hedge, and that is all we want to be sure that they are going to
370 do that.

371

372 Mr. Jernigan - On the plans, it said vinyl or wood, but what they had decided was wood.

373

374 Man in the Audience -We had taken a picture and shown them what we wanted, and I think they
375 agreed to that.

376

377 Ms. Myers - OK. I didn't know that we had actually seen the buffer.

378
379 Mr. Taylor - Is everybody satisfied with what is there or would you like to take a short
380 break and go out in the lobby?

381
382 Mr. Jernigan - Let's just put it to the end of the agenda and let them go out and discuss it.
383 Are you representing BB&T, sir?

384
385 Mr. Taylor - What we will do is, we will just defer this item for the moment and allow
386 the people that are directly involved to meet with the applicant and we will go on to the next
387 case, Mr. Director.

388
389 **PLAN OF DEVELOPMENT**

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392 **POD-26-02** **Wingate & Kestner for Courtney Development, Inc.:**
393 The Cottages at CrossRidge Request for approval of a plan of development, as required by
394 Chapter 24, Section 24-106 of the Henrico County Code to
395 construct 29, single-family detached dwellings for sale to
396 seniors with zero lot lines. The 7.98 acre site is located on
397 Staples Mill Road (U.S. Route 33) on part of parcel 762-764-
398 6451. The zoning is R-5AC, General Residence District
399 (Conditional). County water and sewer. **(Brookland)**

400
401 Mr. Taylor - Is anybody in the audience opposed to managing POD-26-02, The
402 Cottages at Crossridge, on the Expedited Agenda? There being none, Mr. Vanarsdall.

403 Mr. Vanarsdall - I move that POD-26-02, The Cottages at Crossridge, be approved on the
404 Expedited Agenda, subject to the annotations on the plans, the standard conditions for
405 developments of this type and added conditions Nos. 23 through 34.

406
407 Mr. Jernigan - Second.

408
409 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
410 favor say aye. All opposed say no. The motion passes.

411
412 The Planning Commission approved POD-26-02, The Cottages at Crossridge, subject to the
413 annotations on the plans, the standard conditions for developments of this type and the following
414 additional conditions:

415
416 23. The subdivision plat for The Cottages at CrossRidge, Section 2 shall be recorded before
417 any building permits are issued.

418
419 24. The developer shall provide fire hydrants as required by the Department of Public
420 Utilities and Division of Fire.

421
422 25. The proffers approved as a part of zoning case C-17C-00 shall be incorporated in this
423 approval.

424
425 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
426 approved by the County Engineer prior to final approval of the construction plans by the
427 Department of Public Works.

- 416 27. The pavement shall be of an SM-2A type and shall be constructed in accordance with
 417 County standard and specifications. The developer shall post a defect bond for all
 418 pavement with the Planning Office - the exact type, amount and implementation shall be
 419 determined by the Director of Planning, to protect the interest of the members of the
 420 Homeowners Association. The bond shall become effective as of the date that the
 421 Homeowners Association assumes responsibility for the common areas.
- 422 28. The conceptual master plan, as submitted with this application, is for planning and
 423 information purposes only. All subsequent detailed plans of development and
 424 construction plans needed to implement this conceptual plan may be administratively
 425 reviewed and approved and shall be subject to all regulations in effect at the time such
 426 subsequent plans are submitted for review/approval.
- 427 29. The developer shall provide signage, the wording and location as deemed appropriate by
 428 the Director of Public works, which addresses the possible future extension of any stub
 429 street.
- 430 30. The location of all existing and proposed utility and mechanical equipment (including
 431 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 432 shall be identified on the landscape plans. All equipment shall be screened by such
 433 measures as determined appropriate by the Director of Planning or the Planning
 434 Commission at the time of plan approval.
- 435 31. Roof edge ornamental features that extend over the zero lot line, and which are permitted
 436 by Section 24-95(i)(1), must be authorized in the covenants.
- 437 32. Eight-foot easements for construction, drainage, and maintenance access for abutting lots
 438 shall be provided and shown on the POD plans.
- 439 33. Building permit request for individual dwellings shall each include two (2) copies of a
 440 layout plan sheet as approved with the plan of development. The developer may utilize
 441 alternate building types providing that each may be located within the building footprint
 442 shown on the approved plan. Any deviation in building footprint or infrastructure shall
 443 require submission and approval of an administrative site plan.
- 444 34. Architectural plans for this development must meet the standards of the April 24, 1995,
 445 Planning memo of Zero Lot Line Development Standards. The standard memo addresses
 446 the building relationship to the zero lot line and include: minimum percentage of wall on
 447 the zero lot line, number, size and location of window and door openings in first and
 448 second floors and height and setbacks for fences abutting decks.

450 **PLAN OF DEVELOPMENT**
 451

POD-27-02 The Townes at CrossRidge	Wingate & Kestner for Courtney Development, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 103 townhouses for sale for senior citizens. The 19.78 acre site is located on Staples Mill Road (U.S. Route 33) on part of parcel 762-764-6451. The zoning is R-6C, General Residence District (Conditional). County water and sewer. (Brookland)
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452

453 Mr. Taylor - Is there anyone in the audience who is opposed to hearing POD-27-02,
454 The Townes at CrossRidge, on the Expedited Agenda? There being none, Mr. Vanarsdall.

455
456 Mr. Vanarsdall - I move that POD-27-02, The Townes at CrossRidge, be approved on the
457 Expedited Agenda, subject to the annotations on the plans, the standard conditions for
458 developments of this type and added conditions Nos. 23 through 29.

459
460 Mr. Jernigan - Second.

461
462 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
463 favor say aye. All opposed say no. The motion passes.

