

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia,**  
2 **held in the Board Room of the County Administration Building, Parham and Hungary**  
3 **Spring Roads at 9:00 a.m. on February 27, 2002.**

4  
5 Members Present: Allen Taylor, P.E., C.P.C., Chairperson, Three Chopt  
6 E. Ray Jernigan, C.P.C., Vice-Chairperson, Varina  
7 C. W. Archer, C.P.C., Fairfield  
8 Ernest B. Vanarsdall, C.P.C., Brookland  
9 Lisa D. Ware, Tuckahoe  
10 Frank J. Thornton, Board of Supervisors Representative, Fairfield

11  
12 Others Present: John R. Marlles, AICP, Secretary, Director of Planning  
13 Randall R. Silber, Assistant Director of Planning  
14 David D. O'Kelly, Jr., Principal Planner  
15 Leslie A. News, CLA, County Planner  
16 James P. Strauss, CLA, County Planner  
17 E. J. (Ted) McGarry, III, County Planner  
18 Kevin D. Wilhite, C.P.C., AICP, County Planner  
19 Michael F. Kennedy, County Planner  
20 Christina Goggin, AICP, County Planner  
21 Michael P. Cooper, County Planner  
22 Diana B. Carver, Office Assistant  
23 Todd Eure, Assistant Traffic Engineer, Public Works  
24

25 Mr. Taylor - Good morning and welcome to the February 27, 2002 Plan of  
26 Development meeting. Is there anybody here from the press? I will turn the program over to our  
27 Director, Mr. John R. Marlles.  
28

29 Mr. Marlles - Good morning, Mr. Chairman, members of the Commission, ladies and  
30 gentlemen. We do have a full quorum today so we can conduct business. The first item on the  
31 agenda is Request for Deferrals and Withdrawals. Those will be presented by Mr. Kevin  
32 Wilhite.  
33

34 Mr. Wilhite - Good morning, Mr. Chairman, and Commission members, ladies and  
35 gentlemen. We have two requests for deferrals that staff is aware of at this time. The first  
36 appears on Page 3.  
37

37 **PLAN OF DEVELOPMENT (Deferred from the September 26, 2001, Meeting)**  
38

POD-95-00 **Harry Pradhan for Superstar, Inc.:** Request for approval of a  
Superstar, Inc. Service revised plan of development as required by Chapter 24, Section  
Center – 9999 Brook Road 24-106 of the Henrico County Code to construct a one-story,  
(POD-3-96 Revised) 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)**

39  
40 Mr. Wilhite - The applicant is requesting a deferral to April 24, 2002.

41  
42 Mr. Taylor - Mr. Director, is there a motion for this?

43  
44 Mr. Archer - Is there any opposition to the deferral of POD-95-00? Then I  
45 move deferral of POD-95-00, Superstar, Inc. Service Center, to the April 24, 2002 meeting, at  
46 the applicant's request.

47  
48 Mr. Vanarsdall - Second.

49  
50 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to  
51 defer POD-95-00 to April 24, 2002. All in favor say aye. All opposed say no. The motion is  
52 carried.

53  
54 At the applicant's request, the Planning Commission deferred POD-95-00, Superstar, Inc.  
55 Service Center – 9999 Brook Road, to its meeting on April 24, 2002.

56  
57 **SUBDIVISION ALTERNATIVE FENCE HEIGHT PLAN**  
58 **(Deferred from the January 23, 2002, Meeting)**

59  
2501 Cedar Cone Drive **Robert Parsons:** Request for approval of an alternative fence  
(Section C, Block C, Lot 3 height plan, as required by Chapter 24, Section 24-95.(1)(7)b of  
Cedar Chase) the Henrico County Code. The site is located at the northeast  
corner of Cedar Cone Drive and Cedar Knoll Lane on parcel  
746-754-2295 (57-9-C-3). The zoning is R-3, One-Family  
Residence District. **(Three Chopt)**

60  
61 Mr. Wilhite - The applicant is requesting a deferral to your meeting on March  
62 27, 2002.

63  
64 Mr. Taylor - Is there any opposition to deferral of this project? OK. There is  
65 opposition. We will just move that to the regular agenda.  
66

67 Mr. Vanarsdall- They are opposing the deferral, not to the case. You might want to  
68 ask them why they are deferring the case and why they are opposing the deferment.  
69

70 Mr. Taylor - Please come down to the microphone and identify yourself.  
71

72 Mr. Otto DaCosta - Good morning, Mr. Chairman. My name is Otto DaCosta and I am  
73 a resident of Cedar Chase, and I represent those the neighbors this morning, and we are in  
74 opposition of the deferment of this transition for the simple reason that this fence poses a clear  
75 and present danger at this corner.  
76

77 Mr. Vanarsdall - You understand that this is a request from the applicant to defer the  
78 case for 30 days and then we hear the case one way or the other.  
79

80 Mr. DaCosta - That is correct.  
81

82 Mr. Vanarsdall - This is not anything other than a deferment.  
83

84 Mr. DaCosta - For the record, we are in opposition to that deferral, because it will  
85 defer this decision another 30 days, and that fence has been up for five months now and it has  
86 created a heck of a lot of uproar, for safety reasons primarily, so I will request this Commission  
87 to take that into account. I have children that go around that corner and it is not a safe corner.  
88

89 Mr. Taylor- OK. Thank you, Mr. DaCosta. We appreciate that. Is the applicant  
90 here? Would the applicant like to speak?  
91

92 Mrs. Kim Parsons - I am Kim Parsons. The reason we are asking for the deferral is we  
93 had decided last meeting to meet with the neighbors. We had a meeting scheduled for February  
94 19 and it was then cancelled by the County and we had to reschedule, and the next available date  
95 we could get was March 4, which has, obviously, not come up. So the whole purpose of  
96 deferring it the first time was to be able to meet with the neighbors and discuss the issue, which  
97 we have not done yet. That is why we are asking for the deferral again so that we can meet with  
98 the neighbors and discuss the issue.  
99

100 Mr. Vanarsdall - When you say that it was cancelled by the County, do you mean  
101 County officials were not able to attend?  
102

103 Ms. Parsons - We had it scheduled and then we were informed that we needed to  
104 reschedule because that date couldn't happen. We were informed by the County.  
105

106 Mr. Vanarsdall - Do you know anything about that, Mr. Marlles?  
107

108 Mr. Marlles - No, I don't. I can ask the staff member.  
109

110 Ms. Goggins - Good morning. Originally, there was a miscommunication between  
111 the County and the applicant as to who was going to send out adjacent neighbor notice letters for  
112 the meeting. It is the County's policy for staff not to send out letters for meetings between

113 private citizens and by the time we got that issue straightened out, we had run out of meeting  
114 time before the Planning Commission, with our already packed schedule.

115  
116 Mr. Vanarsdall - Mr. Chairman, it seems like we have a miscommunication and they  
117 want to defer it simply to be able to have a community meeting, which we have always looked  
118 favorably upon, to let the neighbors know what you are doing. But it is up to you.

119  
120 Mr. Taylor- Thank you, Mr. Vanarsdall. Thank you very much, Mrs. Parsons. I  
121 recognize the sensitivity of this particular project and the emotion that has been generated, and I  
122 think that it is important that we hear it quickly. On the other hand, it is very sensitive, and I  
123 think we need to really ponder exactly what we are going to do. So, what I think perhaps the  
124 best approach would be is to have this meeting but grant two weeks to allow the applicant to  
125 work together with the staff and another two weeks for the neighborhood to work together with  
126 the staff, so that we can make a compromise that is both fair and correct. So, with that, I will  
127 move to defer this case, at my request, the request of the Commissioner, to March 14, 2002,  
128 zoning meeting at 7:00 p.m.

129  
130 Mr. Jernigan - The applicant wanted to defer it.

131  
132 Mr. Vanarsdall - I second your motion.

133  
134 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall, to defer  
135 the meeting to March 14, 2002 at 7:00 p.m.

136  
137 Mr. DaCosta - Is that 7 or 7:30 p.m.

138  
139 Mr. Taylor - That is at 7:00 p.m.

140  
141 Mr. DaCosta - Is this for the neighbors?

142  
143 Mr. Taylor - No. This will be a full meeting just like this, and will give us two  
144 weeks to work with both the community, the neighbors and the Parsons, and try to work out a  
145 compromise that is acceptable to everybody.

146  
147 Ms. Goggins - The meeting on the fourth of March would be the neighborhood  
148 meeting between Mr. and Mrs. Parsons and the neighbors, and we did schedule that for the  
149 Board Room, since it would be in a neutral location.

150  
151 Mr. Taylor - Thank you very much, Christina. Now, we have a motion on the  
152 floor, seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion  
153 carries.

154  
155 The Planning Commission deferred Subdivision Alternative Fence Height Plan for 2501 Cedar  
156 Cone Drive (Section C, Block C, Lot 3, Cedar Chase), to its meeting on March 14, 2002, at 7:00  
157 p.m.

158  
159

159 **LANDSCAPE PLAN**

160

LP/POD-26-00 **Gayle McNeil, A.S.L.A. for New Bridge Baptist Church:**  
New Bridge Baptist Church- Request for approval of a landscape plan, as required by Chapter  
Elko Road (State Route 156) 24, Sections 24-106 and 24-106.2 of the Henrico County Code.  
The 51.466-acre site is located at the southeast corner of the  
intersection of Elko Road (State Route 156) and Old  
Williamsburg Road on parcel 848-710-9248 (177-A-40B). The  
zoning is A-1, Agricultural District. (**Varina**)

161

162 Mr. Jernigan - Mr. Chairman, Mr. Wilhite, we are going to have to pull this off of  
163 the Expedited Agenda, and catch it in order. We've got a problem.

164

165 Mr. Wilhite - Are you referring to the first item?

166

167 Mr. Jernigan - Yes. So I would like to remove that from the Expedited Agenda.

168

169 Mr. Taylor - Should we wait and let Kevin get further along?

170

171 Mr. Wilhite- Landscape Plan POD-26-00, Newbridge Baptist Church in Varina.

172

173 Mr. Taylor - Is there anybody opposed to withdrawing this from the Expedited  
174 Agenda?

175

176 Mr. Vanarsdall - Who would be opposed to that?

177

178 Mr. Taylor - I don't know. I just wanted to ask the question. All in favor of  
179 removing this from the Expedited Agenda, say aye. All opposed say no. The Landscape Plan  
180 LP/POD-26-00, New Bridge Baptist Church-Elko Road, is removed from the Expedited Agenda.

181

182 **SUBDIVISION**

183

Millers Terrace **Koontz-Bryant for Hank Wilton:** The 4.85 acre site is located  
(February 2002 Plan) north of the intersection of Altair Road and Denison Road on  
part of parcel 813-716-0660 (162-A-10A). The zoning is R-4,  
One-Family Residence District and ASO (Airport Safety  
Overlay) District. County water and sewer. (**Varina**) **14 Lots**

184

185 Mr. Wilhite - Staff recommends approval.

186

187 Mr. Taylor- Anybody opposed to approving this one? All right. Mr. Jernigan.

188

189 Mr. Jernigan - Mr. Chairman, I make a motion to approve Millers Terrace  
190 (February 2002 Plan), subject to the annotations on the plans, the standard conditions for  
191 subdivisions served by public utilities, and added Condition No. 12.

192

193 Mr. Vanarsdall - Second.

194

195 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to  
196 approve Subdivision Millers Terrace (February 2002 Plan). All in favor say aye. All opposed  
197 say no. The motion carries.

198

199 The Planning Commission granted conditional approval to subdivision Millers Terrace (February  
200 2002 Plan), subject to the annotations on the plans, the standard conditions for subdivisions  
201 served by public utilities, and the following additional condition:

202

203 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
204 foot-wide planting strip easement along Gay Avenue shall be submitted to the Planning  
205 Office for review and approval prior to recordation of the plat.

206

## 207 **SUBDIVISION**

208

Sadler Glen  
(February 2002 Plan)

**Youngblood, Tyler & Associates, P.C. for Sadler Grove, LLC, Webb L. Tyler, G. Edmond Massie, IV and Sadler Green, LLC:** The 15.22 acre site is located at the western terminus of Sadler Green Lane, and adjacent to I-295 on part of parcels 746-767-1609, 746-766-4052, 746-766-5582, 746-766-0613, 746-765-0853, 745-765-7271 (27-A-29, 31, 32, 34 35 and 37-A-14). The zoning is R-3C, One-Family Residence District (Conditional) and R-3AC, One-Family Residence District (Conditional). County water and sewer.  
**(Three Chopt) 36 Lots**

209

210 Mr. Wilhite - I'd like to point out the need for a correction to Condition No. 16,  
211 the fifth word in that sentence should read "signage" and not "signature." Staff recommends  
212 approval.

213

214 Mr. Taylor- I move approval of Sadler Glen (February 2002 Plan) subject to  
215 the annotations on the plans, the standard conditions for subdivisions served by public utilities,  
216 and Conditions Nos. 12 through 17.

217

218 Mr. Vanarsdall - Second.

219

220 Mr. Taylor - Motion is made by Mr. Taylor, seconded by Mr. Vanarsdall. All in  
221 favor say aye. All opposed say no. The ayes have it. The motion carries.

222

223 The Planning Commission granted conditional approval to subdivision Sadler Glen (February  
224 2002 Plan), subject to the annotations on the plans, the standard conditions for subdivisions  
225 served by public utilities, and the following additional conditions:

226

227 12. The detailed plant list and specifications for the landscaping to be provided within the 20-  
228 foot-wide common area along Sadler Grove Road and the 25-foot wide planting strip

- 229 easement along Interstate 295 shall be submitted to the Planning Office for review and  
 230 approval prior to recordation of the plat.
- 231 13. A sidewalk shall be constructed along the north side of Sadler Grove Road.
- 232 14. The proffers approved as part of zoning cases C-78C-99 and C-2C-01 shall be incorporated  
 233 in this approval.
- 234 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
 235 maintenance of the common area by a homeowners association shall be submitted to the  
 236 Planning Office for review. Such covenants and restrictions shall be in form and substance  
 237 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
 238 subdivision plat.
- 239 16. The developer shall provide signage, the wording and location as deemed appropriate by  
 240 the Director of Public Works, which addresses the possible future extensions of the stub  
 241 streets.
- 242 17. The existing excess right-of-way shall be vacated prior to the recordation of any impacted  
 243 lots.

244  
 245 **SUBDIVISION**

246 Falcon Rest **Youngblood, Tyler & Associates, P.C. for Jeanne B. DuPree**  
 (February 2002 Plan) **and Youngblood Properties, LLC:** The 6.164 acre site is  
 1822 Pump Road located on the west line of Pump Road, approximately 670 feet  
 north of Sancrest Road on parcel 741-747-0660 (78-A-25). The  
 zoning is R-2AC, One-Family Residence District (Conditional).  
 County water and sewer. **(Tuckahoe) 11 Lots**

247  
 248 Mr. Taylor - Is there any discussion on this project? Is there any opposition to  
 249 this project? No opposition? Ms. Ware.

250  
 251 Ms. Ware - Then I recommend approval of the Falcon Rest Subdivision  
 252 (February 2002 Plan), subject to the annotations on the plans, the standard conditions for  
 253 subdivisions served by public utilities, and additional conditions Nos. 12 through 14.

