

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, February
4 27, 2008.

5
6

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

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Mr. James P. Strauss, CLA, County Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Mrs. Aimee Berndt, County Planner
Mr. Jonathan W. Steele, G.I.S. Manager
Ms. Kim Vann, Police Division
Ms. Diana B. Carver, Recording Secretary

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Mr. Richard W. Glover, the Board of Supervisors representative, abstains from voting on all cases unless otherwise noted.

11 Mr. Jernigan - On behalf of the Planning Commission and the Planning staff, we'd
12 like to welcome you to our February 27, 2008 hearing for POD's and subdivisions. I'd
13 also like to welcome Mr. Glover, our sitting member of the Board of Supervisors. Good
14 morning, Mr. Glover.

15
16

Mr. Glover - Thank you, sir.

17
18

Mr. Jernigan - With that, I will turn the meeting over to our secretary, Mr. Emerson.

19
20

Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda today will
21 be the request for deferrals and withdrawals. Those will be presented to you by Ms.
22 Leslie News. Ms. News?

23
24 Ms. News - Good morning, Mr. Secretary, members of the Commission.

25
26 Mr. Jernigan - Good morning.

27
28 Ms. News - We have seven items on our list of deferrals and withdrawals this
29 morning. The first item is on page 11 of your agenda and is found in the Varina District.
30 This is transfer of approval for POD-36-96, Highwoods Center. The applicant is
31 requesting a deferral to the March 26, 2008 meeting.

32
33 **TRANSFER OF APPROVAL**

34
POD-36-96 **C. B. Richard Ellis of Virginia, Inc. for Fawn Industrial,**
Highwoods Center – **LLC and 1881 Industrial, LLC:** Request for transfer of
Lewis Road approval as required by Chapter 24, Section 24-106 of the
Henrico County Code from Highwoods/Forsyth, L.P. to
Fawn Industrial, LLC and 1881 Industrial, LLC. The 17.7-
acre site is located on the east line of Lewis Road,
approximately 400 feet north of Eubank Road on parcel
819-712-7580. The zoning is M-1, Light Industrial District.
County water and sewer. **(Varina)**

35
36 Mr. Jernigan - Is there any opposition to the deferral of transfer of approval
37 POD-36-96, Highwoods Center? There is no opposition. With that, I will move for
38 deferral of TOA POD-36-96, Highwoods Center in the Varina District to March 26, 2008.

39
40 Mr. Vanarsdall - Second.

41
42 Mr. Jernigan - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.
43 All in favor say aye. All those opposed say no. The ayes have it; the motion passes.

44
45 At the request of the applicant, the Planning Commission deferred transfer of approval
46 POD-36-96, Highwoods Center, to its March 28, 2008 meeting.

47
48 Ms. News - The next item is found on page 22 of your agenda and is
49 located in the Tuckahoe District. This is POD-3-8, Third Presbyterian Church Addition.
50 The applicant is requesting a deferral to the April 10, 2008 meeting. This is the Zoning
51 meeting.

52

53 **PLAN OF DEVELOPMENT** *(Deferred from the January 23, 2008 Meeting)*

54

POD-3-08 **Rummel Klepper & Kahl, LLP for Trustees of Third
Third Presbyterian Church **Presbyterian Church:** Request for approval of a plan of
Addition development, as required by Chapter 24, Section 24-106
of the Henrico County Code, to construct a two and a half
story, 46,268 square foot addition to an existing church, a
tot lot and parking area improvements. The 3.34-acre site
is located at on the west line of Forest Avenue at its
intersection with Silverspring Drive on parcels 756-737-
8569, 7779, 7986 and 757-737-0393. The zoning is R-3,
One-Family Residence District and R-2, One-Family
Residence District. County water and sewer. **(Tuckahoe)****

55

56 Mr. Jernigan - Is there any opposition to the deferral of POD-3-08, Third
57 Presbyterian Church Addition? There is no opposition.

58

59 Mrs. Jones - I move for deferral of POD-3-08, Third Presbyterian Church
60 Addition, to the April 10, 2008 meeting, by request of the applicant.

61

62 Mr. Archer - Second.

63

64 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
65 say aye. All opposed say no. The ayes have it; the motion passes.