464
465 The Planning Commission approved POD-27-02, The Townes at CrossRidge, subject to the
466 annotations on the plans, the standard conditions for developments of this type, and the following
467 additional conditions:

- 468
469 23. The subdivision plat for The Townes at CrossRidge, Section 2 shall be recorded before
470 any building permits are issued.
- 471 24. The developer shall provide fire hydrants as required by the Department of Public
472 Utilities and Division of Fire.
- 473 25. The proffers approved as a part of zoning case C-17C-00 shall be incorporated in this
474 approval.
- 475 26. The pavement shall be of an SM-2A type and shall be constructed in accordance with
476 County standard and specifications. The developer shall post a defect bond for all
477 pavement with the Planning Office - the exact type, amount and implementation shall be
478 determined by the Director of Planning, to protect the interest of the members of the
479 Homeowners Association. The bond shall become effective as of the date that the
480 Homeowners Association assumes responsibility for the common areas.
- 481 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
482 approved by the County Engineer prior to final approval of the construction plans by the
483 Department of Public Works.
- 484 28. The developer shall provide signage, the wording and location as deemed appropriate by
485 he Director of Public works, which addresses the possible future extension of any stub
486 street.
- 487 29. The location of all existing and proposed utility and mechanical equipment (including
488 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
489 shall be identified on the landscape plans. All equipment shall be screened by such
490 measures as determined appropriate by the Director of Planning or the Planning
491 Commission at the time of plan approval.

492
493 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
494 **(FOR INFORMATIONAL PURPOSE ONLY)**

495

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
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Sadler Grove (April 2001 Plan)	Three Chopt	56	19	0	1 Year 4/23/03
White Oak Forest (April 1999 Plan)	Varina	61	9	2	1 Year 4/23/03

496
497

497 **FOR PLANNING COMMISSION APPROVAL**

498

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Hunton Park (A Ded. of Hunton Parkway) (March 1997 Plan)	Brookland	0	0	4	Recommendation at Meeting

499

500 Mr. Marlles - This information is being presented for informational purposes only, or at
 501 least the first set of subdivisions is presented for informational purposes only, and those will be
 502 presented by Mr. Kevin Wilhite.

503

504 Mr. Taylor - Good morning, Mr. Wilhite.

505

506 Mr. Wilhite - Good morning. There are two subdivisions being granted extension of
 507 conditional approval by the Director of Planning. The first is Sadler Grove (April 2001 Plan) in
 508 the Three Chopt District and the other is the White Oak Forest (April 1999 Plan) in the Varina
 509 District. The one that is listed for Planning Commission approval, as you can see by Page 1 of
 510 your Addendum, that has been removed. An extension of this subdivision is not necessary. Part
 511 of Hunton Park (A Dedication of Hunton Parkway) has been granted final approval. The
 512 remaining portion has been replaced by the Hunton Park, Phase 2, December 2001 Plan. So, no
 513 Planning Commission action is necessary.

514

515 Mr. Taylor - Thank you very much. Now, Mr. Director, we go to...

516

517 **ALTERNATIVE FENCE HEIGHT**

518

LP/POD-83-01 The Lodge at Hunton Park	Foster & Miller, P.C. for Clarendon Associates, L.L.C.: Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-95(1) (6) of the Henrico County Code. The 32.588-acre site is located on the north side of Hunton Park Boulevard approximately 1,200 feet east of Staples Mill Road (U.S. Route 33) on parcel 765-774-0652 (21-A-2). The zoning is R-5C, General Residence District (Conditional). (Brookland)
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519

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

521

522 Mr. Taylor - Good morning, again, Mr. McGarry.

523

524 Mr. McGarry - Good morning, Mr. Chairman. There are two alternate fence heights requested in
 525 this plan. The first alternate fence height is for a wooden fence, four feet in height, realizing that
 526 42 inches is the maximum allowed. They are asking for 48. This fence would extend for the
 527 1400 feet along the front yard landscape buffer abutting Hunton Park Boulevard. The second

528 alternate fence height is for an entry wall that is going to be eight feet in height that is going to
529 be located in the entrance driveway median inside the project. That wall will be 16 feet in
530 length. Staff does recommend approval subject to the annotations on the plans, standard
531 conditions for landscape plans and the following condition No. 5 which reads: "The wooden
532 fence location shall be approved with the landscape plan." I would be happy to answer any
533 questions.

534
535 Mr. Taylor - Are there any questions for Mr. McGarry?

536
537 Mr. Vanarsdall - I believe the wooden fence you said would be approved with the landscape
538 plan.

539
540 Mr. McGarry -Location. This is giving them the approval to go with 48 inches.

541
542 Mr. Taylor- Is there any other further discussion of LP/POD-83-01?

543
544 Mr. Vanarsdall - I move the LP/POD-83-01, The Lodge at Hunton Park, alternate fence
545 height be approved as recommended by staff, subject to the annotations on the plan, and standard
546 conditions for landscape plans and added condition No. 5.

547
548 Mr. Archer - Second.

549
550 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Archer to approve
551 LP/POD-83-01. All in favor say aye. All opposed say no. The motion passes.

552
553 The Planning Commission approved Alternate Fence Height for LP/POD-83-01, The Lodge at
554 Hunton Park, subject to the standard conditions for landscape plans, the annotations on the plan,
555 and added condition No. 5 as follows:

556
557 5. The wooden fence location shall be approved with the landscape plan.