254  
 255 Mr. Vanarsdall - Second.

256  
 257 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Vanarsdall. All  
 258 in favor say aye. All opposed say no. The motion carries.

259  
 260 The Planning Commission granted conditional approval to subdivision Falcon Rest (February  
 261 2002 Plan) 1822 Pump Road, subject to the annotations on the plans, the standard conditions for  
 262 subdivisions served by public utilities, and the following additional conditions:

- 263  
 264 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
 265 foot-wide planting strip easement along Pump Road shall be submitted to the Planning  
 266 Office for review and approval prior to recordation of the plat.
- 267 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
 268 construction plan by the Department of Public Works.

269 14. The proffers approved as part of zoning case C-73C-01 shall be incorporated in this  
270 approval.  
271

272 Mr. Marlles - Mr. Chairman, the next item on the agenda is subdivision  
273 extensions of conditional approval. This information is being presented to the Commission for  
274 informational purposes only, so no action is necessary. Those requests will be presented again  
275 by Mr. Wilhite.  
276

277 Mr. Taylor - Mr. Wilhite.  
278

279 **(FOR INFORMATIONAL PURPOSE ONLY)**  
280

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Estates of Hampshire (January 2001 Plan)</b>	<b>Three Chopt</b>	<b>18</b>	<b>18</b>	<b>0</b>	

281  
282 Mr. Wilhite - We only had one item, one subdivision appear for extension. This  
283 was to be handled administratively. I can inform you that the last remaining issue was worked  
284 out yesterday afternoon and we are in a position to grant final approval. There will be no need to  
285 extend this conditional approval.  
286

287 **SUBDIVISION**  
288

Rock Spring Estates and A Resubdivision of Lot 1, Block A, Section 3 Rock Spring Estates (February 2002 Plan)	<b>Foster &amp; Miller, P.C. for WWJ, LC and Hunton Estates Development, Inc.:</b> The 8.348 acre site is located on both sides of Long Meadow Drive at its intersection with Mill Road on parcels 766-774-2778 (13-A-24), 766-774-8941 (13-2-A-1) and part of 765-774-0652 (13-A-23). The zoning is R-1AC, One-Family Residence District (Conditional). County water and sewer. <b>(Brookland) 10 Lots</b>
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289  
290 Mr. Marlles - The staff report will be given by Mr. McGarry.  
291

292 Mr. Taylor - Good morning, Mr. McGarry.  
293

294 Mr. McGarry - Good morning, Mr. Chairman and members of the Commission.  
295 The Department of Public Works and the applicant are now in agreement regarding the extent of  
296 the improvements to the two abutting roads, so staff can now recommend approval, subject to  
297 standard conditions for subdivisions served by public utilities and additional conditions Nos. 12  
298 through 14. I'd be happy to answer any questions.  
299



299 Mr. Vanarsdall - Mr. McGarry, I have a question. You have 10 lots, but it looks like  
300 it should be nine lots. Is that right? On the agenda it says 10 lots. It says one of the conditions  
301 of the zoning, C-68C-01, says that there will be no more than three lots and under the other  
302 proffers on the other zoning case, it says six lots, so that would be nine lots.

303  
304 Mr. McGarry - They include Lot 1; Block A, Section 3, an existing lot in with this  
305 approval.

306  
307 Mr. Vanarsdall - OK. Thank you. I don't have any more questions, Mr. Chairman.

308  
309 Mr. Taylor - Are there any other questions from members of the Commission?

310  
311 Mr. Vanarsdall- All right. I move Rock Spring Estates and A Resubdivision of Lot  
312 1, Block A, Section 3, Rock Spring Estates (February 2002 Plan), be approved with the  
313 annotations on the plan, the standard conditions for subdivisions served by public utilities and  
314 Conditions 12, 13 and 14.

315  
316 Mr. Jernigan - Second.

317  
318 Mr. Taylor - We have a motion made by Mr. Vanarsdall, seconded by Mr.  
319 Jernigan. All in favor say aye. All opposed say no. The motion carries.

320  
321 The Planning Commission granted conditional approval to subdivision Rock Spring Estates and  
322 A Resubdivision of Lot 1, Block A, Section 3 Rock Spring Estates (February 2002 Plan), subject  
323 to the standard conditions for subdivisions served by public utilities and the following additional  
324 conditions:

- 325
- 326 12. The proffers approved as part of zoning cases C-48C-01 and C-68C-01 shall be  
327 incorporated in this approval.
  - 328 13. The detailed plant list and specifications for the landscaping to be provided within the 35-  
329 foot-wide planting strip easement along Mill Road shall be submitted to the Planning  
330 Office for review and approval prior to recordation of the plat.
  - 331 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
332 maintenance of the common area by a homeowners association shall be submitted to the  
333 Planning Office for review. Such covenants and restrictions shall be in form and substance  
334 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
335 subdivision plat.

336  
337

337 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**  
338

POD-73-01  
Gayton Business Center,  
Phases VI and VII  
(Gayton Shopping Center)

**TIMMONS for Ridgeview, Inc.:** Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 (3)a of the Henrico County Code to construct two office/retail buildings totaling 13,534 square feet. The 1.42-acre site is located on the northwest corner of the intersection of Gayton Centre Drive and Gayton Road on part of parcel 731-751-7537 (65-A-7N), part of 731-751-0561 (65-A-7D) and 731-751-0321 (65-A-7P). The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

339  
340 Mr. Marlles - The staff report will be presented by Mr. Michael Kennedy.

341  
342 Mr. Taylor- Good morning, Mr. Kennedy.

343  
344 Mr. Kennedy - Good morning, ladies and gentlemen. The reason why we are  
345 making a presentation this morning is because this is a transitional buffer deviation requested by  
346 the applicant. The subject property is located at the intersection of Gayton Centre Drive and  
347 Gayton Road. Right across the street from that is the Tascon property, POD-69-01. That  
348 property was rezoned recently by the Board of Supervisors. A portion of that was rezoned to R-5  
349 to permit the construction of that condominium project. As part of when they rezoned that, there  
350 was an agreement between the owners and Tascon, because they were rezoning the property and  
351 creating a transitional buffer requirement on this property, they agreed to provide the buffer on  
352 their property. In addition, the applicant has agreed to provide a 10-foot transitional buffer along  
353 the road. Basically, it would be the equivalent of what you would see in a Broad Street  
354 streetscape, so they would have landscaping along the edge. This entrance drive would serve  
355 both, if you look at their location plan, in front of you on the screen, this Gayton Centre Drive  
356 provides access both to Gayton Business Center and to Tascon, and so they would have a  
357 landscaped entrance as they are coming in, but they asked for a deviation of a 35-foot transitional  
358 buffer to a 10-foot transitional buffer. So, it does require separate approval for that deviation.  
359 Staff feels that it is consistent with the requirements for a deviation and the applicant is here, Mr.  
360 Hank Wilton, to make any representations that you need.

361  
362 On the addendum there is an additional condition, which we would like you to take a look at.  
363 That has to do with the finishes on the buildings, so that any visible portion of the building  
364 would be finished with brick as opposed to painted block, and Mr. Wilton has agreed that any  
365 portion of the building visible from Gayton Centre Drive or Gayton Road be finished with brick.  
366 If you have any further questions, I would be happy to answer them.

367  
368 Mr. Taylor - Thank you, Mr. Kennedy. Are there any further questions of Mr.  
369 Kennedy? Mr. Kennedy, do we have a color rendering from Mr. Wilton on this project?

370  
371 Mr. Kennedy - No. We don't, sir.

372

373 Mr. Taylor - I don't know that we need one. Standard red brick, I guess, is just  
374 red brick.  
375

376 Mr. Wilton - In keeping with the other buildings, we are going to use the same  
377 red brick to continue that same color pattern.  
378

379 Mr. Taylor - Mr. Wilton, are there any Wilton flares on this one?  
380

381 Mr. Wilton - I don't believe so, sir.  
382

383 Mr. Taylor - All right, then, if there are no further questions, Ms. Ware.  
384

385 Ms. Ware - First, I need to approve the transitional buffer deviation. I make a  
386 motion that the transitional buffer deviation be approved.  
387

388 Mr. Archer - Second.  
389

390 Mr. Taylor- Motion made by Ms. Ware and seconded by Mr. Archer to approve  
391 the transitional buffer deviation for POD-73-01, Gayton Business Center, Phases VI and VII  
392 (Gayton Shopping Center). All in favor say aye. All opposed say no. The motion passes.  
393

394 The Planning Commission approved the transitional buffer deviation for POD-73-01, Gayton  
395 Business Center, Phases VI and VII (Gayton Shopping Center).  
396

397 Ms. Ware - I recommend approval of POD-73-01, Gayton Business Center,  
398 Phase VI and VII (Gayton Shopping Center), subject to the annotations on the plans, standard  
399 conditions for developments of this type, and additional conditions Nos. 23 through 32.  
400

401 Mr. Archer - Second.  
402

403 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Archer. All in  
404 favor say aye. All opposed say no. The motion passes.  
405

406 The Planning Commission approved Plan of Development POD-73-01, Gayton Business Center,  
407 Phases VI and VII (Gayton Shopping Center), subject to the standard conditions for  
408 developments of this type, and the following additional conditions:  
409

410 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
411 the County in a form acceptable to the County Attorney prior to any occupancy permits  
412 being issued. The easement plats and any other required information shall be submitted  
413 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
414 permits.  
415 24. The developer shall provide fire hydrants as required by the Department of Public  
416 Utilities and Division of Fire.

- 417 25. Prior to issuance of a building permit, the developer must furnish a letter from Dominion  
 418 Virginia Power stating that this proposed development does not conflict with their  
 419 facilities.
- 420 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 421 approved by the County Engineer prior to final approval of the construction plans by the  
 422 Department of Public Works.
- 423 27. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of  
 424 the Henrico County Code.
- 425 28. Insurance Services Office (ISO) calculations must be included with the plans and  
 426 contracts and must be approved by the Department of Public Utilities prior to the  
 427 issuance of a building permit.
- 428 29. Approval of the construction plans by the Department of Public Works does not establish  
 429 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 430 elevations will be set by Henrico County.
- 431 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 432 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 433 development.
- 434 31. The location of all existing and proposed utility and mechanical equipment (including  
 435 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 436 shall be identified on the landscape plans. All equipment shall be screened by such  
 437 measures as determined appropriate by the Director of Planning or the Planning  
 438 Commission at the time of plan approval.
- 439 32. The portions of building elevations visible from public streets shall be finished with  
 440 brick to match the front building elevation, all other portions of the building elevations  
 441 shall be finished with a decorative finished block (i.e., split-faced block).

442  
 443 **LANDSCAPE PLAN**  
 444

LP/POD-26-00 **Gayle McNeil, A.S.L.A. for New Bridge Baptist Church:**  
 New Bridge Baptist Church- Request for approval of a landscape plan, as required by Chapter  
 Elko Road (State Route 156) 24, Sections 24-106 and 24-106.2 of the Henrico County Code.  
 The 51.466-acre site is located at the southeast corner of the  
 intersection of Elko Road (State Route 156) and Old  
 Williamsburg Road on parcel 848-710-9248 (177-A-40B). The  
 zoning is A-1, Agricultural District. (**Varina**)

- 445  
 446 Mr. Marlles - The staff report will be given by Mr. Kennedy.  
 447  
 448 Mr. Taylor - Good morning, again, Mr. Kennedy.  
 449  
 450 Mr. Kennedy - Good morning, again, ladies and gentlemen. We have some  
 451 neighbors in the audience and we have worked out some details, and we would like to make a  
 452 presentation on this so you will understand the details of what has been worked out between the  
 453 applicant and the neighbors. As you can see from the location plan (referring to rendering), it is  
 454 a significantly large site, 51 acres. The church is located actually on a hilltop within the middle  
 455 of the property. The closest property and most affected properties are actually located in the

456 Robin Dale Subdivision, which is located to the east, northeast from the site. You can see a  
457 couple of the houses on the location plan. Actually, in this location right here (referring to  
458 rendering), and although the church meets all the current landscape requirements of the Code,  
459 there is no transitional buffering requirements in churches. They are permitted residential uses.  
460 So, they are only required to have two trees every 100 feet along a parking area. The church has  
461 agreed to provide additional landscaping and provide Leyland Cyprus or similar hedge along the  
462 property line to block headlights from their parking lot to the adjoining properties, and,  
463 otherwise, on the site, significant numbers of trees and large trees including 48 inch caliper trees  
464 have been saved on the site, and the church has done a very good job, particularly along Elko  
465 Road of maintaining a buffer around the property. If you have any further questions, I would be  
466 happy to answer them.

467  
468 Mr. Taylor - Thank you, Mr. Kennedy. Mr. Carlton, good morning.

469  
470 Mr. Carlton - Good morning. I am Wayne Carlton from Newbridge Baptist  
471 Church, representing the church. You mentioned a hedge along the property line. We were  
472 thinking about a hedge along the parking lot and we are not really aware of the concern that these  
473 people have of why we need to do this, and so maybe, if we could get someone to explain to us a  
474 little bit why and what their concern is, and what actually is required, as far as they are  
475 concerned, to satisfy them, because we don't know. We are kind of shooting in the dark here.

476  
477 Mr. Jernigan - We are going to give them a chance to speak now.

478  
479 Mr. Carlton - OK.

480  
481 Mr. Taylor - If you would, ma'am, please identify yourself for the record.

482  
483 Ms. Laura Bell - I am Laura Bell and I live at 213 Robinwood Lane. Thank you for  
484 this opportunity. It is very short. This is Elsie Atkins, at 215 Robinwood Lane, and we are the  
485 two most affected people right now until additional buildings are built. One of our main  
486 concerns is we appreciate the 20-foot barrier that they put up, which I understand, I was told in  
487 the beginning that it was, that they had to do it, but then I found out later from Mike that they did  
488 not have to do it, and we really appreciate the barrier that they put up. Maybe it is not a barrier,  
489 but the footage. But we are concerned when church meetings are over, for example, at 9:00 p.m.  
490 at night, or 10:00 p.m., or whatever, lights coming in the house. The church is up here and we  
491 are down here (referring to rendering) and the church is literally in our backyard, both of ours,  
492 and we are concerned about that. The other concerns we have really don't concern the  
493 landscaping, except for – we need names of people and phone numbers that we can contact. We  
494 are concerned about the supervision of the parking lot during non-church programs, and we just  
495 need some phone numbers. It is not anything that deals with you all, I know right now, but we  
496 do need those phone numbers and names that we can. Children are already starting to come, and  
497 teenagers, and in the summer and spring, fall, they are going to be there, and if it is not  
498 supervised, lots of things will happen. There are at least 16 widows in that particular area.  
499 There are not but 21 or 22 houses, and 16 of the people are living alone, pretty much alone, and  
500 it can be a very serious problem when there is no supervision. And maybe there will be  
501 supervision. I don't know.