66

67 At the request of the applicant, the Planning Commission deferred POD-3-08, Third
68 Presbyterian Church Addition, to the April 10, 2008 Zoning meeting.

69

70 Ms. News - The next item is found on page 23 of your agenda and is
71 located in the Varina District. This is SUB-28-06, a reconsideration of Selph Ridge (May
72 2006 Plan) for eight lots. The applicant has requested a deferral to the May 26, 2008
73 meeting.

74

75 **SUBDIVISION RECONSIDERATION** *(Deferred from the January 23, 2008 Meeting)*

76

SUB-28-06 **Engineering Design Associates for FJCB, LLC:** The
Selph Ridge 9.997-acre site proposed for a subdivision of 8 single-
(May 2006 Plan) family homes is located approximately 700 feet north of
White Oak and Elko Chillie Lane and Scaffold Court on parcel 856-705-2677.
Roads The zoning is A-1, Agricultural District. Individual well and
septic tank/drainfield. **(Varina) 8 Lots**

77

78 Mr. Jernigan - Is there any opposition to the deferral of SUB-28-06, the
79 reconsideration of Selph Ridge (May 2006 Plan)? There is no opposition. With that, I
80 will move for deferral of SUB-28-06, Selph Ridge (May 2006 Plan) to March 26 (sic)
81 May 28, 2008, by request of the applicant.

82 Mr. Branin - Second.
83
84 Ms. News - Mr. Jernigan, the applicant revised their request to May 28th.
85
86 Mr. Jernigan - May 28th. I'm sorry.
87
88 Mr. Branin - Still second.
89
90 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor
91 say aye. All opposed say no. The ayes have it; the motion passes.
92

93 At the request of the applicant, the Planning Commission deferred the reconsideration
94 of SUB-28-06, Selph Ridge (May 2006 Plan) to is May 28, 2008 meeting.
95

96 Ms. News - Next on page 28 of your agenda, and located in the
97 Tuckahoe District, is POD-68-07, The Shire @ Pump and Church. The applicant is
98 requesting a deferral to the March 26, 2008 meeting.
99

100 **PLAN OF DEVELOPMENT & MASTER PLAN**
101 *(Deferred from the January 23, 2008 Meeting)*
102

POD-68-07 The Shire @ Pump and Church – Church Road and Pump Road	Kimley Horn for Kevin McFadden and The Rebkee Company: Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a master plan for a future one-story retail building (Building 6) totaling 12,900 square feet. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District, RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. (Tuckahoe)
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103
104 Mr. Jernigan - Is there any opposition to POD-68-07, The Shire @ Pump
105 and Church? No opposition.
106

107 Mrs. Jones - I move deferral of POD-68-07, The Shire @ Pump and
108 Church, to the March 26, 2008 meeting, by request of the applicant.
109

110 Mr. Archer - Second.
111

112 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
113 say aye. All opposed say no. The ayes have it; the motion passes.

114
115 At the request of the applicant, the Planning Commission deferred POD-68-07, The
116 Shire @ Pump and Church, to its March 26, 2008 meeting.

117
118 Ms. News - The next item is found on page 31 of your agenda and is
119 located in the Three Chopt District. This is POD-41-07 or POD-57-86 revised, Pouncey
120 Place, Phase 1. The applicant is requesting a deferral to the April 23, 2008 meeting.

121
122 **PLAN OF DEVELOPMENT** (*Deferred from the December 12, 2007 Meeting*)

123
124
125 **POD-41-07 Bay Design Group, P.C. for Pouncey Place, LLC:**
126 Pouncey Place, Phase 1 – Request for approval of a plan of development as required
127 Twin Hickory Lake Drive and Pouncey Tract Road by Chapter 24, Section 24-107 of the Henrico County
(POD-57-86 Revised) Code, to construct a shopping center with two one-story
buildings for a total of 27,630 square feet. The 5.25-acre site is part of a 10.10-acre parcel and is located on the
southeast corner of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive on part of parcel 740-
765-2150. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay
District. County water and sewer. **(Three Chopt)**

124
125 Mr. Jernigan - Is there opposition to the deferral of POD-41-07, Pouncey
126 Place, Phase 1 (POD-57-86 Revised)? There is no opposition.