558
559 **ALTERNATIVE FENCE HEIGHT**

560
LP/POD-70-98
Car Nation

Melissa Moes for Victor Moes: Request for approval of an
alternative fence height plan, as required by Chapter 24,
Sections 24-106 and 24-95(1)(5) of the Henrico County Code.
The .425 acre site is located at 7212 W. Broad Street on parcel
81-12-A-1A. The zoning is B-3, Business District (**Brookland**)

561
562 Mr. Marlles - The staff report will be given by Mr. Michael Kennedy.

563
564 Mr. Taylor - Is there anyone in the audience who is opposed to LP/POD-70-98, Car
565 Nation? No opposition. Mr. Kennedy.

566 Mr. Kennedy - Good morning, ladies and gentlemen. This request is for approval of Alternative
567 Fence Height to allow an eight-foot high black vinyl chain link fence in the front yard along
568 West Broad Street in front of the Car Man, which was approved as POD-70-98. The fence was

569 installed without proper approvals and it was reported to our office, and now we are going
570 through and they are requesting approval of an alternative fence height. Staff feels that the fence
571 itself is inappropriate along Broad Street. It gives a negative appearance and has an
572 inappropriate appearance, and, in addition, the traffic engineer has indicated that the fence itself
573 impedes traffic circulation both on and off the site. Included in your package is a black and white
574 photo, but there is a color photo on the screen now showing how the fence was already, the gate
575 was already knocked down by a car. According to the applicant, the car was driving
576 inappropriately anyway, but the fact is that it is a traffic impediment. The applicant has indicated
577 the fence is necessary to protect their property from vandalism. They are a dealership. They
578 have an active dealership across the street. They are using this location for the storage of vehicles
579 basically, and according to them, they use it for sale by appointment only. It does not appear to
580 be an unusual amount of criminal activity on the property. We have checked police records and
581 we have asked the applicant if they have police complaints filed. They said basically that it has
582 been vandalism and broken windows and things like that, that don't rate high priority and don't
583 rate a lot of insurance claims. They just have to replace them themselves, so they don't have any
584 real true records of those things. There are many car dealerships along Broad Street. We have
585 done administrative amendments and amendments with the Planning Commission in recent
586 months to a good number of the car dealerships. None have indicated similar problems, and
587 there are car dealerships up and down Broad Street. Staff feels that this would set an
588 inappropriate precedent for fencing of this sort along Broad Street, giving a very bad impression
589 of this area, as far as safety. We feel that a video surveillance system would be more appropriate
590 and would help identify those persons perpetrating the crimes that they are suggesting are
591 occurring far too often on their site. So, with that, staff is recommending disapproval of the
592 fence itself. As far as the alternative fence height and the fence, because there is a POD on this
593 site, the fence is a feature of the site that needs to be approved, and we feel not only is the
594 alternative fence height not appropriate, the fence itself is not appropriate. If you have any
595 questions, I would be happy to answer.

596
597 Mr. Taylor - Thank you, Mr. Kennedy. Are there any questions from the Commission?
598

599 Mr. Vanarsdall - We need to hear from the applicant.
600

601 Mr. Taylor - Please, sir, if you would come up to the podium and state your name for
602 the record.
603

604 Mr. Victor Moes - Good morning. I am Victor Moes. I am the owner of the Car Man. You
605 talk about security on Broad Street, I was just meeting with some people from Crown and they
606 have hired now a full-time police officer to watch their lot. They decided not to go with a fence,
607 but they do keep a police officer there. He is there all night, something we couldn't afford. The
608 main purpose of this fence is not so much to keep cars in and out, it is basically, my daughter-in-
609 law works there some nights until midnight, and we've been for about 23 to 26 years on the other
610 side, and it is amazing we have no problems on our side. We did have problems with stealing
611 cars and we put up some poles, and that stopped that. On the other side, I guess you have your
612 Taco Bell. Now, your Taco Bell had an armed robbery with two guys almost killed two weeks
613 ago, at 3:00 in the morning. They pistol whipped them, tied them up, and we've had broken
614 windows and radios stolen. Most of our problem started with being between these two