502  
503 Mr. Taylor - So Ms. Bell what you are asking for there is some kind of a church  
504 contact in the event that there is some kind of situation that you would like to just have  
505 somebody to contact.  
506  
507 Ms. Bell- Yes. And we would not do anything unless we felt like it was  
508 absolutely necessary. I only had to call the minister one time because there was a flash light way  
509 back in the woods before all the trees were taken down, and the flash light had legs and started  
510 walking, and we don't like that. Strange things can happen, and we don't need that.  
511  
512 Mr. Taylor - I understand.  
513  
514 Mr. Jernigan- Ms. Bell, getting back to the landscaping part, you told me earlier  
515 that you would like to have some shrubs next to the parking lot.  
516  
517 Ms. Bell - Maybe something like those Leyland Cyprus or something that  
518 grows sort of fast, just to keep the lights out at night when, not the lights from the parking lot.  
519 They were done well. The lights from the cars zooming in there, and leaving and that type of  
520 thing. And maybe they will be parked away from us. Some of the things we don't know. We  
521 don't know all the factors involved.  
522  
523 Mr. Vanarsdall- You are more concerned about the lights than anything else, aren't  
524 you?  
525  
526 Ms. Bell - Yes, and also, I have pictures, which are not really directed to the  
527 landscaping scheme, but affects our landscaping, during the construction, during that bad storm  
528 last summer. There was flooding in my yard and in Ms. Atkins' yard, and the water swerved  
529 around and stood under her shed, and that may be corrected now, because that was during  
530 construction, and a lot of things have been added now, and so we won't know until we have  
531 another bad storm to see how the drainage goes, but it was really bad last summer, which sort of  
532 affects the landscaping in an indirect way.  
533  
534 Mr. Jernigan - We will check on the drainage. We will have to see what it is  
535 doing. The parking lot, are you right off of Robinwood, right around where it curves?  
536  
537 Ms. Bell- Yes. Right on the curve.  
538  
539 Mr. Jernigan - Mr. Kennedy, do we have 20 feet of buffering in there?  
540  
541 Mr. Kennedy - There is a 20-foot setback between the parking lot and the rear  
542 property line, so it is not buffering. It is just open space.  
543  
544 Mr. Jernigan - It is open?  
545  
546 Mr. Kennedy- It is open. As far as the grading is concerned and the drainage  
547 problem, there were sediment basins in there while they were constructing the parking lot. They

548 are now drop inlets within the parking lot, taking the drainage away from the property line, so  
549 that problem should have been resolved by now.

550

551 Mr. Vanarsdall - Mr. Jernigan, this is just a suggestion. You might want to put No. 9  
552 and 11 on here and bring it back.

553

554 Mr. Kennedy - This is the landscape plan, sir.

555

556 Mr. Vanarsdall - I am sorry.

557

558 Mr. Jernigan - Are you speaking for the church, Mr. Carlton?

559

560 Mr. Kennedy - I think Mr. Carlton can speak for the church and direct an answer  
561 to their request. I don't think there is any opposition.

562

563 Mr. Jernigan - I mean, would it be all right if we put some shrubs or something  
564 along there to knock off those headlights?

565

566 Mr. Carlton - Yes, sir, but I would like to for Gayle McNeil, who did the  
567 landscape drawing for us, she is very competent. She can tell us what we need to do.

568

569 Mr. Taylor - Good morning, Ms. McNeil.

570

571 Ms. McNeil - Good morning. As you know, I am the landscape architect for this  
572 plan. I believe that putting something like a Leyland Cyprus down on the property line would  
573 not accomplish what they would like, because the grade drops down from the parking to the  
574 property line. If we put Leylands down there and they would be shaded, they probably would  
575 not grow to the acceptable height that they need. I feel a more proper solution might be to place  
576 some sort of broad leaf evergreen shrub right along the parking lot where they would grow to the  
577 height that would hit them directly, be right at grade, and that would accomplish what they  
578 wanted, and it would also be a lot easier for the church to place as well as for the plants to  
579 prosper and thrive in that position.

580

581 Mr. Jernigan - I think that is what they were looking for. Right on the other side  
582 of the curb end. Would that be OK? Is there any other problem?

583

584 Ms. Atkins - May I ask this gentleman a question? When do you all expect to  
585 be in?

586

587 Mr. Carlton - We plan on moving in May.

588

589 Ms. Atkins - Right now we are having a really bad problem with trash blowing  
590 from the site of the church down into our yard. We get lunch boxes, we get plastic bags, we get  
591 Hardee's wrappers, we get anything you want to name and it comes down. I have been over and  
592 talked to the foreman. He was very nice and very cooperative. The day that I went was a

593 particularly bad day. He came down with two of his men and cleaned it up, but that is the last  
594 time, and that has been over a month ago.

595  
596 Mr. Carlton - Are you still getting it?

597  
598 Ms. Atkins - We are still - when I stand at my kitchen window like I am facing  
599 you, I am facing the church. And there are plastic bags in the trees this morning.

600  
601 Mr. Carlton- Well, ma'am, I think we can take care of that problem.

602  
603 Ms. Atkins - Yes, they come out of the dumpster.

604  
605 Mr. Taylor - Excuse me. What I would like to do is just ask one person to talk  
606 and if you would, we will just leave this and ask you and Mr. Carlton to work with the two ladies  
607 separately.

608  
609 Mr. Vanarsdall - Ma'am. I will give you a phone number. Write this phone number  
610 down.

611  
612 Ms. Atkins - OK.

613  
614 Mr. Vanarsdall - It is 501-4937 and ask for John Short, and tell him your problem,  
615 and he will take care of it.

616  
617 Ms. Atkins - I might suggest one other thing. The dumpster does not have a top,  
618 and that is increasing the problem, so if it could have a top on it. That might alleviate the whole  
619 thing.

620  
621 Mr. Vanarsdall - Tell Mr. Short when you call him to bring a top.

622  
623 Ms. Atkins - I will be glad to do that.

624  
625 Mr. Jernigan - I think, Ms. Atkins, once the construction is finished we won't  
626 have that problem, and you know, there is a lot of wind down there, and when you've got people  
627 there they just, it happens, but if the dumpster does not have a top on it, we do need to address  
628 that. But, I think Ms. McNeil says that she will take care of your problem with the shrubs.

629  
630 Ms. Atkins - Thank you.

631  
632 Mr. Taylor - Is there any further discussion on LP/POD-26-00? No further  
633 discussion. Mr. Jernigan.

634  
635 Mr. Jernigan - Mr. Chairman, I would like to make a motion to approve  
636 Landscape Plan LP/POD-26-00, New Bridge Baptist Church-Elko Road (State Route 156),  
637 subject to the annotations on the plans and the standard conditions for landscape and lighting  
638 plans and added conditions Nos. 7 and 8.



639 Mr. Vanarsdall - Second.

640

641 Mr. Taylor - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
642 favor say aye. All opposed say no. The motion passes.

643

644 The Planning Commission approved Landscape and Lighting Plan for LP/POD-26-00, New  
645 Bridge Baptist Church-Elko Road (State Route 156), subject to the annotations on the plans and  
646 the standard conditions for landscape and lighting plans, and the following additional conditions:

647

648 7. A revised detailed lighting plan shall be submitted to the planning office for review and  
649 approval prior to the issuance of a certificate of occupancy.

650 8. The light poles located within the two landscape islands nearest to Robin Dale Farms  
651 Subdivision shall be a maximum of 20-feet in height and the lighting fixtures on those  
652 poles shall be routed away from the adjoining residential property.

653

654 Mr. Vanarsdall - Mr. Chairman, we have a distinguished guest in the audience this  
655 morning from the Board of Zoning Appeals, Mr. James Nunnally. He may want to speak, but he  
656 usually does not. Nice to have you with us this morning.

657

658 Mr. Taylor - Nice to have you, sir.

659

660 Mr. Vanarsdall - Maybe you could pick up some pointers on how you all can do  
661 things on BZA, Mr. Nunnally.

662

663 **RECONSIDERATION OF A PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**  
664 **AND A LANDSCAPE PLAN**

665

POD-5-00  
S. B. Cox Route 5  
Phase 1 Drainage and  
Grading Plan

**Engineering Design for S. B. Cox, Inc.:** Request for  
reconsideration of a plan of development and special exception  
to authorize the operation of a landfill and approval of a  
landscape plan as required by Chapter 24, Sections 24-2, 24-71b,  
24-106 and 106.2 of the Henrico County Code to construct a  
109,000 square foot contractor's storage yard. The 15.97 acre  
site is located on the west line of Old Osborne Turnpike (Route  
5), approximately 200 feet north of the intersection of  
Bickerstaff Road on parcels 797-712-3825 (170-A-4) and 797-  
711-6071 (170-A-604). The zoning is M-2, General Industrial  
District. County water and sewer. (**Varina**)

666

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

668

669 Mr. Kennedy - Ladies and gentlemen of the Commission, this POD is for a fill site  
670 along the river. As a result of being a fill site, it needs a Special Exception as well as POD  
671 approval. The original POD and Special Exception were approved with significant conditions  
672 two years ago. At that time, there was an expectation that the project would take approximately  
673 two years to accomplish. The applicant has been working diligently to get the plans approved

674 because of the significant environmental complications of the site. They have only recently  
675 gotten the plans to the point where they can be approved in accordance with all of those  
676 conditions. They would now like to extend that period of time, which the Special Exceptions  
677 provides, which is a two-year period. So, what they are asking for is reconsideration so they can  
678 get another two-year period in order to utilize the site, to fill it, bring it to grade, and then there is  
679 an additional year where they would actually finish off the site, plant grass, and stabilize the site.  
680 So, basically, what they are asking for is re-approval of the original POD with a new two-year  
681 period. That is the only change. The plans actually have been completed to the satisfaction of  
682 all of the engineering divisions, environmental divisions of the County as well as Federal  
683 government, and they are ready to be approved upon approval of the Planning Commission. In  
684 the packet in the original conditions there was a condition that the landscape plan be returned to  
685 the Commission. Since they have come so far, they actually provide that landscape plan as the  
686 landscape plan shown, and there will be a berm with landscaping provided along Old Osborne  
687 Turnpike in order to make sure there was appropriate landscaping as well. With that, we can  
688 recommend approval. The engineer for the project, Todd Borden, is here from Engineering  
689 Design, and he can answer any questions as well.

690  
691 Mr. Taylor - Thank you, Mr. Kennedy. I remember this case when it came to  
692 the Commission two years ago, and I recognized at that time, I think that particular time was  
693 when Ms. Quisenberry was out and I think I handled this case.

694  
695 Mr. Kennedy - That is right. You handled the case and it was significant  
696 environmental concerns that took use of your expertise as a Coast Guard engineer, I think.

697  
698 Mr. Taylor - Thank you very much. And over that period of time now of two  
699 years, Mr. Cox and company have been operating, I suspect, in accordance with the special  
700 exception conditions and I would like to assure the Commission that basically, in your  
701 statements, you stated, I believe, that they were operating in full accordance with the conditions  
702 that we set two years ago.

703  
704 Mr. Kennedy - Right. The plan would be in accordance with it. They haven't  
705 actually been in operation. This would permit them to start operation.

706  
707 Mr. Taylor - I remember at that time the concerns were to protect the  
708 environmental conditions along the river's edge and to operate this kind of a facility in a safe,  
709 satisfactory and environmentally sound manner, and we are assured that they have done that and  
710 you are satisfied with the conditions?

711  
712 Mr. Kennedy - Yes, sir.

713  
714 Mr. Taylor - So this would be an extension of the conditions, really, from two  
715 years ago, basically unchanged, except as you know.

716  
717 Mr. Kennedy - Yes, sir. And those significant conditions are actually contained in  
718 the agenda.

719

720 Mr. Taylor - And there have been no violations of the operating conditions of  
721 the permit or the conditions that we approved two years ago?  
722

723 Mr. Kennedy - No.  
724

725 Mr. Jernigan - Mr. Kennedy, I would like to commend you, because there are a  
726 lot of conditions in this. Not too often is the agenda four pages.  
727

728 Mr. Taylor - And I think, Mr. Jernigan, that is kind of a tribute to S. B. Cox  
729 Incorporated, because that is a very sensitive site and there were a lot of conditions, and that is an  
730 area of the river and the waterfront that needs significant environmental consideration.  
731

732 Mr. Jernigan - Was there any opposition?  
733

734 Mr. Taylor - As far as I know, there is no opposition. Is there any opposition to  
735 extending this project? There being none, it is your opportunity.  
736

737 Mr. Kennedy - Sir, we need two motions because there is a Special Exception.  
738 We need one motion for the Special Exception and one motion for the POD.  
739

740 Mr. Jernigan - And one motion for the landscaping plan?  
741

742 Mr. Kennedy - The POD can include the landscape plan.  
743

744 Mr. Jernigan - All right. With that I make a motion to approve extension of POD-  
745 5-00 for two years to February, 2004, subject to the annotations on the plans, the standard  
746 conditions for landscape plans, the standard conditions for developments of this type, and the  
747 following additional conditions Nos. 23 through 31.  
748

749 Mr. Vanarsdall - Second.  
750

751 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
752 All in favor say aye. All opposed say no. The motion passes.  
753

754 Mr. Jernigan - All right, Mr. Chairman, I make a motion to approve the extension  
755 of Special Exception on POD-5-00, for an additional two years, to February 2004, subject to the  
756 annotations on the plans and standard conditions for landscape plans, the standard conditions for  
757 developments of this type, and the following additional conditions and Special Exception  
758 conditions Nos. 1 through 13.  
759

760 Mr. Vanarsdall - Second.  
761

762 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
763 All in favor say aye. All opposed say no. The motion passes.  
764

765 The Planning Commission approved POD and Special Exception for POD-5-00, S. B. Cox,  
766 Route 5, Phase I Drainage and Grading Plan, subject to the annotations on the plans, the standard  
767 conditions for landscape plans, the standard conditions for developments of this type, and the  
768 following additional conditions:

- 769
- 770 23. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
771 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
772 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
773 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 774 24. The entrances and drainage facilities on Old Osborne Turnpike (State Route 5) shall be  
775 approved by the Virginia Department of Transportation and the County.
- 776 25. A notice of completion form, certifying that the requirements of the Virginia Department  
777 of Transportation entrances permit have been completed, shall be submitted to the  
778 Planning Office prior to any occupancy permits being issued.
- 779 26. The temporary parking areas shall be properly compacted and maintained at all times.
- 780 27. Approval of the construction plans by the Department of Public Works does not establish  
781 the curb and gutter elevations along the Virginia Department of Transportation  
782 maintained right-of-way. The elevations will be set by the contractor and approved by  
783 the Virginia Department of Transportation.
- 784 28. A 50-foot-wide landscape buffer shall be provided along Old Osborne Turnpike (State  
785 Route 5) outside of the ultimate right-of-way. The landscape buffer shall be planted in  
786 accordance with a landscape plan to be approved by the Planning Commission.
- 787 29. The owners shall not begin clearing of the site until the following conditions have been  
788 met:
- 789 (a) The site engineer shall conspicuously illustrate on the plan of development or  
790 subdivision construction plan and the Erosion and Sediment Control Plan, the  
791 limits of the areas to be cleared and the methods of protecting the required buffer  
792 areas. The location of utility lines, drainage structures and easements shall be  
793 shown.
- 794 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
795 clearing or grading operations of the site, the owner shall have the limits of  
796 clearing delineated with approved methods such as flagging, silt fencing or  
797 temporary fencing.
- 798 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
799 have been staked in accordance with the approved plans. A copy of this letter  
800 shall be sent to the Planning Office and the Department of Public Works.
- 801 (d) The owner shall be responsible for the protection of the buffer areas and for  
802 replanting and/or supplemental planting and other necessary improvements to the  
803 buffer as may be appropriate or required to correct problems. The details shall be  
804 included on the landscape plans for approval.
- 805 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
806 Planning Office and approved prior to issuance of a certificate of occupancy for this  
807 development.
- 808 31. The right-of-way shall be dedicated to the County of Henrico 60 feet from the existing  
809 centerline of Old Osborne Turnpike (State Route 5). The right-of-way dedication plat and  
810 any other required information shall be submitted to the County Real Property Agent and