127
128 Mr. Branin - Mr. Chairman, I'd like to move that POD-41-07, Pouncey
129 Place, Phase 1 (POD-57-86 Revised), be deferred to the April 23, 2008 meeting, per
130 the applicant's request.

131
132 Mr. Vanarsdall - Second.

133
134 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
135 favor say aye. All opposed say no. The ayes have it; the motion passes.

136
137 At the request of the applicant, the Planning Commission deferred POD-41-07, Pouncey
138 Place, Phase 1 (POD-57-86 Revised), to its April 23, 2008 meeting.

139
140 Ms. News - Next on page 33 of your agenda and located in the Three
141 Chopt District is POD-15-89, Food Lion/Bloom Lauderdale Square Shopping Center.
142 The applicant is requesting a deferral to the March 26, 2008 meeting.

143

144 **PLAN OF DEVELOPMENT**

145

POD-15-89 **Interplan, LLC and Omar Joyner for Food Lion Inc.:**
Food Lion/Bloom Request for approval of a reconsideration of a plan of
Lauderdale Square development, as required by Chapter 24, Section 24-106
Shopping Center of the Henrico County Code, to revise elevations for an
existing grocery store in a shopping center. The 2.9-acre
site is located at the northeast corner of Lauderdale Drive
and Church Road on parcel 734-757-2001. The zoning is
B-2C, Business District (Conditional). County water and
sewer. **(Three Chopt)**

146

147 Mr. Jernigan - Is there any opposition to the deferral of POD-15-89, Food
148 Lion/Bloom Lauderdale Square Shopping Center? There is no opposition.

149

150 Mr. Branin - Mr. Chairman, I'd like to move that POD-15-89, Food
151 Lion/Bloom Lauderdale Square Shopping Center, be deferred to the March 26 meeting
152 per the applicant's request.

153

154 Mrs. Jones - Second.

155

156 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
157 say aye. All opposed say no. The ayes have it; the motion passes.

158

159 At the request of the applicant, the Planning Commission deferred POD-15-89, Food
160 Lion/Bloom Lauderdale Square Shopping Center, to its March 26, 2008 meeting.

161

162 Ms. News - The final item is on page 34 of your agenda and is located in
163 the Three Chopt District. This is POD-81-99, Food Lion/Bloom, in the Twin Hickory
164 Town Center. The applicant is requesting a deferral to the March 26, 2008 meeting.

165

166 **PLAN OF DEVELOPMENT**

167

POD-81-99 **Interplan, LLC, Twin Hickory, LLC and Edens & Avant**
Food Lion/Bloom **and Omar Joyner for Food Lion Inc.:** Request for
Twin Hickory Town Center approval of a reconsideration of a plan of development, as
required by Chapter 24, Section 24-106 of the Henrico
County Code, to revise elevations for an existing grocery
store in a shopping center. The 7.04-acre site is located at
the northwest corner of Nuckols Road and Twin Hickory
Road on parcel 746-772-0397. The zoning is B-2C,
Business District (Conditional). County water and sewer.
(Three Chopt)

168

169 Mr. Jernigan - Is there any opposition to the deferral of POD-81-99, Food
170 Lion/Bloom Twin Hickory Town Center? No opposition.

171 Mr. Branin - Mr. Chairman, I would like to move that POD-81-99, Food
172 Lion/Bloom Twin Hickory Town Center, be deferred to the March 26, 2008 meeting, per
173 the applicant's request.

174
175 Mrs. Jones - Second.

176
177 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
178 say aye. All opposed say no. The ayes have it; the motion passes.

179
180 At the request of the applicant, the Planning Commission deferred POD-81-99, Food
181 Lion/Bloom Twin Hickory Town Center, to its March 26, 2008 meeting.

182
183 Mr. Emerson - Mr. Chairman, that completes the withdrawals and deferrals
184 that have been requested through staff, unless the Commission has additional deferrals
185 that they would like to do.

186
187 Mr. Branin - Mr. Secretary, I believe I have one that was missed. Aimee,
188 was Rainer deferred?