615 restaurants. On one side you have Taco Bell and on the other you have the Subway. You get
616 tour busses coming in sometime at 1 or 2 in the morning, and they will stop at Taco Bell and 50
617 guys will get off. Half will go to one restaurant and half to the other, and coming back and forth
618 we find a few scratches and we store some pretty expensive cars there. Some of those cars are in
619 excess of \$100,000, and, you know, the first reason we decided on a fence was to keep the
620 people from walking between the restaurants. So I suggested to my son, I said, "Let's just put a
621 fence up on the side, and then people will just walk along the sidewalk. They are not going to go
622 into your property." And we decided with having my daughter-in-law work there some nights
623 until 11 or 12:00 on the computers, for safety purposes, we don't want people with cars coming
624 in and out of the lot. She can get in. The fence is going to be electric. Now, two weekends ago,
625 I guess it was a drunk that ran through our fence, left marks from his car all over it. We reported
626 it to the police and they said it was probably a drunk driver and he'd have to come through there
627 pretty fast, because he did about \$3,000 damage to a steel post buried in the ground and
628 whatever. But, there are many nights I work until 10 or 11:00 p.m. across the street, and I've got
629 five or six different locations and businesses, restaurants and muffler shops on Broad Street, and
630 they are all in Henrico County, and that is the only one we'd have ever had to put a fence up.
631 And when you work on Broad Street at night, you'd be amazed at who walks up to you; not
632 driving. At 11 or 12:00 at night, some are on drugs, some are drugged. I mean, it is, also, that
633 hotel right down there, what is it? The Super 8. That is not exactly the best clientele maybe
634 sometimes stopping in there in the evening, and we put up the fence, we hired, I think it was
635 Hurricane Fence that did it, and we told that we wanted to copy the fence next to us. That is a
636 storage and they have an 8-foot fence. What we didn't realize was that we, the fence, I think the
637 County told us that you have to go to 42 inches once you pass the front of the building forward to
638 Broad Street. And we spoke to Hurricane Fence and we assumed, being in the fence business,
639 we just told them. It was \$10,000 to do that fence. Just like the County wanted that wall in the
640 back. We built a serpentine wall for the neighbors for \$30,000. I don't think there is a serpentine
641 wall on Broad Street from one end to the other. But that is what they wanted, so we gave them
642 their wall. And, when we did the fence, it was basically for security. You talk about a camera.
643 A camera is not going to help you if someone walks up on a young girl working at 11 or 12:00 at
644 night in the office. And, of course, you are in the office with the doors locked. You get out. You
645 get in your car and you leave, but it is a concern to me. I don't mind myself. I am there some
646 nights until 2 in the morning working on cars, but it is different across the street, and we've
647 called the police a number of times. We have had stolen radios, little things. We have a \$1,000
648 deductible, so half the time you don't even call the police. They are not going to get your radio
649 back or fix your broken windshield. It is just, for some reason, that side between the restaurants
650 and the hotel it is not your best part of town sometimes at 10 or 11:00 at night, and we thought
651 the fence looked better. It was, again, the only fence I have got. I've got six locations and we
652 have never put a fence up except there. Now, other dealerships have gone to hiring off-duty
653 police officers at night, and it is, we just decided it would be easier to pay the \$11,000 and do a
654 fence. Now if we put a 42 inch fence over there, as far as a car coming. Of course, that is going
655 to stop a car. You can have a foot fence, and most people aren't going to jump it or cross it. The
656 idea of the high fence is to basically keep out the people that you don't want coming in at night,
657 and like my son said, if we have to go to a lower fence, maybe he'd put barbed wire on top of the
658 fence. You know, at least to keep people out. I didn't want barbed wire. We are not running a
659 prison. It is a car lot. But we have been in business 30 years and this is the first time we've had

660 to fence in a location, and it is, you know. I invite you guys to come work there a couple of
661 nights until midnight. You will see what is on the streets.

662
663 Mr. Vanarsdall - Mr. Moes, do you have this dealership open for the public?

664
665 Mr. Moes - Yes. Anybody can walk in and buy a car. Most of the cars there, most of
666 our business is internet. For the last two years we've become an Internet seller of cars.

667
668 Mr. Vanarsdall - Do you have any repossessed cars on the lot?

669
670 Mr. Moes - No. We don't finance.

671
672 Mr. Vanarsdall - We went over to your lot and it has a big sign on it on the door that says if
673 you have any interest in one of these vehicles to come across the street.

674
675 Mr. Moes - Right. We have no salesmen at that site.

676
677 Mr. Vanarsdall - And I questioned that, as far as back as when the wall that you mentioned
678 was put up. I was there one Saturday, and the man doing the wall. I said to him, I wonder why
679 there are so many vehicles around and a desk inside that looked like it came over with Noah.

680
681 Mr. Moes - What did you say about that desk?

682
683 Mr. Vanarsdall - There was a little old desk in there. The office was not – let me finish –
684 apparently the office was not set up to do business, and the cars are already there. The wall had
685 not been finished, so I wondered then why you wouldn't have the office stocked to where when
686 your salesmen and sales manager came in, so I understand that it never did open as.

687
688 Mr. Moes - Oh, yes we did. We are licensed by DMV. We had licensed salesmen
689 there. We ran that as a retail operation for about a year. Then we switched over. Most of our
690 business is Internet. If we sell 80 cars...

691
692 Mr. Vanarsdall - When you changed it from being a retail operation, you then made it a
693 storage lot, which was not intended.

694
695 Mr. Moes - No. No. That it not storage. You can come in there and buy a car. We
696 don't have salesmen there. I am the salesman across the street. But the sign says if you are
697 interested in car over there, walk across the street and we'll come over and wait on you.

698
699 Mr. Vanarsdall - That is my point.

700
701 Mr. Moes - Sure.

702
703 Mr. Vanarsdall - OK. Thank you.

704

705 Mr. Moes - Like I said, most of our business is Internet, which is a question my son
706 came up with. We pay all these taxes on about \$10,000,000 worth of Internet sales in Henrico,
707 yet if we ran them through our office in Hanover...

708
709 Mr. Vanarsdall - Yeah. Well I did not mean to get off on that, because that has absolutely
710 nothing to do with the fence. I just wanted to know that for my own benefit.

711
712 Mr. Moes - I understand that. But it is, I understand the fence does not look as good
713 as many that \$30,000 wall, but your daughter-in-law doesn't work there at midnight. Mine does.

714
715 Mr. Vanarsdall - Well, you didn't voluntarily put up a wall, so don't mislead the
716 Commission.

717
718 Mr. Moes - Oh, no. We originally were going to do the fence, and then we started
719 with the neighbors, and I understand that when they hear used cars, they think we are all
720 gangsters. So, we went ahead, in order to settle with everybody, we did the serpentine wall. And
721 I have not seen many serpentine walls. I live in a fairly nice home. My house doesn't have a
722 serpentine wall. I've got a little gate, but it is, to say that is a safe part of Broad Street at night,
723 you know. It is not. Not when you leave people working there until midnight.

724
725 Mr. Marlles - Mr. Moes, do you know if your fence contactor checked with the County
726 to get the proper permits?

727
728 Mr. Moes - The guy concerned me. My son dealt with, I want to say Hurricane, and I
729 asked him, and he said that he's never gotten a permit. He says you don't need a permit to build
730 a fence. I said that the County is complaining that it is too high. And, you know, luckily we
731 haven't paid them 10 cents of that \$11,000. I'm a little concerned. I said to him that you are in
732 the fence business. We sell cars.