811 VDOT for review at least sixty (60) days prior to recordation. After recordation, a copy of  
812 the deed along with deed book and page numbers shall be submitted to VDOT for file  
813 purposes. The deed shall be recorded prior to any entrance permit being issued by VDOT.  
814

815 **Special Exception Conditions:**  
816

- 817 1. The only material permitted to be deposited in the landfill shall be select graded clean fill  
818 material consisting of crushed concrete and other similar non-compressible materials. No  
819 hazardous or contaminated materials shall be permitted. No biodegradable or hydraulic fill  
820 shall be permitted.
- 821 2. Graded clean fill material shall be deposited in lifts and compacted under the supervision of  
822 an engineer licensed in the Commonwealth of Virginia. All materials shall be deposited and  
823 compacted in accordance with the applicable state regulations and geo-technical guidelines  
824 established by the engineer. Said guidelines shall be submitted for review and approval by  
825 the Director of Public Works prior to any activity on the site.
- 826 3. A superintendent who is familiar with all terms and conditions of the Plan of Development  
827 and other applicable permits shall be present at when ever materials are received. The  
828 superintendent shall be responsible to insure that the terms and conditions of such Plan of  
829 Development and other permits are satisfied and shall maintain a daily log indicating the  
830 source of all materials received, processed, deposited and compacted in accordance with the  
831 geo-technical guidelines, as well as refuse materials hauled off site. Copies of said log shall  
832 be forwarded to the Directors of Public Works and Planning on a monthly basis.
- 833 4. The facility shall be operated as a private facility for the applicant, except that other contract  
834 haulers licensed in the State of Virginia may be permitted to deposit approved materials.  
835 This facility shall not be open to the general public. No fill materials shall originate outside  
836 of the Commonwealth of Virginia.
- 837 5. Uncrushed material stockpiles shall be limited to the amount that may be processed within  
838 one week (or 2,000 cubic yards) with a maximum height of 20 feet. All refuse materials  
839 shall be hauled offsite on a daily basis.
- 840 6. The facility shall be operated in accordance with all regulations and have all permits  
841 required by the Departments of Environmental Quality and Waste Management or otherwise  
842 required by the Commonwealth of Virginia.
- 843 7. A permanent gate shall be erected and maintained at each vehicular entrance to the property.  
844 The gates shall not be opened except when a superintendent is on site to control the filling  
845 on the property as permitted under these conditions.
- 846 8. "No Trespassing" signs shall be posted and maintained on the property to warn against use  
847 of the property by unauthorized persons. The signs shall have a minimum letter height of  
848 three (3) inches and shall be posed every 250 feet along the perimeter of the property. The  
849 applicant shall furnish the Chief of Police a letter authorizing enforcement by the County  
850 Police Officers of the "No Trespassing" regulations and agreeing to send a representative to  
851 court for purposes of testimony whenever required or requested by the Division of Police.
- 852 9. Fill slopes that are less than a 3:1 ratio shall not exceed a height of six (6) feet and slopes  
853 that exceed ten (10) feet in height shall have a bench that is five (5) feet in width every ten  
854 (10) feet in height.
- 855 10. That a suitable completion bond, with a surety satisfactory to the County Attorney, or  
856 certified check, be posted with the Director of Planning, in an amount of \$1,000.00 per acre



A-11) and part of parcel 754-756-1501 (58-2-A-10). The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt) 33 Lots**

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Mr. Marlles - The staff report will be given by Mr. Wilhite.

Mr. Taylor - Good morning, Mr. Wilhite.

Mr. Wilhite - Good morning. This case was deferred from the last meeting. In your original packet a revised plan was included. The staff had not had an opportunity to complete its review. We have at this point, and what is being handed out to you now is the same plan with the staff annotations. The biggest changes involved adjustments to the northern and southern property lines. The northern property line was adjusted to account for the exact alignment of future Mayland Drive. The southern property line was adjusted to account for some property the applicant is adding to this development. This is land that has been in dispute as far as ownership over the past few years. There is no change in the number of units being proposed here, the size of the parcel overall having increased slightly. On page 2 of your Addendum staff has added Condition No. 15 as part of its recommendation. That requests that the exact southern boundary of this development to be determined to the satisfaction of the County Attorney and the Director of Planning and instructs the applicant to provide us a title report or other documentation to assist the County in making its determination. We have done a little bit of title search on this. We believe that they probably do have a good claim to this property, but there may be a need to clear up a title prior to this project going forward. So, we have tied determination into final subdivision approval. With Condition No. 15, staff would recommend approval of the revised plan with the standard conditions and the conditions appear on your agenda. I will be happy to answer any questions that you would have.

Mr. Taylor- Thank you, Mr. Wilhite. Are there any questions from the Commission? All right. I move approval of... Is there any opposition? No opposition. I move approval of Bartley Pond (January 2002 Plan), subject to the standard conditions for residential townhouses, the annotations on the plans, and additional conditions Nos. 13 through 15.

Mr. Jernigan - Second.

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

The Planning Commission approved Subdivision Bartley Pond (January 2002 Plan), subject to the standard conditions for residential townhouses, the annotations on the plans and the following additional conditions:

13. The proffers approved as part of zoning case C-49C-01 shall be incorporated in this approval.
14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be in form and substance

942 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
943 subdivision plat.

944 **15.** The exact location of the southern boundary of this development shall be determined to the  
945 satisfaction of the County Attorney and the Director of Planning prior to the granting of  
946 final subdivision approval. The applicant shall provide a title report and/or other pertinent  
947 documentation to assist the County in making its determination.

948

949 **REVISED PLAN OF DEVELOPMENT**

950

POD-44-94 Revised  
Wal-Mart @ Short  
Pump – Glen Allen

**Koontz-Bryant, P.C. for Wal-Mart Real Estate Business Trust:** Request for approval of a revised plan of development as required by Chapter 24, Sections 24-106 and 24-62.1(i) of the Henrico County Code to add an outdoor display area adjacent to the existing garden center and to utilize two existing concrete plazas for outdoor display areas. The 19.84-acre site is located approximately 350 feet east of the intersection of W. Broad Street (U.S. Route 250) and Pouncey Tract Road (State Route 271) on parcel 740-762-9925 (36-A-18F). The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

951

952 Mr. Marlles -

The staff report will be given by Mr. Jim Strauss.

953

954 Mr. Taylor -

Good morning, Mr. Strauss.

955



956 Mr. Strauss - Good morning, Mr. Chairman and members of the Commission.  
957 The application before you is a proposal to revise the previously approved plan of development  
958 for the Wal-Mart at Short Pump Plaza to allow outdoor display of merchandise as allowed in the  
959 B-3 zoning district. The previous plan of development for Wal-Mart was approved on April 26,  
960 1994, to allow the construction of a one-story garden center expansion. The revised plan that  
961 Leslie has passed out a moment ago proposes three outdoor display areas, two of which are to be  
962 located on the concrete plazas in front of the Wal-Mart building, and a third to be beside the  
963 building behind the existing berm, which runs parallel to West Broad Street.

964  
965 The applicant first came to the Planning Office last summer with a proposal for approval of  
966 outdoor display areas and the staff has been working with the applicant since that time. This  
967 latest revised plan is a much-improved version since our last meeting. The most recent plan was  
968 received Monday afternoon of this week, so a waiver of the time limits would be the first order  
969 of business for the Commission this morning with respect to this application. I have had the  
970 latest annotated staff plan distributed, and I also have an additional set of recommendations in  
971 the Addendum this morning. That would be Page 3 of the Addendum. Staff was very happy to  
972 see the applicant bring this latest plan in, because there have been a number of issues at this  
973 shopping center that both the staff and the Zoning Enforcement Officer have been struggling  
974 with over the last several years.

975  
976 The first issue is the outdoor display of seasonal bedding plants and other gardening-related  
977 items. This proposal addresses this issue with a system of concrete planters, which would screen  
978 this material, much the same way as the Lowe's store proposed last August, and that was a plan,  
979 which this Commission approved at that time.

980  
981 The second issue is trash and litter, which tends to accumulate in the parking area, and in the  
982 existing BMP in the back of the shopping center. The applicant has agreed to address this  
983 concern with Condition No. 26, and they would be cleaning up that BMP on a regular basis. The  
984 other concern staff has had for sometime now is the replacement of all dead or distressed trees in  
985 the parking lot and other landscaping in the parking areas and other parts of the Wal-Mart site.  
986 The applicant will resolve that issue with a phased landscape plan. Phase 1 will be installed with  
987 the outdoor display areas and that will focus on the screening of these areas, the outdoor display  
988 areas, from views along West Broad Street and in the parking area in front of the building, and a  
989 Phase 2 plan will be submitted and installed as soon as the staff can determine which trees in the  
990 parking area are in need of replacement. Given the time of the year, you can understand the  
991 problem in determining which trees are stressed and which are dead, so we have discussed that  
992 with the applicant and with Conditions No. 23 and 24 they will be bringing forth a landscape  
993 plan on April 1 and installation by May 1. The staff has been concerned for sometime with the  
994 problems of dead landscaping, littering the parking area and the BMP and the use of unscreened  
995 outdoor display areas. And in our negotiations with the applicant, the applicant has been very  
996 cooperative in resolving these issues and staff is very happy to have worked with the applicant in  
997 this regard.

998  
999 We feel that this is a good plan and this revised POD is a substantial improvement over what we  
1000 first saw. Of course, given the understanding that if the situation merits further review, the staff  
1001 and the Commission will reserve the right to revisit this plan in the future, if the need does arise.

1002 So, with that said, I will be happy to answer any questions you may have, and the applicant's  
1003 representative is here. That would be Mr. Neil Kessler and he is legal counsel for Wal-Mart, and  
1004 I have Mr. Bob Fitz, who is the landscape architect that I worked with to prepare this plan.  
1005 Thank you.

1006  
1007 Mr. Taylor - Thank you, Mr. Strauss. I appreciate all of the hard work that you  
1008 have put in on this project and I also appreciate all of the hard work that Mr. Kessler and Mr. Fitz  
1009 have put in, and I appreciate to have the opportunity to work with the entire group. One of the  
1010 great things about Wal-Mart has been its great success, and the fact that it is open 24 hours a day.  
1011 That means they are always available, 24 hours a day, but it also notes or provides the  
1012 opportunity that 24 hours a day they are in operation, and it is very, very difficult to keep the  
1013 property well maintained and clear of trash and debris, so in the seas of their success, there are  
1014 some requirements for extraordinary care and diligence in keeping it looking pleasant and being  
1015 a credit to the entire neighborhood, and I want to thank them for all of their help.

1016  
1017 Mr. Strauss - Mr. Taylor, I would like to add one more thing. In my discussions  
1018 this morning about the conditions, Conditions Nos. 23 through 27, I would like to make two  
1019 corrections for the record. On Condition No. 25, if we could strike the word "storage" and  
1020 replace that with "display".

1021  
1022 Mr. Taylor - What line is that on?

1023  
1024 Mr. Strauss - That would be the first line. Outdoor storage area would be  
1025 outdoor display areas, as opposed to storage, and No.27, we would like to replace the word  
1026 "vacate" with "quit claim" all easements.

1027  
1028 Mr. Taylor - OK. I've got that. Thank you very much, Mr. Strauss.

1029  
1030 Mr. Marlles - Mr. Taylor, if I could just add a comment to the staff report,  
1031 outdoor storage or display areas is an issue that we do have all over the County, with not just  
1032 Wal-Mart but with other similar types of retail outlets. We worked with Lowe's first and now  
1033 Wal-Mart to try to come up with an acceptable solution for how to deal with these outdoor  
1034 display areas which the retailers are requesting. We very much are interested in the input from  
1035 the full Commission. Once this display area is installed, we certainly would like to get input  
1036 from the full Commission as to whether this is an acceptable solution elsewhere in the County.  
1037 We are kind of looking at it as an experiment in each of these cases on a case by case basis, but it  
1038 is an issue that is Countywide and, as I say, we are trying to work with the retailers to come up  
1039 with some acceptable ways of allowing some of these outdoor display areas, but at the same time  
1040 making sure that we provide quality development in the County.

1041  
1042 Mr. Taylor - Thank you, Mr. Marlles.

1043  
1044 Mr. Vanarsdall - Mr. Marlles, one of the things about this is that it has the proper  
1045 zoning and Lowe's did not have the proper zoning at West Broad.

1046  
1047 Mr. Marlles - I am not sure.

1048 Mr. Vanarsdall - And they couldn't understand how Hechinger, who was in business  
1049 there and could display everything, and they could display certain items, and after many  
1050 meetings with the people from North Carolina and Lowe's, she suggested that they change the  
1051 zoning, and they came in for rezoning to B-3 and that allowed them more flexibility.

1052  
1053 Mr. Strauss - As I recall the Lowe's, there were proffers from 1988 that defined  
1054 outdoor display as allowed for general merchandise, and Lowe's did not fit that description.  
1055 They had the proffers written. They had to come back and change the proffers to allow the  
1056 outdoor garden center.

1057  
1058 Mr. Vanarsdall - A big masonry wall was put in the back for the neighbors, and  
1059 finally they did get it straight, didn't they? I just thought I would throw that out as a matter of  
1060 information.

1061  
1062 Mr. Taylor - Thank you, Mr. Vanarsdall, and that whole area from Wal-Mart  
1063 over to Lowe's presents an extraordinary challenge, not only because it is spacious, but it is very  
1064 successful, very busy, and I think that is on the windward side for Henrico County, and wind is  
1065 one of the motivators that sends plastic bags clear across the adjacent neighborhoods 24 hours a  
1066 day. And, I appreciate all of the efforts that Wal-Mart and Lowe's have been taking to clean up  
1067 the area and maintain it clear, and I do want to mention in passing that it is an area that I see  
1068 quite frequently living in the Three Chopt District. And, what I hope to do as Planning  
1069 Commissioner is to continue look at this and if necessary we can bring the POD back from time  
1070 to time to review that Wal-Mart is operating in accordance with the conditions. Can we not, Mr.  
1071 Strauss?

1072  
1073 Mr. Strauss - Yes.

1074  
1075 Mr. Taylor - So, I recognize the challenge is significant with the 24-hour  
1076 operating conditions, and there is an extraordinary challenge in trying to find time when the  
1077 parking lots aren't full that we can clean it up. So, in the great success of Wal-Mart, there is also  
1078 a great challenge that we all have to recognize, but I think Wal-Mart has been very cooperative.  
1079 I think it is a good plan, and I would like to start by moving to waive the time limits on the  
1080 conditions.

1081  
1082 Mr. Archer - Second.

1083  
1084 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Archer. All in  
1085 favor say aye. All opposed say no. The motion passes.