189
190 Mrs. Berndt - No, sir, that will be heard.

191
192 Mr. Branin - Okay, thank you. That's all, Mr. Secretary.

193
194 Mr. Emerson - If there are no other deferrals that the Commission would
195 wish to make at this time, we'll move on to the expedited agenda. The expedited
196 agenda is for cases where the staff—

197
198 Mr. Branin - Excuse me. I do have one that I would like to defer. I would
199 like to defer POD-42-06, Prospect Homes architectural.

200
201 Mr. Emerson - Page 25?

202
203 Mr. Branin - Page 25.

204

275 1. The site deficiencies, as identified in the inspection report, dated **December 28,**
276 **2007** shall be corrected by **May 1, 2008** or a bond shall be posted to cover the
277 remaining deficiencies.

278
279 Ms. News - The next item is on page 4 of your agenda and is located in
280 the Three Chopt District. This is a transfer of approval for POD-134-85, Forest Plaza II.
281 Staff recommends approval.

282
283 **TRANSFER OF APPROVAL**

284
POD-134-85 **Williams Mullen for FC Richmond II, LLC:** Request for
Forest Plaza II – transfer of approval as required by Chapter 24, Section 24-
7275 Glen Forest Avenue 106 of the Henrico County Code from Virginia Investment
Corporation and Pruitt Associates LLC to FC Richmond II,
LLC. The 2.488-acre site is located on the northeast
corner of the intersection of Forest Avenue and Bayberry
Court, and the south line of Glen Forest Drive on parcel
763-745-8463. The zoning is O-3C, Office District
(Conditional). County water and sewer. **(Three Chopt)**

285
286 Mr. Jernigan - Is there any opposition to transfer of approval POD-134-85,
287 Forest Plaza II? No opposition.

288
289 Mr. Branin - Mr. Chairman, I'd like to move that POD-134-85, Forest
290 Plaza II, be approved on the expedited agenda.

291
292 Mr. Vanarsdall - Second.

293
294 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
295 favor say aye. All opposed say no. The ayes have it; the motion passes.

296
297 The Planning Commission approved the transfer of approval request for POD-134-85,
298 Forest Plaza II, from Virginia Investment Corporation and Pruitt Associates, LLC to FC
299 Richmond II, LLC, subject to the standard and added conditions previously approved
300 and the following additional condition:

301
302 1. The site deficiencies, as identified in the inspection report, dated **December 28,**
303 **2007** shall be corrected by **May 1, 2008** or a bond shall be posted to cover the
304 remaining deficiencies.

305
306 Ms. News - Next on page 5 of your agenda and located in the Three
307 Chopt District is transfer of approval POD-79-87, the Bayberry Building (Xerox),
308 formerly Pruitt Associates Office Building. Staff recommends approval.

309

310 **TRANSFER OF APPROVAL**

311

POD-79-87 **Williams Mullen for FC Richmond II, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Pruitt Associates, LLC to FC Richmond II, LLC. The 3.167-acre site is located on the northwest corner of Forest Avenue and Bayberry Court on parcel 763-745-4368. The zoning is R-6C, General Residence District (Conditional) and O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

312

313 Mr. Jernigan - Do we have any opposition to transfer of approval POD-79-
314 87, Bayberry Building (Xerox), formerly Pruitt Associates Office Building? There is no
315 opposition.

316

317 Mr. Branin - Mr. Chairman, I'd like to move for approval of POD-79-87,
318 Bayberry Building (Xerox), formerly Pruitt Associates Office Building, on the expedited
319 agenda.

320

321 Mr. Vanarsdall - Second.

322

323 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
324 favor say aye. All opposed say no. The ayes have it; the motion passes.

325

326 The Planning Commission approved the transfer of approval request for POD-79-87,
327 Bayberry Building (Xerox), formerly Pruitt Associates Office Building, from Pruitt
328 Associates, LLC to FC Richmond II, LLC, subject to the standard and added conditions
329 previously approved and the following additional condition:

330

331 1. The site deficiencies, as identified in the inspection report, dated **December 28,**
332 **2007** shall be corrected by **May 1, 2008** or a bond shall be posted to cover the
333 remaining deficiencies.