733
734 Mr. Marlles - Normally the contractor is responsible for making sure that they obtain the
735 appropriate approvals and permits from the locality, so that may be a course of action that you
736 can pursue.

737
738 Mr. Moes - Sure. We knew it was supposed to be no more than 42 inches in the front
739 and I assumed he would have told us we can't do 8 feet or 7 feet. We have got to do 42 inches,
740 but he built the fence, and what we were waiting for was we're putting an electric motor on the
741 fence so you can open it from the inside, and then we have all the fellows from the County come
742 over and say, "Well, the fence is too high in the front, that once you pass the building, I think
743 from the front of the building to the street, and then along the street, I think it is 42 inches." But,
744 I am not in the fence business. I feel like I have gotten in the fence business, but why he didn't
745 know that, I mean, Hurricane has been around forever. It is a little embarrassing, I guess, for
746 those guys.

747
748 Mr. Archer - Sir, have you thought of some other way of securing your business for the
749 safety of your employee, other than having a fence out at the street?

750

751 Mr. Moes - I mean, you know, you work at a place at night and you come out of the
752 door like the people next door. They walked out at 3 in the morning and two guys with pistols
753 beat them up. That is 30 feet away from us, Taco Bell. It is like, we own a restaurant. We have
754 a couple of restaurants on Broad Street and I am going around, I've told my guys that we just
755 opened a pizza place in front of Sam's Club. And I told the guys at Apollo Pizza,
756 Do not go out into the back anymore when you close up at 11:00, even though it is somewhat lit
757 up." I said, "You come out the front where at least there is traffic. No one is going to jump you,
758 so we are trying to put more lights up and, we had one of our employees killed at the Bullet's a
759 couple of years ago. He came out at night, a young kid, 17, and got shot. Believe me, I didn't
760 want to spend \$11,000 on a fence. It looked a lot nicer without the fence, but, you know,
761 between securing the cars and the safety of the people in the building, that is what is has come to.
762 In the old days when we used to close restaurants, local police would pull up until you closed it,
763 and get in your car and leave. That really doesn't happen anymore. But, like I said, that is the
764 first time we have ever put a fence up. We do have poles across the street we put up about 10
765 years ago, because they were stealing two cars a month. We put the poles up and that stopped the
766 theft. Let's face it. If they want to steal a car, they will climb the fence, they'll jump it, like this
767 guy. Somebody knocked the fence down. The police want to know was it someone maybe on the
768 inside trying to get out. I said, "No, you can see the way the fence fell that they hit it coming in
769 from Broad Street." But it is, and before we had the fence, and even now, because there is no
770 longer a door in the front of the fence, the gate is gone, we get probably 20 cars a night coming
771 through there thinking they can go through the back into Taco Bell, and I guess they missed the
772 Taco Bell entrance and they don't want to go to Subway, so they turn - see there is a big ditch
773 there with boulders, so then they back out and make the u-turn and go back to Taco Bell. You
774 can almost stand there and just watch them. Sometimes it is funny. But you know, I have no
775 problem if we've got to cut it down, the fence people said they will cut it down to 42 inches.
776 They have just got to rework it with a saw and rebuild it. I know very little about fences. I only
777 know it is a hassle. Believe me, it is more hassle since having a fence. I walk across the street
778 ten times a day. I don't know why I don't build a door so I can walk directly across the street.

779
780 Mr. Vanarsdall - His time is up, if we are on the 10 minute limit.

781
782 Mr. Moes - Yes, I am long winded. You can tell I sell cars.

783
784 Mr. Jernigan - Mr. Moes, I will just say one thing. There's probably a lot of people on
785 Broad Street that would like to have a 8-foot fence, but it is precedence thing, and I don't know
786 if we want 8-foot fences all up and down West Broad Street, and I feel for you. I know your
787 situation.

788
789 Mr. Vanarsdall - Thank you.

790
791 Mr. Moes- We offered to put landscaping in front of it. A fence is still a fence. I
792 understand that.

793
794 Mr. Taylor - Mr. Moes, with regard to the fence itself, the staff believes that really has
795 a negative impact on the values, so am I correct that you would be willing to work with the staff

796 to come up with a fence that was appropriate to everybody and as well as, perhaps, your issue of
797 installing lighting and cameras on the site to increase security.

798

799 Mr. Moes - We have lights, a lot of lights. We don't have any cameras.

800

801 Mr. Taylor - Is there, from your comments, I wasn't quite sure that the fence extends
802 along the sides of your property.

803

804 Mr. Moes - Yes, it goes from the front of Broad Street all the way to the back wall.

805

806 Mr. Taylor - And you would be willing to do something that is akin to your serpentine
807 wall, but maybe a little bit less costly? And that was a Thomas Jefferson University of Virginia
808 function and I understand it is really in for Virginia.

809

810 Mr. Moes - I understand that.

811

812 Mr. Taylor - But I think the thought here would be to work with the staff. They are
813 concerned about appearance and work with the staff and come up with a fence that is both
814 attractive to them and secure to you.

815

816 Mr. Moes - Keep in mind that same fence is across the street from me with barbed
817 wire on it. It is next door. What is it, a storage facility? He's got an 8-foot fence and then about
818 a foot and a half of barbed wire. The barbed wire to me looks like a regional prison, but they do
819 just because they don't want people climbing the fence. Has the staff seen that?