1086  
1087 The Planning Commission approved waiving the time limit for conditions on POD-44-94  
1088 Revised, Wal-Mart @ Short Pump – Glen Allen.

1089  
1090 Mr. Taylor - Now I would like to recommend approval of the revised plan for  
1091 the project, the annotations on the plans, standard conditions for developments of this type, and  
1092 additional conditions Nos. 23 through 27 on POD-44-94 Revised, [Wal-Mart@Short](#) Pump –  
1093 Glen Allen.

1094 Mr. Vanarsdall - Second.  
1095  
1096 Mr. Taylor - Motion by Taylor and seconded by Mr. Vanarsdall. All in favor  
1097 say aye. All opposed say no. The motion passes.  
1098  
1099 Mr. Vanarsdall - Just for the record, I would make note that the plan we are working  
1100 on are dated the 27<sup>th</sup> of February, 2002, the revised plan.  
1101  
1102 Mr. Taylor - OK. Thank you, Mr. Vanarsdall.  
1103  
1104 The Planning Commission approved the Revised Plan of Development for POD-44-94 Revised,  
1105 Wal-Mart @ Short Pump – Glen Allen, subject to the annotations on the plans, the standard  
1106 conditions for developments of this type and the additional conditions shown below:  
1107  
1108 23. On or before May 1, 2002, Wal-Mart will replace all dead, missing, substandard, or  
1109 stressed trees and shrubs in the parking lot as jointly determined by Wal-Mart and the  
1110 Director of Planning.  
1111 24. On or before April 1, 2002, Wal-Mart will provide a revised Landscape Plan for Planning  
1112 Staff review and approval. Once approved, Wal-Mart will plant all required trees, shrubs,  
1113 and vegetation and will provide on-going landscape maintenance. In addition, Wal-Mart  
1114 employees will be regularly involved in maintaining seasonal plants (annuals perennials,  
1115 etc.) in the proposed planters to be located in the outdoor sales areas.  
1116 25. Wal-Mart will not stack merchandise in the outdoor display areas facing West Broad  
1117 Street higher than the combined height of the maintained existing berm and the  
1118 maintained height of the evergreen planting required by the POD, unless otherwise  
1119 screened from view in a manner approved by the director of Planning. Merchandise shall  
1120 not be stored or displayed outside the limits of the sales areas as shown on the approved  
1121 plan. Merchandise (other than seasonal planting in the approved planters) shall not be  
1122 stored or displayed in a manner that exceeds the height of the screening devices.  
1123 26. Wal-Mart will monitor trash pick up on a weekly basis and remove any accumulated litter  
1124 clearly associated with Wal-Mart in the Wal-Mart parking lot and in the general vicinity  
1125 of the store and in particular, the areas along Three Chopt Lane and along West Broad  
1126 Street. Wal-Mart will further remove litter from the BMP on a monthly basis, or more  
1127 often as necessary to maintain a positive appearance for the BMP.  
1128 27. Upon request, Wal-Mart will quit claim all easements associated with the abandoned  
1129 water and sewer utilities that are located on the Wal-Mart site and are not being used by  
1130 Wal-Mart or are not necessary for its operations and have been replaced by other  
1131 easements.  
1132  
1133

1133 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1134

POD-8-02  
Beta Tech – E. Parham Road **Koontz-Bryant, P.C. for Jonathan M. Webb, Lusian Thornton, Gerald W. Yagen and County of Henrico:** Request for approval of a plan of development and a transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2(3)a. of the Henrico County Code, to construct a one-story, 15,360 square foot classroom building and administrative space. The 3.77 acre site is located along the north line of E. Parham Road, approximately 240 feet east of the intersection of Hermitage High Boulevard and Prince Henry Drive on parcels 768-754-0479 (60-A-74), 768-754-7376 (61-A-36) and part of 766-754-7342 (60-A-73). The zoning is O-3C, Office District (Conditional) and R-3, One-Family Residence District. County water and sewer. **(Brookland)**

1135

1136 Mr. Marlles - The staff report will be given by Ms. Christina Goggin.

1137

1138 Mr. Taylor - Good morning, again, Ms. Goggin.

1139

1140 Ms. Goggin - Good morning. The plan in front of you today is to construct a  
1141 15,360 sq. ft. classroom building with administrative space, and the request also comes with  
1142 three transitional buffer deviation requests. When the Planning Commission packet went out, the  
1143 County staff had not finished the review of the proposed plan. Since then, all County agencies  
1144 can recommend approval of the revised plan that is in your handout Addendum. The applicant is  
1145 requesting transitional buffer deviation from the three 25-foot transitional buffer that are required  
1146 due to the fact that it is 0-3 zoning next to R-3 zoning. The transitional buffer deviation request  
1147 to the west is to allow the access road to come in from Hermitage High Boulevard. The second  
1148 transitional buffer deviation request is to allow parking next to Hermitage High School land,  
1149 which the buffer would otherwise be protecting the Virginia Power line easement, and the third  
1150 transitional buffer deviation request is around the small R-3 zoned property that is on Parham  
1151 Road, that you can see on the southern property line (referring to slide). That piece of land is  
1152 approximately 2500 sq. ft. and it is unfortunately a little too small to really be used.

1153

1154 Staff recommends approval, subject to the annotations on the revised plan, standard conditions  
1155 for developments of this type, the transitional buffer deviation, and the following additional  
1156 conditions, Nos. 23 through 25 and 27 through 38. I would be happy to answer any questions the  
1157 Commission may have.

1158

1159 Mr. Vanarsdall - Through 38?

1160

1161 Ms. Goggin - Through 38, yes, sir.

1162

1163 Mr. Taylor - What happened to 39?

1164

1165 Ms. Goggin - No. 39 is being dropped. Staff believes there are other ordinances  
1166 in place within County Code if that issue arises.  
1167  
1168 Mr. Taylor - Thank you. Are there questions from the Commission? Is there  
1169 any opposition to POD-8-02?  
1170  
1171 Mr. Vanarsdall - I have to do the transitional buffer separate. Don't I?  
1172  
1173 Ms. Goggin - Yes, sir.  
1174  
1175 Mr. Vanarsdall- I move that transitional buffer deviations be approved on POD-8-  
1176 02.  
1177  
1178 Mr. Jernigan - Second.  
1179  
1180 Mr. Taylor - Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
1181 favor say aye. All opposed say no. The motion passes.  
1182  
1183 The Planning Commission voted to approve the transitional buffer deviations for POD-8-02,  
1184 Beta Tech – E. Parham Road.  
1185  
1186 Mr. Vanarsdall - I move approval of POD-8-02, Beta Tech – E. Parham Road,  
1187 subject to annotations on the plans, standard conditions for developments of this type and added  
1188 conditions Nos. 23 through 38 with 39 deleted, and I would like to add No. 9 and 11 Amended.  
1189  
1190 Ms. Goggin - I was just wondering, aren't we also deleting Condition No. 26  
1191 about sidewalks?  
1192  
1193 Mr. Vanarsdall - Delete that? What was the reason to not have a sidewalk?  
1194  
1195 Ms. Goggin - It was determined that it just was not necessary for this project.  
1196  
1197 Mr. Vanarsdall - And delete No.26, at staff's suggestion.  
1198  
1199 Mr. Jernigan - Second.  
1200  
1201 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All  
1202 in favor say aye. All opposed say no. The motion passes.  
1203  
1204 The Planning Commission approved POD-8-02, Beta-Tech – East Parham Road, subject to the  
1205 annotations on the plans, the standard conditions for developments of this type and the following  
1206 additional conditions:  
1207  
1208 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1209 review and Planning Commission approval prior to the issuance of any occupancy  
1210 permits.

- 1211 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1212 depictions of light spread and intensity diagrams, and fixture and specifications and  
1213 mounting height details shall be submitted for Planning Office review and Planning  
1214 Commission approval.
- 1215 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1216 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1217 being issued. The easement plats and any other required information shall be submitted  
1218 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1219 permits.
- 1220 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1221 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
1222 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
1223 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 1224 25. The developer shall provide fire hydrants as required by the Department of Public  
1225 Utilities and Division of Fire.
- 1226 26. Outside storage shall not be permitted.
- 1227 27. The proffers approved as a part of zoning case C-46C-01 shall be incorporated in this  
1228 approval.
- 1229 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1230 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1231 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1232 approved by the County Engineer prior to final approval of the construction plans by the  
1233 Department of Public Works.
- 1234 30. If an incinerator is proposed, it shall be operated in accordance with Rule 9 of the  
1235 Regulations of the State Air Pollution Control Board.
- 1236 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
1237 drainage plans.
- 1238 32. Insurance Services Office (ISO) calculations must be included with the plans and  
1239 contracts and must be approved by the Department of Public Utilities prior to the  
1240 issuance of a building permit.
- 1241 33. Approval of the construction plans by the Department of Public Works does not establish  
1242 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1243 elevations will be set by Henrico County.
- 1244 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1245 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1246 development.
- 1247 35. The location of all existing and proposed utility and mechanical equipment (including  
1248 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1249 shall be identified on the landscape plans. All equipment shall be screened by such  
1250 measures as determined appropriate by the Director of Planning or the Planning  
1251 Commission at the time of plan approval.
- 1252 36. Prior to final approval of construction plans, the applicant shall determine the legal status  
1253 and ownership of the 15-foot road/easement and provide this information to the Director  
1254 of Planning and the County Attorney. The road shall be abandoned, vacated or rights  
1255 thereto quitclaimed prior to final approval, if necessary.

1256 37. Prior to final approval of construction plans, the applicant shall obtain a grant of interest  
1257 to use County land for ingress and egress as authorized by the Henrico County Board of  
1258 Supervisors.  
1259

1260 **PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER DEVIATION &**  
1261 **ALTERNATIVE FENCE HEIGHT**  
1262

POD-9-02 **Mozingo & Associates for Mr. James L. Johnson:** Request for  
We Sure Care Day Care approval of a plan of development, transitional buffer deviation  
and alternative fence height, as required by Chapter 24, Sections  
24-106, 24-95(5) and 24-106.2(3) a of the Henrico County Code,  
to convert an existing two-story, 1,580 square foot single-family  
dwelling into a children’s day care facility. The 0.71-acre site is  
located at 5700 Lakeside Avenue on parcel 781-746-8021 (83-  
21-C-1). The zoning is O-2C, Office District (Conditional).  
County water and sewer. **(Fairfield)**

1263  
1264 Mr. Marlles - The staff report will be given by Mr. Kennedy.  
1265

1266 Mr. Taylor - Good morning, again, Mr. Kennedy.  
1267

1268 Mr. Kennedy - Good morning, again, ladies and gentlemen. This is my last  
1269 presentation of the day, so hopefully I won’t tire you out. This is a conversion of an existing  
1270 house in an O-2C District to a daycare center. It is the conversion of an existing building. The  
1271 site is kind of set up already, so it requires some deviations in order to implement the conversion.  
1272 The property has got an alley to its western property line; to the northern property line there is a  
1273 business already. It is located in a residential district. It is not in conformity. On those two  
1274 property lines they intend to put a fence as opposed to a 10-foot transitional buffer. A 10-foot  
1275 transitional buffer is also a requirement on the Kent Street frontage and that frontage is across the  
1276 street from the residence already. Because it is a daycare center, what they are asking for is to be  
1277 able to put a 4-foot fence in that location, 3-1/2 to 4-foot fence. There is a detail of the fence in  
1278 your packet showing what the fence would look like as an alternative, so the deviation would be  
1279 to waive the landscaping that would normally go with a 10-foot transitional buffer. The  
1280 applicant has indicated that the shrubbery that would normally be located in the 10-foot  
1281 transitional buffer is a supervision problem for children in that location. The alternate fence  
1282 height would be for putting a fence in the front yard that would exceed the 3-1/2 foot height.  
1283 They are asking to be able to put up a 4-foot high fence. Again, the fence detail is in the packet.  
1284 You can see it is a decorative fence. They are not intending on putting a chain-link fence, but  
1285 something that is kind of decorative. So, their intention is to be able to provide security for their  
1286 children and provide screening at the same time, and still be able to convert this property to a  
1287 daycare center. So, they are asking for a couple of different deviations of the Code, but it is  
1288 consistent with redevelopment in the area. If you have any further questions, I will be glad to  
1289 answer them.

1290  
1291 Mr. Marlles - Mr. Kennedy, did we get the proffers in on time? Do we have to  
1292 waive that as well?



1293 Mr. Kennedy- No. We don't have to waive that. What we do need to do is  
1294 approve the alternative fence height and the transitional buffer deviation. The transitional buffer  
1295 can actually be a part of the motion on that POD.

1296  
1297 Mr. Taylor - And that would be Condition No. 28?

1298  
1299 Mr. Kennedy - No. 28 is an additional, which is that their fence playground areas  
1300 will be located outside of required yards. Inside the fence they are going to have another fence  
1301 for a playground space, but the actual playground can't be in a required yard, so it provides some  
1302 separation from the adjoining property as well.

1303  
1304 Mr. Taylor - OK. Thank you.

1305  
1306 Mr. Archer - Mr. Kennedy, let me make sure that I understand this, because that  
1307 is a sizeable yard there in that location. A section of it was marked off in orange tape the other  
1308 day when I was over there. Is that the extent of the playground area?

1309  
1310 Mr. Kennedy - The playground area is actually along Lakeside Avenue. That is  
1311 basically the extent of the playground area. It is significant, because they intend on having  
1312 approximately 70 to 100 children in this location.

1313  
1314 Mr. Archer - It is a big playground area. Are there any future plans to your  
1315 knowledge to enlarge the building?

1316  
1317 Mr. Kennedy - Not to my knowledge. It would be very difficult to enlarge the  
1318 building, given the fact that they have, they have already taken up a significant portion of the  
1319 property with parking, so they can only add any additional classes and provide more parking, so  
1320 they have already kind of maxed that out.

1321  
1322 Mr. Archer - The house is configured a little oddly.

1323  
1324 Mr. Kennedy - Yes. The house is configured kind of strangely. Again, it is an  
1325 adaptation of an existing building. They had to put in approximately 15 parking spaces. They  
1326 had to put in a large parking area, and there is a loop road going back to Lakeside in order to  
1327 facilitate the drop-off, because there are so many children, and they had to come up with a plan  
1328 that provides for drop-off circulation, and so they really had to make some significant changes.  
1329 In addition, they actually had to connect to the County sewer. The property was not connected to  
1330 the County sewer, so they had to make significant improvements to the property in order to make  
1331 this work.

1332  
1333 Mr. Marlles - Mr. Vanarsdall, you might also want to ask the applicant those  
1334 questions when he makes his presentation.

1335  
1336 Mr. Archer - That was me, Mr. Secretary.

1337  
1338 Mr. Marlles - I'm sorry.