334

335 Ms. News - Next on page 6 of your agenda and located in the Three
336 Chopt District is transfer of approval for POD-04-89, The Highlands I Office Building,
337 which was formerly Glen Forest South, Pruitt Office Building. Staff recommends
338 approval.

339

340 **TRANSFER OF APPROVAL**

341

POD-04-89
Highlands I Building
(formerly Glen Forest
South – Pruitt Office
Building)
7231 Forest Avenue

Williams Mullen for FC Richmond II, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Pruitt Associates, LLC to FC Richmond II, LLC. The 3.203-acre site is located on the south line of Forest Avenue at the intersection of Bayberry Court on parcel 763-745-5117. The zoning is O-2C, Office District (Conditional) and R-6C, General Residence District (Conditional). County water and sewer. **(Three Chopt)**

342

343 Mr. Jernigan - Is there any opposition to transfer of approval POD-04-89,
344 Highland I Building (formerly Glen Forest South – Pruitt Office Building)? No opposition.

345

346 Mr. Branin - Mr. Chairman, I'd like to move that POD-04-89, Highland I
347 Building (formerly Glen Forest South – Pruitt Office Building), be approved on the
348 expedited agenda.

349

350 Mr. Vanarsdall - Second.

351

352 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
353 favor say aye. All opposed say no. The ayes have it; the motion passes.

354

355 The Planning Commission approved the transfer of approval request for POD-04-89,
356 Highland I Building (formerly Glen Forest South – Pruitt Office Building), from Pruitt
357 Associates, LLC to FC Richmond II, LLC, subject to the standard and added conditions
358 previously approved and the following additional condition:

359

360 1. The site deficiencies, as identified in the inspection report, dated **December 28,**
361 **2007** shall be corrected by **May 1, 2008** or a bond shall be posted to cover the
362 remaining deficiencies.

363

364 Ms. News - The next item is on page 7 of your agenda and is located in
365 the Varina District. This is a transfer of approval for POD-15-72, Fair Oaks Apartments.
366 Staff recommends approval.

367

398 **TRANSFER OF APPROVAL**

399

POD-66-00
Jiffy Lube –
5710 W. Broad Street

David Pryzwansky for ITAC 244, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Third Generation, L.P., Lucor, Inc. and Navigator Real Estate Holdings to ITAC 244, LLC. The .585-acre site is located on the northeast corner at the intersection of W. Broad Street (U.S. Route 250) and Libbie Avenue on parcel 771-739-7295. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

400

401 Mr. Jernigan - Is there any opposition to transfer of approval POD-66-00,
402 Jiffy Lube? No opposition.

403

404 Mr. Vanarsdall - I move transfer of approval POD-66-00, Jiffy Lube, be
405 approved with staff-recommended approval and there is one condition which is the site
406 deficiencies identified. They have until April 15, 2008, to take care of it or we have a
407 bond posted to cover it.

408

409 Mr. Archer - Second.

410

411 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
412 favor say aye. All opposed say no. The ayes have it; the motion passes.

413

414 The Planning Commission approved the transfer of approval request for POD-66-00,
415 Jiffy Lube, from Third Generation, L.P., Lucor, Inc. and Navigator Real Estate Holdings
416 to ITAC 244, LLC, subject to the standard and added conditions previously approved
417 and the following additional condition:

418

419 1. The site deficiencies, as identified in the inspection report, dated **November 1,**
420 **2007** shall be corrected by **April 15, 2008** or a bond shall be posted to cover the
421 remaining deficiencies.

422

423 Ms. News - Next on page 10 of your agenda and located in the
424 Tuckahoe District is a transfer of approval for POD-64-07, BJ's Wholesale Club. Staff
425 recommends approval.

426

427

428 **TRANSFER OF APPROVAL**

429
POD-64-07 **Hirschler Fleischer for Natick VA Richmond Realty Corporation:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from The Taubman Company to Natick VA Richmond Realty Corporation. The 12.5-acre site is located on the west line of Starling Drive approximately 600 feet south of Quioccasin Road on parcels 751-744-9528 and 752-744-2137. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

430
431 Mr. Jernigan - Is there any opposition to transfer of approval POD-64-07,
432 BJ's Wholesale Club? There is no opposition.