820

821 Mr. Vanarsdall - Mr. Kennedy, do you want to say something?

822

823 Mr. Taylor - Thank you very much, Mr. Moes. Mr. Kennedy, resolve this for us.

824

825 Mr. Kennedy - I will try. We feel that the fence itself isn't appropriate. I am not sure how to
826 make something aesthetically appropriate if it is a chained-link fence along Broad Street. It just
827 again sets a precedent and makes it look like a jail, and the more jail-like it looks, the more
828 problems we incur, such as there are certain things that you don't do. It is like when you have a
829 shopping center, the first thing you don't get is a check cashing business, because you are
830 attracting problems. It is the image that you create. And you know, if you have a check cashing
831 business in a shopping center, usually it is on the way down hill. And what we don't want to do
832 is give the impression that Broad Street is on the way down hill. This is a very active section of
833 Broad Street. It is very well occupied. The businesses are occupied there, and we don't have
834 closed businesses. It is pretty active, so we don't think that giving that sort of impression is
835 appropriate. As far as, part of the problem is that even if we could come up with something that
836 was decorative, something wrought iron with brick columns to provide a sense of security, the
837 fact is that the gate itself is an issue, how he is securing it, because it is actually at a driveway, at
838 a light. It is not at any other place. It becomes a traffic problem. He, himself, admits that people
839 use it to turn in inappropriately. Well, they turn in inappropriately, a black fence, you know,
840 they are going to hit it. You know, inappropriately, but they are going to hit it and there is going
841 to be an accident, but they are going to hit it. And we just can't really encourage that sort of

842 safety hazard on Broad Street. Both the traffic engineers feel strongly about it. I am sure VDOT
843 would also, although VDOT hasn't responded to us. They are late in their comments, but would
844 have the same opinion. So, a gate in itself is not appropriate. So, there are a lot of things that go
845 into this, and I'm not sure what sort of direction the Planning Commission has, but the direction
846 that staff has is that more lighting, active use of the property and security cameras would be the
847 most appropriate way. There are other ways of putting in some alarm systems that if he wanted
848 to, he may want to take into account, and that is the way to deal with it.

849
850 Mr. Taylor - Thank you, Mr. Kennedy.

851
852 Mr. Vanarsdall - Thank you, Mr. Kennedy. I am ready for a motion, Mr. Chairman, if
853 nobody else has anything.

854
855 Mr. Taylor - I think we are finished, Mr. Vanarsdall. We would enjoy a motion.

856
857 Mr. Vanarsdall - I will start from the beginning when Mr. Moes wanted this lot or owned a
858 lot and wanted to develop it, he did not volunteer to put up that big, pretty wall. We asked him
859 to do that. The attorney asked him and he did, and then before it was supposed to be erected in
860 the beginning to protect the citizens behind it. It was not. The surveyor went over there and tore
861 down what vines the man behind him had and it wasn't, it didn't mean anything to whoever did
862 all of that, but it meant a lot to the people who had lived back there for years, because they had
863 people coming through their yard going on Broad Street, and so the wall was put up, and then
864 they tried to, they came back for a request to make it a straight wall, and I couldn't do that, and a
865 wall was put up and both ends were left open and traffic was still coming through. I went back
866 and asked them to put up a wrought-iron fence at each end, which he finally did, and then, as I
867 said earlier, I noticed it didn't look like it was ever going to be any activity there. Mr. Moes said
868 it was for a year, and so then we think everything is all right, and all of a sudden this fence is
869 erected, and as far back as I can remember, people have been breaking into cars on Broad Street.
870 That is why we have all of the dealerships on Broad Street. We don't have them up and down
871 Staples Mill Road or Monument Avenue. That is where they should be, and people have been
872 stealing cars since the beginning of time, and there are other ways, as Mr. Kennedy suggested, to
873 put up cameras or do something. Think of what Broad Street would look like – in the last few
874 years, every piece of property that is zoned that you can put an automobile on – it seems like
875 somebody has leased them and put them on it. They even put one next door to Arby's, which is
876 about as out of place as another Arby's that would be there. And so, think about all of the places
877 up and down there, if they had a fence and how it would look. It would look like a prison or
878 something. So, and the other thing is that, as Mr. Moes said, he didn't know he needed a permit.
879 When you are in doubt, you ask. And then the drunk driver, that is the perfect example of what
880 we are talking about. A drunk driver has already hit the fence or maybe a speeding driver. So, to
881 me, that is a safety factor, and the fence shouldn't be there at all. The gate, I believe, Mr.
882 Kennedy told me that VDOT would be against the gate to start with, and so, I am going to follow
883 the advice of staff and recommend denial of this request for the fence. And it is because of the
884 safety and welfare of the citizens is the main thing, and our goals, objectives and policies that we
885 have governing a lot of things in the County. And so, therefore, I recommend denial.

886
887 Mr. Taylor - Thank you, Commissioner Vanarsdall. Is there a second?

888
889 Mr. Archer - Second, Mr. Chairman.
890
891 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Archer to
892 disapprove LP/POD-70-98, Car Nation. All in favor say aye. All opposed say no. The motion
893 passes.
894
895 The Planning Commission denied approval of the Alternative Fence Height for LP/POD-7-98,
896 Car Nation.
897
898 Mr. Moes - One question. A 42-inch fence, does that need a permit?
899
900 Mr. Kennedy - I'll answer your question in the lobby so we don't hold up the meeting.
901
902 Mr. Vanarsdall - Could we go ahead to the next case?
903
904 Mr. Taylor - We will go on to the next case. If you could, we will just go on to the next
905 case.
906