1339  
1340 Mr. Jernigan - Did you say that there were going to be 70 to 100 children here?  
1341  
1342 Mr. Kennedy - Seventy to 100 children, yes, sir.  
1343  
1344 Mr. Archer - I think I need to speak with the applicant, Mr. Kennedy.  
1345  
1346 Mr. Taylor - Thank you, Mr. Kennedy, for your comments.  
1347  
1348 Mr. Kennedy - Mr. Mozingo, the engineer, is here representing the applicant.  
1349  
1350 Mr. Taylor - Good morning, sir. Just if you would, give your name for the  
1351 record.  
1352  
1353 Mr. Mozingo - Yes. I am Mike Mozingo, the engineer for the project.  
1354  
1355 Mr. Archer - Good morning, Mr. Mozingo. It has been a while. I was just going  
1356 to ask one of the questions that has been thrown about up here. That house, I realize the square  
1357 footage is significant, but it is oddly shaped, and do you think that it can accommodate 70 to 100,  
1358 and I am sure that there are some licensing requirements that say you can.  
1359  
1360 Mr. Mozingo - The building code covers that, the square footage for so many  
1361 children, or so many square feet per child. I am really not an expert on that, so I really don't  
1362 know how they figured that out, but apparently he has already been through the Building  
1363 Department doing some changes and things, and they have approved it, except he got hung up in  
1364 the POD process when he started doing some external renovations and things, parking lot,  
1365 driveways. That was when he got caught up in the POD process.  
1366  
1367 Mr. Archer - I am just curious because I don't know either. I do know that the  
1368 State requirement for childcare does indicate what the specifications are in terms of how many  
1369 you can take care of and I suppose that has all been done. You think the 4-foot fence will  
1370 accommodate what we need in types of security, because that is on a boulevard style street, and I  
1371 guess it is pretty busy down through there.  
1372  
1373 Mr. Mozingo - That is why he wants the double fencing. We have got the 4-footer  
1374 and then we've got the play yard fenced in as a secondary fence.  
1375  
1376 Mr. Archer - OK. That is all I have, Mr. Chairman.  
1377  
1378 Mr. Taylor Are there any other questions from members of the Commission?  
1379 Thank you very much, Mr. Mozingo.  
1380  
1381 Mr. Kennedy - I also want to note that the decorative fence was made so that they  
1382 could not be climbed like a chain-link fence. That was part of the intent.  
1383

1384 Mr. Taylor - If you would sir, please come up and identify yourself for the  
1385 record.  
1386

1387 Mr. Richard Hankins - I am Richard Hankins. I own the property immediately north of  
1388 this property and also happen to be an engineer. Could I have a copy of what is being proposed?  
1389 I am interested in what is going on with the property right next to me, and also wanted to know if  
1390 the County plans to pave the alley behind this property. When the County put in a sewer line, I  
1391 guess a year ago, it did not pave that. It was unpaved to begin with and it is pretty rutted now, so  
1392 I wanted to know if the County would pave that alley.  
1393

1394 Mr. Vanarsdall - The County does not own the alley.  
1395

1396 Mr. Hankins - Oh, it doesn't.  
1397

1398 Mr. Vanarsdall - We don't have alleys in the County of Henrico.  
1399

1400 Mr. Hankins - That is interesting, because you put the sewer line in and paved the  
1401 alley right behind my property, which goes right behind that one.  
1402

1403 Mr. Vanarsdall - That is news to me.  
1404

1405 Mr. Jernigan- They are easements, which the County uses, but the landowners, I  
1406 believe, own up to, on adjacent sides, own up to the middle of the alley, but that would be an  
1407 easement in there for public utilities.  
1408

1409 Mr. Hankins - OK. Thank you.  
1410

1411 Mr. Archer - I am sorry, I didn't get your name.  
1412

1413 Mr. Hankins- It is Richard Hankins. Could I have a copy of that?  
1414

1415 Mr. Marlles - Mr. Chairman, I was going to suggest maybe after the questions  
1416 are asked, Mr. Todd Eure, with Public Works is here, and he could probably address the  
1417 questions regarding the alley.  
1418

1419 Mr. Hankins - OK. Thank you.  
1420

1421 Mr. Archer- Thank you.  
1422

1423 Mr. Taylor - Mr. Eure, good morning.  
1424

1425 Mr. Archer - It wouldn't be right to make you come and not to get to say  
1426 anything.  
1427

1428 Mr. Eure - I don't mind, really. Good morning. My name is Todd Eure with  
1429 the Department of Public Works. I hate to contradict what has been said, but the County does, in

1430 fact, own most of the alleys that are in the County, but we typically treat them as unmaintained.  
1431 In other words, the County does not typically go back and pave or repave the existing alleyways  
1432 unless there are extenuating circumstances. I am not intimately familiar with the Nelson Street  
1433 Drainage Project, which I assume this is what he is referring to with respect to the sewer that was  
1434 put in the alleyway, but I suspect that if it was done as part of that project, then they went back in  
1435 and paved over it just as a condition of the project. With respect to maintenance of the rest of the  
1436 alleyways, we can look into it and there is a possibility we may be able to do something, but  
1437 typically most of the alleyways in the County have kind of fallen out of use, so from a practical  
1438 standpoint we don't usually maintain them. There are situations where if adjacent properties and  
1439 businesses typically need to use the alleyway for access, then we do get them to improve the  
1440 alleyway, but we don't necessarily give up the rights within that alleyway at that time, so it  
1441 would still be in the County system, but it is not anything that we are improving and maintaining.  
1442

1443 Mr. Vanarsdall - I always heard we didn't own them. That is why I said that. I am  
1444 sorry. But they are mostly used for an easement purposes?  
1445

1446 Mr. Eure - Correct. A lot of the alleyways, especially in Lakeside, have  
1447 drainage structures and so forth through them, so that is one reason we, even though we don't  
1448 really do much with them anymore, there is a need to keep them for the easement purposes.  
1449

1450 Mr. Taylor - Mr. Eure, while we keep those for easement purposes, I think Mr.  
1451 Hankins' question was with regard to not only paving but also the maintenance. With regard to  
1452 the paving, you said we wouldn't pave it.  
1453

1454 Mr. Eure - Typically not. We can look at it and if it is something that can be  
1455 done in conjunction with maybe extension of the Nelson Street Drainage Project, which is in the  
1456 wrap-up stages, we can look at it, but I can't make that commitment without further review, and I  
1457 will be glad to follow up with him.  
1458

1459 Mr. Taylor- Where we have an alleyway, though, and it is gravel, I would  
1460 presume that we would maintain it in good condition and repair so it doesn't become rutted and  
1461 filled with pot holes, as we would with any road. Would that be correct?  
1462

1463 Mr. Eure - Typically not.  
1464

1465 Mr. Taylor - We would just leave it as an alleyway and we would sort of let  
1466 nature take care of itself.  
1467

1468 Mr. Eure - Until the need arises to do something else with it. Most of the  
1469 alleyways...  
1470

1471 Mr. Taylor - We do maintain them as the need arises?  
1472

1473 Mr. Eure - Correct.  
1474

1475 Mr. Taylor - OK. That is good. That makes me feel better.

1476 Mr. Jernigan - In other words, somebody has to call them.  
1477  
1478 Mr. Eure - Even then, if there is a demonstrated need and if it is serving a  
1479 public function, then possibly, but most of the alleyways in Lakeside and Highland Springs and  
1480 other similar areas are not really used anymore. Most people don't use them for access. They are  
1481 not used for trash pickup, as they are in the City, so we don't. They have basically become  
1482 something that causes more problems than they do solving, from the County's standpoint, so  
1483 some of the alleys we have been willing to vacate at the request of the property owners, and they  
1484 pick up some additional property out of it. If it is something that we determine, we don't have  
1485 any utilities running down there, for example. But we will be glad to look into this one and see if  
1486 there is any maintenance we can and should do on it.  
1487  
1488 Mr. Taylor - Thank you, sir. Any other questions from the Commission on this  
1489 issue?  
1490  
1491 Mr. Hankins - Can I say one more thing? Before the Nelson Street Drainage  
1492 Project occurred, that alley immediately south of my property was... you could not travel  
1493 because it had grown up. And it was only cut through really made into an alley when they cut  
1494 through to put a sewer line in. But when they rebuilt Nelson Street, I've been using it as a  
1495 driveway, because you could not get down Nelson Street. But that was at the same time that the  
1496 daycare center was being constructed, and it appeared to me that it might become a major  
1497 thoroughfare for the childcare center, and that was the reason that I asked that it be paved. But up  
1498 until a year ago, you simply could not get through that alleyway. It was disused.  
1499  
1500 Mr. Vanarsdall - Mr. Hankins, I didn't mean to tell you wrong about the alley. I  
1501 learned something today myself.  
1502  
1503 Mr. Taylor - I guess from that what the County would normally do would be to  
1504 maintain a watchful eye over it, and to maintain it and keep it so it could be used.  
1505  
1506 Mr. Marlles - I think Mr. Eure indicated that he would follow up and look at it  
1507 and contact the individual.  
1508  
1509 Mr. Kennedy - The daycare center does not intend to use the alley. They intend to  
1510 have their circular drop-off, which uses the parking lot and has a loop going back to Lakeside, so  
1511 they do not intend to use the alley.  
1512  
1513 Mr. Archer - It also comes out on Kent Street, doesn't it?  
1514  
1515 Mr. Kennedy - Yes. It does. And the main entrance is on Kent Street.  
1516  
1517 Mr. Archer - Mr. Kennedy, on the Addendum item, the fence playground will be  
1518 located outside of the required yard. Can you explain that to me? Is it outside or inside?  
1519  
1520 Mr. Kennedy - Outside of the required yard. It is actually...you have a required  
1521 front yard in front of the building and it is outside of the required yard.

1522 Mr. Archer - OK.  
1523  
1524 Mr. Kennedy - So it is between the building and the street is where they can't be  
1525 located.  
1526  
1527 Mr. Jernigan - They have another fenced in area on this site?  
1528  
1529 Mr. Kennedy - Right. They will have an interior fenced-in area. Actually, if you  
1530 look on this (referring to rendering) location plan, it actually says playground. Right in this  
1531 location right here (referring to rendering). You can see it on the screen where the little hand is.  
1532 It says PLAY and that is the playground area. This is the parking lot with the loop going around  
1533 it. So, then we have an interior fence as well. So, it will be a fenced playground area within the  
1534 decorative border fence, which the decorative border fence is made so that it can't be climbed by  
1535 children.  
1536  
1537 Mr. Jernigan - So this will strictly be decorative?  
1538  
1539 Mr. Kennedy - Right.  
1540  
1541 Mr. Jernigan - Well, I was going to say, on childcare, you have normally it would  
1542 be better to put up a vinyl fence if you're going to be next to it, because of splinters.  
1543  
1544 Mr. Archer - I thought about that. Splinters in the wood is what he is talking  
1545 about.  
1546  
1547 Mr. Jernigan - What I am saying is when you – half the time even salt-treated  
1548 wood, you know, gives up a little bit.  
1549  
1550 Mr. Taylor - Are there any further questions for Mr. Kennedy?  
1551  
1552 Mr. Archer - Yes, I would like to revisit that. Do you think that is something we  
1553 need to look at maybe a plastic or vinyl fence in lieu of wood on the playground area?  
1554  
1555 Mr. Kennedy - They are going to use a separate type of fence around the interior  
1556 playground.  
1557  
1558 Mr. Archer - So the one we were looking at, that was the wood fence.  
1559  
1560 Mr. Kennedy - But it runs around the exterior.  
1561  
1562 Mr. Archer - OK, thank you. I am glad you cleared that up.  
1563  
1564 Mr. Jernigan - Kind of set up like a penitentiary.  
1565  
1566 Mr. Vanarsdall - That is what it is, a little penitentiary.  
1567

1568 Mr. Archer - Mr. Secretary, how many motions do we need?  
1569  
1570 Mr. Marlles - I think you can do it with two motions.  
1571  
1572 Mr. Archer - OK, we have to approve the alternative fence height and the buffer  
1573 deviation. Is that correct? And the plan.  
1574  
1575 Mr. Marlles - Correct.  
1576  
1577 Mr. Archer - OK. Well, I move approval of the alternative fence height and  
1578 buffer deviation.  
1579  
1580 Mr. Vanarsdall- Second.  
1581  
1582 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All  
1583 in favor say aye. All opposed say no. The motion passes.  
1584  
1585 The Planning Commission approved the alternative fence height and buffer deviation for POD-9-  
1586 02, We Sure Care Day Care.  
1587  
1588 Mr. Archer - I move for approval of POD-9-02, We Sure Care Day Care, subject  
1589 to the annotations on the plans, standard conditions for developments of this type, and the  
1590 additional conditions Nos. 23 through 27 and 28 as added on the Addendum.  
1591  
1592 Mr. Vanarsdall - Second.  
1593  
1594 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All  
1595 in favor say aye. All opposed say no. The motion carries.  
1596  
1597 The Planning Commission approved PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER  
1598 DEVIATION AND ALTERNATIVE FENCE HEIGHT for POD-9-02, We Sure Care Day Care,  
1599 subject to the annotations on the plans, the standard conditions for developments of this type, and  
1600 the following additional conditions:  
1601  
1602 23. The entrances and drainage facilities on Lakeside Avenue shall be approved by the  
1603 Virginia Department of Transportation and the County.  
1604 24. A notice of completion form, certifying that the requirements of the Virginia Department  
1605 of Transportation entrances permit have been completed, shall be submitted to the  
1606 Planning Office prior to any occupancy permits being issued.  
1607 25. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1608 approved by the County Engineer prior to final approval of the construction plans by the  
1609 Department of Public Works.  
1610 26. Approval of the construction plans by the Department of Public Works does not establish  
1611 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1612 elevations will be set by Henrico County.

- 1613 27. Approval of the construction plans by the Department of Public Works does not establish  
1614 the curb and gutter elevations along the Virginia Department of Transportation  
1615 maintained right-of-way. The elevations will be set by the contractor and approved by  
1616 the Virginia Department of Transportation.  
1617 28. Fenced playground areas will be located outside of required yards.  
1618

1619 **SUBDIVISION**  
1620

Kensington  
(February 2002 Plan)

**Balzer & Associates, Inc. for John W. & Luitgard H. Webb and Centex Homes:** The 14.7 acre site is located along the east line of Shady Grove Road, approximately 550 feet south of Nuckols Road on parcel 744-772-1191 (18-A-16). The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 34 Lots**

1621  
1622 Mr. Marlles - The staff report will be given by Mr. Wilhite.  
1623

1624 Mr. Taylor - Good morning, Mr. Wilhite, again.  
1625

1626 Mr. Wilhite - You have just been handed the revised plan and revised cover map.  
1627 As far as changes on this, due to the future realignment of Shady Grove Road, it was necessary  
1628 to adjust the right-of-way dedication on this plan. There is going to be the need to dedicate  
1629 approximately 90 to 100 feet of additional land to accommodate the relocation of Shady Grove  
1630 Road in the future. Due to that fact, the applicant has ended up losing three lots within this  
1631 proposed development. It has gone from 34 down to 31 lots. This plan reflects the new  
1632 alignment and essentially the center cul-de-sac shown on the original plan has been removed. I'd  
1633 like to point out on Page 4 of your Addendum there is a revised recommendation and a revised  
1634 condition. The revised plan also shows the location of a 20-foot access easement at the end of  
1635 Kensington Court, which would provide for pedestrian access to the future park that will be  
1636 constructed just to the south of this development. They did proffer that with the rezoning case.  
1637 It was also proffered that they have to at least have a 5-foot wide pathway connection, and staff  
1638 is requesting that they either construct a fence or place a hedge on both sides of the path to  
1639 separate it from the lots.