433
434 Mrs. Jones - I move transfer of approval POD-64-07, BJ's Wholesale
435 Club, be approved.

436
437 Mr. Archer - Second.

438
439 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
440 say aye. All opposed say no. The ayes have it; the motion passes.

441
442 The Planning Commission approved the transfer of approval request for POD-64-07,
443 BJ's Wholesale Club, from The Taubman Company to Natick VA Richmond Realty
444 Corporation, subject to the standard and added conditions previously approved.

445
446 Ms. News - The next item, which is on page 13 of your agenda and
447 located in the Brookland District, has been removed from the expedited agenda.

448
449 Mr. Jernigan - Okay.

450
451 Ms. News - Next on page 14 of your agenda in the Brookland District is
452 SUB-06-08, Staples Mill Centre (February 2008 Plan), for 12 lots. Staff recommends
453 approval.

454

455 **SUBDIVISION**

456

SUB-06-08
Staples Mill Centre
(February 2008 Plan)

E. D. Lewis & Associates, P.C. for Staples Mill Centre, LLC: The 0.69-acre site proposed for a subdivision of 12 residential townhomes is located on the south line of Bethlehem Road, 800 feet west of the west line of Staples Mill Road (U.S. Route 33) on part of parcel 773-741-5414, 6011, 6808, 7505 and 8102. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer.
(Brookland) 12 Lots

457

458 Mr. Jernigan - Is there any opposition to SUB-06-08, Staples Mill Centre
459 (February 2008 Plan)? No opposition.

460

461 Mr. Vanarsdall - I move that SUB-06-08, Staples Mill Centre (February 2008
462 Plan), be approved on the expedited agenda with the annotations on the plans,
463 standard conditions for residential townhouses served by public utilities, and the
464 following conditions 15, 16, and 17.

465

466 Mr. Archer - Second.

467

468 Mr. Jernigan - Motion by Mr. Vanarsdall, second by Mr. Archer. All in favor
469 say aye. All opposed say no. The ayes have it; the motion passes.

470

471 The Planning Commission granted conditional approval to SUB-06-08, Staples Mill
472 Centre (February 2008 Plan), subject to the standard conditions attached to these
473 minutes for subdivisions served by public utilities, the annotations on the plans, and the
474 following additional conditions:

475

476 15. A County standard sidewalk shall be constructed along the south side of
477 Bethlehem Road.

478 16. The proffers approved as part of zoning case C-15C-07 shall be incorporated in
479 this approval.

480 17. The applicant shall obtain vacation of any lots in Westbourne Subdivision which
481 are within the limits of this subdivision prior to final approval of the plat.

482

483 Ms. News - The next item is located in the Brookland District and is
484 found on page 17 of your agenda. This is POD-4-08, Flagstop Carwash. Staff
485 recommends approval.

486

487 **PLAN OF DEVELOPMENT (Deferred from the January 23, 2008 Meeting)**
488

POD-4-08
Flagstop Carwash @
Parham Road – 9802 E.
Parham Road

Balzer & Associates, Inc. for Royal Oldsmobile Company and Robert C. Schrum, Jr.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,160 square foot carwash. The 2.17-acre site is located on the south line of E. Parham Road, approximately 550 feet east of W. Broad Street (U.S. Route 250) on parcels 762-754-6047 and part of 7326. The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer.
(Brookland)

489
490 Mr. Jernigan - Is there any opposition to POD-4-08, Flagstop Carwash @
491 Parham Road? No opposition.
492

493 Mr. Vanarsdall - I move that POD-4-08, Flagstop Carwash @ Parham Road,
494 be approved on the expedited agenda with annotations on the plans, standard
495 conditions for developments of this type, and the following conditions 29 through 36.
496 There are no annotations on the plans about the sidewalk, but I want to waive the
497 sidewalk in front of the building parallel to Parham Road.
498

499 Mr. Branin - Second.
500

501 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All in
502 favor say aye. All opposed say no. The ayes have it; the motion passes.
503