906 **PLAN OF DEVELOPMENT**

907

POD-22-02
Bank of America –
Westgate @ Wellesley

TIMMONS for Wellesley Centre, L.C. and Trammell Crow Company: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 4,800 square foot bank building with drive-thru facilities. The 1.60 acre site is located at the southwest corner of W. Broad Street (U.S. Route 250) and Westgate Parkway (private) on part of parcel 737-762-4724 (36-A-49A). The zoning is B-2C, Business District (Conditional) and WBSO (West Broad Street Overlay District). County water and sewer. **(Three Chopt)**

908

909 Mr. Wilhite - Thank you, sir. In your packet, your original packet, there is a revised
910 plan included. It had not undergone staff review. This plan was submitted to address the
911 concerns staff had with the entrances to the interior drive. Those changes to those interior
912 entrances have been looked at by staff and we find them acceptable. There has been discussion
913 over the last few days about the treatment of the 50-foot buffer along West Broad Street. What
914 will occur is that the developer will save the existing trees over six inches in caliper along West
915 Broad Street, except for a section of about 10 feet, which needs to be graded adjacent to the curb
916 and gutter on the site. Architectural plans are included in there, also the only recommendation
917 that staff has is that the color of the materials match the existing Westgate I and Westgate II
918 Office Buildings. I know of no opposition by the applicant to staff's recommendation. We do
919 recommend approval.

920

921 Mr. Taylor - Thank you, Mr. Wilhite. Are there any questions of Mr. Wilhite? There
922 being no questions, I move approval of POD-22-02, Bank of America – Westgate @ Wellesley,
923 subject to the annotations on the plans, standard conditions for developments of this type and
924 additional conditions Nos. 23 through 31.

925

926 Mr. Vanarsdall - Second.

927

928 Mr. Taylor- Motion made by Taylor and seconded by Mr. Vanarsdall. All in favor say
929 aye. All opposed say no. The motion is approved.

930

931 The Planning Commission approved POD-22-02, Bank of America – Westgate @ Wellesley,
932 subject to the annotations on the plans, standard conditions for developments of this type and the
933 following additional conditions:

934

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

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

- 942 25. A standard concrete sidewalk shall be provided along the west side of Westgate Parkway.
 943 26. Outside storage shall not be permitted.
 944 27. The proffers approved as a part of zoning case C-69C-95 shall be incorporated in this
 945 approval.
 946 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 947 approved by the County Engineer prior to final approval of the construction plans by the
 948 Department of Public Works.
 949 29. In the event of any traffic backup which blocks the public right-of-way as a result of
 950 congestion caused by the drive-up teller facilities, the owner/occupant shall close the
 951 drive-up teller facilities until a solution can be designed to prevent traffic backup.
 952 30. Insurance Services Office (ISO) calculations must be included with the plans and
 953 contracts and must be approved by the Department of Public Utilities prior to the
 954 issuance of a building permit.
 955

956 **PLAN OF DEVELOPMENT**
 957

POD-25-02
 BB&T
 4799 S. Laburnum Avenue

TIMMONS for Parker, Pollard & Brown, P.C., BB&T, Bettye B. Watson, Thomas H. Robinson, William M. Shipman, Everette A. and Marie N. Felts, Ashby Milton Myers and Mary E. Short: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 5,268 square foot bank. The 1.42 acre site is located at the northeast intersection of S. Laburnum Avenue and Finlay Street on parcels 816-715-1082 (162-A-52), 815-715-9860 (162-A-56) and part of 816-715-1063 (162-A-56). The zoning is O-2C, Office District (Conditional) and ASO (Airport Safety Overlay District). County water and sewer. (**Varina**)

958
 959 Mr. Marlles - This is the case that was passed over originally on the Expedited Agenda.
 960 The staff report will be given by Christina Goggin.
 961

962 Mr. Taylor - Good morning, Ms. Goggin.
 963

964 Ms. Goggin - Good morning. Well, it appears that our opposition, but not necessarily
 965 our opposition has left. The gentleman and the lady that came up, Mr. Shipman and Mr. And
 966 Ms. Myers live immediately to the east of the proposed site. What they came for today was to
 967 just insure that they were going to get a vinyl fence, and that has been worked out with the
 968 engineer and landscape architect and staff has made notes that they prefer vinyl over wood, and
 969 they are also concerned that proper buffering is going to be between them and the bank. We
 970 explained to them that there is a proffered 20-foot landscape buffer, a six-foot vinyl fence and a
 971 10-foot transitional buffer. So they are going to be very well buffered. They were also
 972 concerned about lighting shining down into their lot and staff insured them that it would not
 973 happen, that landscape and lighting plan would have to come back before staff, and we wouldn't
 974 shine a light right into their house. We did offer, the engineer and I did offer to make the
 975 landscape and lighting plan No. 9 and 11 Amended, so it would have to come back in front of the

976 Planning Commission and they didn't want to come back. They just requested that we work
977 closely with them to make sure that what they want is met, and we agreed to do that. So, they
978 left. They got our phone numbers, and we are going to work with them when it comes back for
979 landscape and lighting. If there are any questions that I can answer, I will be glad to.

980
981 Mr. Taylor - Thank you, Ms. Goggin. I appreciate that. There being no opposition...

982
983 Mr. Jernigan - Do we need to do No. 9 and 11 Amended or leave it like it is?

984
985 Ms. Goggin - We offered like, we can amend it. You can come back, you can come in
986 front of the Planning Commission, and they didn't feel there was a need to do that. They just
987 requested that we work with them one on one.

988
989 Mr. Vanarsdall - What do you want to do?

990
991 Ms. Goggin - It is up to you, sir.

992
993 Mr. Jernigan - We will watch out for them.

994
995 Mr. Vanarsdall - If you think that there is any doubt, you should put No. 9 and 11 on it and
996 you wouldn't have a problem with it. If you don't, you can leave it.