1640  
1641 As far as Shady Grove Road is concerned, it has been worked out with Public Works that the  
1642 applicant will dedicate the additional right of way. They are going to be required to escrow  
1643 funds for improvements of half of the roadway and curb and gutter for that portion of Shady  
1644 Grove Road to the north of Kensington Court, which is the entrance into the subdivision. There  
1645 is no requirement for the applicant to do any improvements on the south side. Condition No. 13  
1646 has been revised and this addresses the sidewalk along Shady Grove Road, which was proffered  
1647 that the applicant would provide. The revised condition allows them to also escrow sufficient  
1648 funds for construction until such time as the Shady Grove Road improvements are constructed.  
1649 With that, staff can recommend approval of the revised plan, with the annotations on it, and the  
1650 conditions that appear on your agenda, plus the revised Condition No. 13 on your Addendum. I  
1651 will be happy to answer any questions if you have any.  
1652



1653 Mr. Taylor - The first question I have, Mr. Wilhite, on No. 13 is really  
1654 procedural. Do we have to waive the time limit on the revision to 13?  
1655

1656 Mr. Wilhite - No. The plan itself was received in plenty of time as specified  
1657 under the Planning Commission rules. There is no need to waive time limits associated with the  
1658 revised plan.  
1659

1660 Mr. Taylor - Thank you. Are there any questions from members of the Planning  
1661 Commission? Is there any opposition? There being no opposition, I will move approval of the  
1662 subdivision of Kensington (February 2002 Plan), subject to the standard conditions for  
1663 developments of this type and additional conditions Nos. 12 through 15, 13 being revised, and  
1664 the annotations on the plan.  
1665

1666 Mr. Jernigan - Second.  
1667

1668 Mr. Taylor - Motion by Taylor, seconded by Mr. Jernigan. All in favor say aye.  
1669 All opposed say no. The motion carries.  
1670

1671 The Planning Commission approved Subdivision Kensington (February 2002 Plan) subject to the  
1672 annotations on the plan the standard conditions for subdivisions served by public utilities and the  
1673 following additional conditions:  
1674

- 1675 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
1676 foot-wide planting strip easement along Shady Grove Road shall be submitted to the  
1677 Planning Office for review and approval prior to recordation of the plat.  
1678 13. **REVISED** – A County standard sidewalk shall be constructed along the east side of Shady  
1679 Grove Road. **Sufficient funds to cover the cost of construction may be placed in**  
1680 **escrow with the Department of Public Works to allow for installation of said sidewalk**  
1681 **in conjunction with future improvements to Shady Grove Road.**  
1682 14. The proffers approved as part of zoning case C-50C-01 shall be incorporated in this  
1683 approval.  
1684 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
1685 maintenance of the common area by a homeowners association shall be submitted to the  
1686 Planning Office for review. Such covenants and restrictions shall be in form and substance  
1687 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
1688 subdivision plat.  
1689

## 1690 **PLAN OF DEVELOPMENT**

1691  
POD-11-02  
Blair Dental Office –  
12205 Gayton Road

**Resource International, Ltd. for Jeffrey P. Blair, D.D.S.:**  
Request for approval of a plan of development as required by  
Chapter 24, Section 24-106 of the Henrico County Code to  
construct two, one-story additions totaling 2,237 square feet for  
a dentist office. The 1.026-acre site is located along the east  
line of Gayton Road, approximately 400 feet west of Cambridge  
Drive, on parcel 732-748-5883 (76-A-04). The zoning is B-1,

Business District. County water and sewer. (Tuckahoe)

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

Ms. Goggin - Good morning, again. As previously stated, this request is to build two additions onto an existing building that would total approximately 2,237 square feet, and the building would be rehabilitated for a dentist office. Staff received the revised plan as requested on February 25 that addressed the outstanding public utilities, fire and public works concern. This revised plan will require the Planning Commission to waive the time limits for revised plans. Staff is excited about this application because it is rehabbing an existing abandoned building. The applicant is proposing to brick veneer the building, move most of the existing parking from the front of the building to the rear of the building, and restoring a majority of the pavement in front of the building to a natural state. The dumpster and dumpster enclosure would also be located from in front of the building to behind the building, and the applicant is also providing a 10-foot transitional buffer along Gayton Road.

The staff recommends approval subject to annotations on the revised plans, the standard conditions for developments of this type, and additional conditions Nos. 23 through 31. As previously stated, this will require the Planning Commission to waive the time limits of the revised plan.

Mr. Taylor - Thank you, Ms. Goggin. Are there any questions of Ms. Goggin on the part of the Commission? Would the applicant come forward? Mr. Sharp, nice to see you again.

Mr. James M. Sharp, Jr. - And you sir. Good morning. I am James M. Sharp, Jr. I am with Resource International. I am here to answer any questions the Commission might have.

Mr. Taylor - Are there any questions from the Commission? Thank you, Mr. Sharp, for coming. Appreciate your being here. No questions.

Ms. Ware - Thank you for taking care of all the issues.

Mr. Taylor - Is there any opposition to this project? Sir, if you would, please come down to the podium and identify yourself and provide your comments.

Mr. Jamie Deitz - Good morning. My name is Jamie Deitz and I represent the property next door, at 12201 Gayton Road, immediately to the east of the property. We haven't had the opportunity to see any idea of what this is going to look like. Right now the building is pretty much abandoned and dilapidated and boarded up windows. It is an eyesore and we would just like to kind of see what is going on, if that would be all right.

Ms. Ware - Sure.

Mr. Jernigan - That would be fine.

1737 Mr. Taylor - It will be fine.  
1738  
1739 Ms. Goggin - For the record, I am showing the gentleman the architectural drawings that  
1740 were in your packets. (Ms. Goggin shows renderings to the gentleman).  
1741  
1742 Ms. Deitz - My question to him was what they did about the draining easement  
1743 that they suggested run through our property that we denied.  
1744  
1745 Mr. Sharp - No easement will be required. Basically, we have configured the  
1746 site so that at least half of the proposed area goes to the storm sewer in the front, and of the  
1747 outfall in the rear, we reduced the outflow to 2/3s of what is coming there now, and it will just  
1748 kind of trickle through the woods as it does at the moment now. There is no concentrated outflow  
1749 from the rear.  
1750  
1751 Mr. Deitz - My last question would just be what would the time line for  
1752 construction is. We are trying to rent our space. We have 6,000 square feet available upstairs,  
1753 and we are having a tough time renting it, and I don't know for sure, but we've got a dilapidated  
1754 building next door to us. I just wanted to understand what the time frame is for construction.  
1755  
1756 Mr. Sharp - It is the intent that they be in the building by October.  
1757  
1758 Mr. Deitz - By October? OK. Thank you.  
1759  
1760 Mr. Taylor - Are there any further questions, Mr. Deitz?  
1761  
1762 Mr. Deitz - No. I am all set.  
1763  
1764 Mr. Taylor - Thank you, sir. Are there any further questions from the  
1765 Commission? Ms. Ware.  
1766  
1767 Ms. Ware - OK. I proposed waiving the time limits on the plan for this  
1768 project.  
1769  
1770 Mr. Vanarsdall - Second.  
1771  
1772 Mr. Taylor - Motion by Ms. Ware to waive the time limits for POD-11-02, and  
1773 second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion is carried.  
1774  
1775 The Planning Commission approved waiving the time limits for POD-11-02, Blair Dental office  
1776 – 12205 Gayton Road.  
1777  
1778 Ms. Ware - I submit for approval POD-11-02, Blair Dental Office, subject to  
1779 the annotations on the plans and standard conditions for developments of this type, and the  
1780 following additional conditions Nos. 23 through 31.  
1781  
1782 Mr. Vanarsdall - Second.

1783 Mr. Taylor - Motion by Ms. Ware, seconded by Mr. Vanarsdall to approve  
1784 POD-11-02, Blair Dental Office. All in favor say aye. All opposed say no. The motion carries.  
1785

1786 The Planning Commission approved POD-11-02, Blair Dental Office – 12205 Gayton Road,  
1787 subject to the annotations on the plans, the standard conditions for developments of this type, and  
1788 the following additional conditions:  
1789

- 1790 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1791 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1792 being issued. The easement plats and any other required information shall be submitted  
1793 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1794 permits.
- 1795 24. The developer shall provide fire hydrants as required by the Department of Public  
1796 Utilities and Division of Fire.
- 1797 25. All repair work shall be conducted entirely within the enclosed building.
- 1798 26. Outside storage shall not be permitted.
- 1799 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1800 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1801 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1802 approved by the County Engineer prior to final approval of the construction plans by the  
1803 Department of Public Works.
- 1804 29. Insurance Service Offices (ISO) calculations must be included with the plans and  
1805 contracts and must be approved by the Department of Public Utilities prior to the  
1806 issuance of a building permit.
- 1807 30. Approval of the construction plans by the Department of Public Works does not establish  
1808 the curb and gutter elevations along the Henrico County maintained right of way. The  
1809 elevations will be set by Henrico County.
- 1810 31. The location of all existing and proposed utility and mechanical equipment (including  
1811 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1812 shall be identified on the landscape plans. All equipment shall be screened by such  
1813 measures as determined appropriate by the Director of Planning or the Planning  
1814 Commission at the time of plan approval.  
1815

1816 Mr. Marlles - Mr. Chairman, we have no further PODs or subdivisions on the  
1817 agenda. However, we do have a continued public hearing on the Proposal by staff to Amend and  
1818 Reordain Section 24-104 Entitled “Signs” of the Code of the County of Henrico to Regulate  
1819 Changeable Message Signs. The staff update will be given by Mr. Ben Blankinship.  
1820

1821 **PUBLIC HEARING:** To Amend and Reordain Section 24-104 Entitled “Signs” of the Code of  
1822 the County of Henrico to Regulate Changeable Message Signs.  
1823

1824 Mr. Blankinship - Good morning, Mr. Chairman, and good morning members of the  
1825 Commission. As Mr. Marlles mentioned, we began this public hearing on January 23 on this  
1826 amendment that would change the regulation of changeable message signs to allow a change  
1827 interval of no shorter than 20 seconds. At that public hearing, two persons spoke in opposition,  
1828 as I am sure you recall. Staff has met with one of the two, Mr. Allen Twedt. We discussed

1829 different change intervals and how that would affect the legibility of the signs. We also  
1830 discussed different types of transitional effects and how those are programmed into these signs.  
1831 Mr. Twedt offered to share some materials with us from the industry perspective, and we have  
1832 not yet received those materials. In addition, someone spoke from Richmond International  
1833 Raceway. We followed up with them and they agreed to do a trial for us of setting their sign to  
1834 change on 10-second intervals. I believe that Mr. Marlles notified each of you of that trial, and I  
1835 think several of you had the opportunity to go out and look at that. At this time, staff would like  
1836 to request that you defer this hearing further to March 27, to allow us to receive and review the  
1837 information from Mr. Twedt. I don't believe there is any pressing reason that we move ahead in  
1838 the next 30-days. On the other hand, if we have the opportunity to communicate further with Mr.  
1839 Twedt. I think we can do a better job of preparing an amendment that will serve the County for  
1840 the long term. In the meantime, of course, we would be interested to hear any comments that  
1841 you have thought of over the last month, and we would be interested to hear from the public, if  
1842 anyone is here, which I don't know whether they are.

1843  
1844 Mr. Vanarsdall - Well, Mr. Blankinship, you recommend that we defer it for 30  
1845 days?

1846  
1847 Mr. Blankinship - Yes, sir.

1848  
1849 Mr. Vanarsdall - I received this letter, but I wasn't here. Did anyone go by and look  
1850 at it?

1851  
1852 Mr. Archer - I did a couple of times.

1853  
1854 Ms. Ware - I did.

1855  
1856 Mr. Taylor - I did.

1857  
1858 Mr. Vanarsdall - I just wondered how it looked.

1859  
1860 Mr. Archer - Since I come by there twice every day anyway. I did make a  
1861 special trip out there. Can I make a comment?

1862  
1863 Mr. Taylor - Please do.

1864  
1865 Mr. Archer - The intended message on this sign, I believe, was in two panels.  
1866 And also the time and temperature was flashing, and if I, by my count, it was every five seconds  
1867 on the time and temperature, between the time and temperature. And the delay for the two-panel  
1868 sign to me seemed to be too long, because if the first panel would flash, by the time the rest of  
1869 the message appeared you had driven by it.

1870  
1871 Mr. Blankinship - You find yourself looking up at the sign, waiting for it to change?

1872  
1873 Mr. Archer - Right. You either have to hold up traffic or turn around and come  
1874 back, or whatever, or try to read it backwards in your mirror. All of which is dangerous. I was

1875 wondering what the feasibility would be to cut the delay between the two panels or should we  
1876 regulate it according to the length of the message or, exactly what? That was just my personal  
1877 opinion.

1878  
1879 Mr. Blankinship - We have discussed trying to regulate according to the message and  
1880 I think our general feeling at this point is that would be too cumbersome. We'd either have to  
1881 count the words on the sign each time we inspect it or count the number of lines. Whether ten  
1882 seconds is too long, that was the purpose of the test, and I am very interested to hear your  
1883 reaction to that.

1884  
1885 Mr. Marlles - Mr. Archer, would that frequency be too long if the message was  
1886 self contained on one panel instead of having to go over to a second panel?

1887  
1888 Mr. Archer - I think one panel would be fine, but the two panels.... This was  
1889 giving an event and a date and a place. The first panel, I think, said what the event would be and  
1890 the second panel said you know the date and whatever. So, if you didn't catch it in the morning  
1891 when you went by, you would have to read the rest of it in the evening when you come back.  
1892 And that's how I found out. But, I did go by and sat in the circle and observe it for a few  
1893 revolutions. I notice that the time and the temperature were fine. I could read those in that five-  
1894 second span. You could see it clearly. You could understand what it was saying. But the ten-  
1895 second interval.... You know you could drive almost a quarter of a mile I guess.

1896  
1897 Mr. Vanarsdall - So, what are you suggesting?

1898  
1899 Mr. Archer - If it is going to be a two-panel sign that the interval be shorten, so  
1900 that you can read the rest of the message. Or even just to say, "To be continued later."

1901  
1902 Mr. Marlles - I wonder if we stuck to the proposal of having a set frequency. I  
1903 think we started out at 20 seconds. The sign at RIR was set for 10 seconds wasn't the main  
1904 message. I'm wondering if that were the amendment that was eventually adopted, whether than  
1905 the owners of the signs were to adjust their message to that frequency. It sounds like this was a  
1906 little bit of an unusual situation because of the length of the message it had to go over to a second  
1907 panel and there was a delay in terms of the person reading the sign had to wait to see that second  
1908 part of the message.

1909  
1910 Mr. Archer - I think it was advertising the International Auto Show or  
1911 something like that.

1912  
1913 Mr. Taylor - It was the Auto Show because that's what I looked at too. There  
1914 was one panel there that had ten seconds and then there were two panels, one of which had the  
1915 time, was five seconds. They had one that was the temperature and that was five seconds. I  
1916 actually thought 10 seconds was too long. I had that in my mind long before 10 seconds and it  
1917 got to be boring. But, five seconds, when it changes quickly for a very short message, which was  
1918 time 11:01, 10:46, was fine. The next one, temperature, 45 degrees, that was fine. The one that I  
1919 found very confusing, Ben, is the one at Parham and Three Chopt, which comes in at angles and  
1920 you are looking to find out if the next angle is going to be this way or that way. It's somewhat

1921 like a hunter with a shot gun, which way the birds are going to surface, you don't know where  
1922 they are going to come from.