997
998 Mr. Jernigan - Well, let's do that and we will check it. OK, I know the representative
999 from BB&T is here. You don't have to come up, but I do want to thank you for – staff said you
1000 all were real easy to work with, stepped up to the plate. You have got a nice looking building
1001 and went beyond some the things that you had to do, so the County and Commission appreciate
1002 that. With that, Mr. Chairman, I'd like to make a motion to approve POD-25-02, BB&T, subject
1003 to the annotations on the plans, the standard conditions for developments of this type, and the
1004 following additional conditions, Nos. 23 through 34 with No. 9 and 11 Amended.

1005
1006 Mr. Taylor - Second.

1007
1008 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Taylor to approve
1009 POD-25-02, BB&T, 4799 S. Laburnum Avenue. All in favor say aye. All opposed say no. The
1010 motion passes.

1011
1012 The Planning Commission approved POD-25-02, BB&T, 4799 S. Laburnum Avenue, subject to
1013 the annotations on the plans, the standard conditions for developments of this type, and the
1014 following additional conditions:

- 1015
1016 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1017 review and Planning Commission approval prior to the issuance of any occupancy permits.
1018 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of
1019 the site lighting equipment, a plan including depictions of light spread and intensity
1020 diagrams, and fixture specifications and mounting height details shall be submitted for
1021 Planning Office review and Planning Commission approval.

- 1022 23. The right-of-way for widening of S. Laburnum Avenue as shown on approved plans shall
 1023 be dedicated to the County prior to any occupancy permits being issued. The right-of-
 1024 way dedication plat and any other required information shall be submitted to the County
 1025 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1026 24. The easements for drainage and utilities as shown on approved plans shall be granted to
 1027 the County in a form acceptable to the County Attorney prior to any occupancy permits
 1028 being issued. The easement plats and any other required information shall be submitted
 1029 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
 1030 permits.
- 1031 25. The developer shall provide fire hydrants as required by the Department of Public
 1032 Utilities and Division of Fire.
- 1033 26. Employees shall be required to use the parking spaces provided at the rear of the
 1034 building(s) as shown on the approved plans.
- 1035 27. Outside storage shall not be permitted.
- 1036 28. The proffers approved as a part of zoning case C-66C-01 shall be incorporated in this
 1037 approval.
- 1038 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
 1039 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1040 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1041 approved by the County Engineer prior to final approval of the construction plans by the
 1042 Department of Public Works.
- 1043 31. In the event of any traffic backup which blocks the public right-of-way as a result of
 1044 congestion caused by the drive-up teller facilities, the owner/occupant shall close the
 1045 drive-up teller facilities until a solution can be designed to prevent traffic backup.
- 1046 32. Insurance Services Office (ISO) calculations must be included with the plans and
 1047 contracts and must be approved by the Department of Public Utilities prior to the
 1048 issuance of a building permit.
- 1049 33. Approval of the construction plans by the Department of Public Works does not establish
 1050 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 1051 elevations will be set by Henrico County.
- 1052 34. The location of all existing and proposed utility and mechanical equipment (including
 1053 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 1054 shall be identified on the landscape plans. All equipment shall be screened by such
 1055 measures as determined appropriate by the Director of Planning or the Planning
 1056 Commission at the time of plan approval.

1058 Mr. Marlles - Mr. Chairman, that concludes our number of cases. We do have approval
 1059 of minutes from the March 27, 2002 meeting.

1060 Mr. Taylor - Are there any comments on the minutes?
 1061

1062 Mr. Jernigan - Let's see, page 22, line 824. That should be Mr. Taylor, not me, that made
 1063 that statement.

1064
 1065 Mr. Taylor - Page 22, line 824, motion made by Mr. Jernigan and seconded by Mr.
 1066 Vanarsdall. It was made by Mr. Taylor. Scratch out Jernigan and insert Taylor.
 1067

1068 Mr. Vanarsdall - You all sound alike. I can understand how they picked that up.
1069
1070 Mr. Jernigan - It just goes to show I do read the minutes.
1071
1072 Mr. Vanarsdall - Yes, and I'm real proud of you. You are going to catch up with Mr.
1073 Archer.
1074
1075 Ms. Ware- I have one, on Page 40. Line 1571, don't should be "just."
1076
1077 Mr. Taylor - The word don't should be just. So scratch out don't and insert just. Are
1078 there any other comments? Is there a motion to approve the minutes?
1079
1080 Mr. Jernigan - I will make a motion to approve the minutes from the March 27 meeting, with the
1081 corrections.
1082
1083 Mr. Vanarsdall - With the corrections, and I will second it.
1084
1085 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to approve
1086 the minutes of the meeting of March 27, 2002. All in favor say aye. All opposed say no. The
1087 motion passes. Mr. Secretary, I believe that concludes our business.
1088
1089 Mr. Vanarsdall - I have an FYI. At one of these meetings or two of them, I asked people
1090 who were going to vote at APA level to vote for Patricia Sheffels from Seattle, Washington and
1091 Bellevue, Washington, and she did win, so I appreciate you all, so whoever did vote, I appreciate
1092 it, and if you didn't vote, I appreciate it.
1093
1094 Mr. Jernigan - I move to adjourn.
1095
1096 Mr. Vanarsdall - Second.
1097
1098 Mr. Taylor - She did get our vote. We are delighted she has been elected, and with that,
1099 this meeting is adjourned at 10:04. Thank you very much for attending.
1100
1101 There being no further business, the Planning Commission adjourned its April 24, 2002, meeting
1102 at 10:04 a.m.
1103
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1105
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1107

Allen Taylor, P.C., C.P.C. Chairman
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1111

John R. Marllles, AICP, Secretary
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