1923  
1924 Mr. Blankinship - That's the specific information that I'm interested in getting back  
1925 together with Mr. Twedt to discuss.

1926  
1927 Mr. Taylor - So, where it flashes and you've got a message that say "Pepsi .99 a  
1928 six pack or .99 cents a bottle." If I can get that somewhere around 5 seconds, they can shut that  
1929 off and put another message up there for another 5 seconds and they can do that and I can pick  
1930 up that intelligence until I go by. You know, I get that one message and I'm gone. So, I would  
1931 say for standing signs with a simple message, as Mr. Archer said, 5 seconds is fine. If it is a  
1932 convoluted message that you are trying to give, or it is coming in at different directions and you  
1933 don't know which way the next one is going to go, 5 seconds becomes too short a period. So,  
1934 it's somewhere, I guess, between 5 and 10, in my mind, depending on the complexity of the  
1935 intelligence that the sign is trying to transmit. But, I really do not think that the diagonal loading  
1936 sign is acceptable because of the confusing that you have in driving wondering from whence the  
1937 next sign will come.

1938  
1939 Mr. Blankinship - That was Mr. Vanarsdall's comment last month and I believe if we  
1940 get the correct wording from the industry, we can solve this by regulating how the transitional  
1941 effects are programmed as well as regulating the interval of change.

1942  
1943 Mr. Taylor - And my thought there, to make it simple, would be somewhere  
1944 between 5 and 10 seconds, but a flashing square sign, not any particular thing with anything  
1945 other than a very simple message that says "Pepsi .99, temperature is x time is y car show is here,  
1946 that kind of stuff you can pick up instantaneously in your mind and keep your eye on the road.  
1947 You look at the sign, you get the message, your brain is processing why you are still looking  
1948 back at traffic and you might get it a second or two later and say "Wow, auto show today" and  
1949 you can turn around. That was my experience.

1950  
1951 Ms. Ware - We prohibit pictures and flashing?

1952  
1953 Mr. Blankinship - Animated affects and bijou effects are some of the terms that we  
1954 have in the Code now.

1955  
1956 Mr. Taylor - And I think that's wise because sometimes when you see those  
1957 images you are not really sure exactly of the image you are looking at because it is not  
1958 picographycially correct. It may look like a horse to you, it may look like an elephant to  
1959 somebody else and you say I've got to take another look and by that time you would have hit  
1960 another car.

1961  
1962 Mr. Blankinship - And they are not really using that to advertise or to communicate.  
1963 They are really using that just to draw your attention.

1964  
1965

1965 Mr. Taylor - And I think that draws attention off of the prime purpose you are  
1966 there on that road for, which is driving and I think that becomes apart where I would say we  
1967 wouldn't defer people's attention from their main function of driving to take a look at the  
1968 animated affects.

1969

1970 Mr. Marlles - One of the main reasons that staff is requesting this deferral is the  
1971 terminology and we want to make sure that the terminology that we are using to address some of  
1972 these issues that the Commission members are bringing up is the correct terminology that the  
1973 sign industry understand. So, that's part of the reason we do want to review that additional  
1974 information that's provided so we can make sure we get the correct terminology in the  
1975 amendment.

1976

1977 Mr. Blankinship - I did notice, after I came to the podium, that Mr. Twedt is here so  
1978 he may be able to answer.

1979

1980 Mr. Taylor - One comment that I have that's akin to Mr. Archer's. I actually  
1981 thought that the same channel signs at the Auto Show was here and the temperature is and the  
1982 time is. That to me, actually in sequence, the way that they had it sent kind of a holistic message  
1983 that this is the time, this is the temperature and the auto show is here, which was easy to receive  
1984 and transmit that intelligence that it was intelligible rather than the message that I got at Parham  
1985 and Three Chopt were all of the messages coming in were not only difficult to comprehend, one  
1986 was selling toilet paper and the next one was selling Coke, the next one was Max Factor. I just  
1987 didn't know what was coming next. I think those require too much attention to grip that  
1988 intelligence and still concentrate on your main function of driving. That was my experience.  
1989 Did any other Commissioners have the same experience between Mr. Archer and I?

1990

1991 Mr. Archer - I didn't go out to Three Chopt.

1992

1993 Mr. Taylor - Mr. Vanarsdall is quite and I can't understand that. Ha. Ha.

1994

1995 Mr. Vanarsdall - He already quoted me from last time.

1996

1997 Mr. Taylor - Are there any other comments from any of the Commissioners.  
1998 Thank you, very much, Mr. Blankinship. We appreciate all your effort. We appreciate you  
1999 listening to all of our experiences.

2000

2001 Mr. Marlles - Mr. Chairman, we would just ask that a motion be set to continue  
2002 this public hearing to the March 27, 2002, meeting.

2003

2004 Mr. Vanarsdall - I would be glad to make the motion, but I think we should ask  
2005 Alan if he has anything to say.

2006

2007 Mr. Marlles - Oh, I'm sorry, sure.

2008

2009 Mr. Vanarsdall - Do you have anything to say or do you want to save it until the 27<sup>th</sup>  
2010 of March?



2011 Mr. Twedt - I'm all for putting it off until the 27<sup>th</sup> of next month. But I think  
2012 the vain that you are going in is something that is very amenable to me and the industry to focus  
2013 in on how the message is going to be presented rather than trying to lock in on a set time. So, I  
2014 agree with that.

2015  
2016 Mr. Taylor - Is my experience unique or is it pretty much in keeping with what  
2017 you have learned from other sources?  
2018

2019 Mr. Twedt - Well, I just think by going out and looking at the RIR sign, that  
2020 that says it all. The main thing in trying to set a long segment of duration between change you  
2021 are actually going against what you really want to accomplish and that's the people rubber  
2022 necking and taking more looks at the sign, waiting for it to change.  
2023

2024 Mr. Vanarsdall - Don't you want to get into that on the 27<sup>th</sup> of March?  
2025

2026 Mr. Twedt - Yes, sir. I'm all done, unless you've got any more questions.  
2027

2028 Mr. Taylor - Well, I have just one. Did you have the same visual experience?  
2029 Have you looked at the message at Parham and Three Chopt?  
2030

2031 Mr. Twedt - Yes, I have and I see what you are referring to and then that just  
2032 gets down to, I think, a personal thing where someone might think it's great, someone thinks it's  
2033 obnoxious. And I don't think that it gets into the realm of being a safety hazard or begins to  
2034 increase accidents or anything like that. It does a pretty good job though because you rattle off  
2035 some names of some advertising that you saw in there.  
2036

2037 Mr. Taylor - I perhaps concentrated to long, that's what my wife was worry  
2038 about as I was watching the sign.  
2039

2040 Mr. Twedt - As far as regulation, I wouldn't be opposed to saying here's how  
2041 we want the message to be presented.  
2042

2043 Mr. Jernigan - He also caused a four-car collision. I don't know if you heard  
2044 about it.  
2045

2046 Mr. Archer - He did say something about hitting the next car.  
2047

2048 Mr. Taylor - My wife did not record the screams but she told me to concentrate  
2049 on the car ahead of me I was about to hit.  
2050

2051 Mr. Vanarsdall - Mr. Chairman, I move that we defer this public hearing to amend  
2052 and reordain Section 24-104 entitled "Signs" of the Code of the County of Henrico to regulate  
2053 changeable message signs to March 27, 2002, at the staff's request.  
2054

2055 Mr. Jernigan - Second.  
2056

2057 Mr. Taylor - The motion was made by Mr. Vanarsdall to defer and reordain Section 24-  
2058 104 entitled "Signs" of the Code of Henrico and seconded by Mr. Jernigan. All in favor of  
2059 deferral to March 27 say aye.... Opposed say nay. There being no opposition, the amendment  
2060 carries and the public hearing is postponed until March 27. Is there a motion to adjourn?

2061  
2062 Mr. Archer - We still have the minutes.

2063  
2064 Mr. Taylor - All right.

2065  
2066 Mr. Archer - Mr. Secretary, I have one correction on page 47, line 1915. The  
2067 gentleman's name is Jack Cahoon. That's all I have.

2068  
2069 Mr. Taylor - I have a correction on page 34, line 1340, which says "Just like for  
2070 you to state that your thoughts are with regarding to (unintelligible) that area." The would I  
2071 think I said was "preserving."

2072  
2073 Mr. Marlles - Mr. Chairman, before you entertain a motion to adjourn I do want  
2074 to recognize one of our staff members. Michael Cooper would you stand up. Michael has been  
2075 on the staff for a while but he recently received a promotion from Planning Technician to  
2076 Planner I within the Community Development Section. Michael has been doing a good job for  
2077 us. Any of you that have worked with Michael know that he is very thorough, very responsible.  
2078 This was a good promotion for Michael and we are looking forward to having him coming  
2079 before the Commission now in the future with cases. I did want to let you know about his  
2080 promotion.

2081  
2082 Mr. Taylor - Congratulations, Michael, and our best wishes.

2083  
2084 Mr. Vanarsdall - I'm not surprised since he came to us from Virginia Polytechnic  
2085 Institute and State University.

2086  
2087 Mr. Taylor - Mr. Director, as you said that Mr. Kennedy stood up also and I just  
2088 wanted to say that we are all happy that Michael Kennedy is with us today and among the  
2089 healing, I guess is the best way to put it. He's not all the way there but he is on the mend. That's  
2090 all the comments that I have. Are there any other comments from the Commission?

2091  
2092 Mr. Vanarsdall - I do. I have something here, and this pertains to everybody here  
2093 who can vote in the elections. For the APA Director at large "focused" we have two people. We  
2094 have Patricia Sheffels from Bellevue, Washington and Stephen Miller. I do not Stephen Miller  
2095 but I met Patricia Shevels a long time ago at all the conventions and conferences and she has  
2096 been an understudy for the lady from Bellevue, Nebraska who has been the... You may not  
2097 know this, but we don't have but one Planning Commissioner on the Board in this particular  
2098 category. So, I would appreciate a vote for her, if you don't know Stephen Miller. She's on the  
2099 end of the ballot. She is a very nice lady. Randy knows her and there is no hanky panky  
2100 between us. I met her with my wife, so it's all above board.

2101

2102 Mr. Taylor - And she has published a book. For those of you who can vote,  
2103 that's the person to vote for. Are there any other comments from the distinguish members of the  
2104 Commission or the distinguish members of the staff.  
2105

2106 Mr. Marlles - Mr. Chairman, just for a point of information, I think the  
2107 Commission members are aware that the Principal Planner position in Comprehensive Planning  
2108 has been vacant for some time. It was vacated by Liz Via over a year ago.  
2109

2110 Mr. Taylor - Excuse me. She is giving us signals back there.  
2111

2112 Mr. Silber - Diana was letting us know that there was no motion made on the  
2113 minutes. We need a motion on the minutes.  
2114

2115 Mr. Taylor - We need a motion on the minutes. We haven't finished with the  
2116 minutes. Thank you very much for that. Is there a motion to approve the minutes?  
2117

2118 Mr. Archer - I move approval of the minutes as corrected.  
2119

2120 Mr. Vanarsdall - And I second it as corrected.  
2121

2122 Mr. Taylor - Mr. Archer moves we adopt the minutes as corrected and Mr.  
2123 Vanarsdall has seconded it. Is that adequate? All in favor say aye...all opposed say nay. The  
2124 motion carries.  
2125

2126 The Planning Commission approved the January 23, 2002, minutes as amended.  
2127

2128 Mr. Vanarsdall - Mr. Chairman, excuse me. Mr. Secretary, you might want to  
2129 remind everyone about March 8, 2002, again.  
2130

2131 Mr. Marlles - Correct. Let me go ahead and mention that first. On March 8 most  
2132 of you should have received a letter from the Richmond Regional Planning District  
2133 Commission. There is a regional meeting of Planning Commission members that will be going  
2134 on that day. Dr. Michael Chandler will be one of the speakers. It is the first time, as far as I am  
2135 aware that all of the Planning Commission members from the Richmond Regional Planning  
2136 District Commission have been invited to this type of function. The Planning Directors have  
2137 been involved with the planning for this and we would certainly encourage our Planning  
2138 Commission members to attend. I believe we have three members who have registered to attend  
2139 at this date. If our other members would like to go, you really do need to let us know as soon as  
2140 possible. And, again, staff would encourage you to attend this if you are available. We  
2141 understand you do have jobs too, but if you would like to attend just let me know as quickly as  
2142 possible. Anything else, Mr. Vanarsdall?  
2143

2144 Mr. Vanarsdall - I understand that there is a waiting list to get on the Planning  
2145 Commission throughout the County.  
2146

2147 Mr. Marlles - I will call each of you. If you have not registered, I will give you a  
2148 call personally to check and see if you are interested.  
2149  
2150 Mrs. Ware - Is this a day thing on the 8<sup>th</sup>?  
2151  
2152 Mr. Marlles - Yes. It's a day thing on the 8<sup>th</sup>.  
2153  
2154 Mr. Taylor - Thank you, sir.  
2155  
2156 Mr. Marlles - I've got one thing. Just for a point of information for the  
2157 Commission, going back to the principal planner's position for Comprehensive Planning. I do  
2158 want to let the Commission know that we have filled that position. Mr. Joe Emerson will be  
2159 joining our staff in the next couple of days as Principal Planner for the Comprehensive Planning  
2160 Division. Mr. Emerson is the former County Administrator for New Kent County. He  
2161 previously served as Director of Planning for New Kent County and also as Director of Planning  
2162 for Dinwiddie County. So, he comes to us with lots of both planning experience as well as  
2163 obviously administrative experience as well being a former County Administrator. But, I do  
2164 want to make you aware that he will be in our office, I believe, starting tomorrow. That's just a  
2165 point of information.  
2166  
2167 Mr. Taylor - And his function will be?  
2168  
2169 Mr. Marlles - Principal Planner over the Comprehensive Planning Division. Of  
2170 course, David O'Kelly has been doing a Yemen's job trying to handle that division for a number  
2171 of months with Jim Strauss and Leslie News serving on a rotating basis as acting principal  
2172 planner of Community Development. We certainly appreciate their extra efforts over the pass  
2173 number of months as well as Mr. O'Kelly's.  
2174  
2175 Mr. Vanarsdall - Is there anything else, Mr. Chairman?  
2176  
2177 Mr. Taylor - No, sir.  
2178  
2179 Mr. Archer - I move we adjourn.  
2180  
2181 Mr. Vanarsdall - Second.  
2182  
2183 Mr. Taylor - The motion was made by Mr. Archer to adjourn this meeting and  
2184 seconded by Mr. Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.  
2185 This meeting is adjourned.  
2186  
2187 On a motion by Mr. Archer and seconded by Mr. Vanarsdall, the Planning Commission adjourn  
2188 its meeting at 11:05 a.m.  
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2200  
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Allen Taylor, P.E., C.P.C., Chairman

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John R. Marlles, AICP, Secretary