504 The Planning Commission approved POD-4-08, Flagstop Carwash @ Parham Road,
505 subject to the annotations on the plans, the standard conditions attached to these
506 minutes for developments of this type, and the following additional conditions:
507

- 508 29. Employees shall be required to use parking spaces provided at the rear of the
509 building as shown on the approved plans.
510 30. Outside storage shall not be permitted.
511 31. The proffers approved as a part of zoning cases C-34C-86 and C-6C-08 shall be
512 incorporated in this approval.
513 32. Approval of the construction plans by the Department of Public Works does not
514 establish the curb and gutter elevations along the Henrico County maintained
515 right-of-way. The elevations will be set by Henrico County.
516 33. The owner or manager on duty shall be responsible for temporarily closing the
517 car wash facility when the on-site stacking space is inadequate to serve customer
518 demand to prevent a backup of vehicles onto the public right-of-way. The owner
519 shall arrange with the Traffic Engineer to provide standard traffic control signs to
520 notify customers that stopping or standing on the public right-of-way shall not be
521 permitted near the entrances to the car wash facility.

- 522 34. Evidence of a joint ingress/egress and maintenance agreement must be
 523 submitted to the Department of Planning and approved prior to issuance of a
 524 certificate of occupancy for this development.
- 525 35. All equipment shall be screened by such measures as determined appropriate by
 526 the Director of Planning or the Planning Commission at the time of plan approval.
 527 All building mounted equipment shall be painted to match the building, and all
 528 equipment shall be screened by such measures as determined appropriate by the
 529 Director of Planning or the Planning Commission at the time of plan approval.
- 530 36. Except for junction boxes, meters, and existing overhead utility lines, and for
 531 technical or environmental reasons, all utility lines shall be underground.

532
 533 Ms. News - The next item is found on page 19 of your agenda and is
 534 located in the Fairfield District. This is POD-85-07, Park Central Daycare. There is an
 535 addendum item on page 2 of your addendum, which includes a revised recommendation
 536 and a revised plan indicating that the applicant has submitted this plan to relocate the
 537 dumpster pad. Staff can now recommend approval subject to the conditions in the
 538 agenda.

539 **PLAN OF DEVELOPMENT**

540
 541

POD-85-07 Park Central Daycare – Park Central Drive and E. Parham Road	Balzer & Associates, Inc. for BTR TLE III, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 12,000 square foot child daycare building and a one-story, 9,000 square foot office building. The 7.52-acre site is located on the north line of E. Parham Road at the northwest corner of the intersection of E. Parham Road and Park Central Drive on parcel 789- 759-2105. The zoning is O-2C, Office District (Conditional). County water and sewer. (Fairfield)
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542
 543 Mr. Jernigan - Is there any opposition to POD-85-07, Park Central
 544 Daycare? No opposition.

545
 546 Mr. Archer - Mr. Chairman, I will move for approval of POD-85-07, Park
 547 Central Daycare, subject to the revised plan dated 2/27/08, standard conditions for
 548 developments of this type, and the following additional conditions 29 through 39.

549
 550 Mrs. Jones - Second.

551
 552 Mr. Jernigan - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
 553 say aye. All opposed say no. The ayes have it; the motion passes.

554
 555 The Planning Commission approved POD-85-07, Park Central Daycare, subject to the
 556 annotations on the plans, the standard conditions attached to these minutes for
 557 developments of this type, and the following additional conditions:

- 558 29. A concrete sidewalk meeting County standards shall be provided along the north
559 side of E. Parham Road
- 560 30. The building shall be constructed of red brick and the brick shall not be painted at
561 any time.
- 562 31. Outside storage shall not be permitted.
- 563 32. The proffers approved as a part of zoning case C-7C-95 shall be incorporated in
564 this approval.
- 565 33. The certification of building permits, occupancy permits and change of
566 occupancy permits for individual units shall be based on the number of parking
567 spaces required for the proposed uses and the amount of parking available
568 according to approved plans.
- 569 34. Approval of the construction plans by the Department of Public Works does not
570 establish the curb and gutter elevations along the Henrico County maintained
571 right-of-way. The elevations will be set by Henrico County.
- 572 35. The owners shall not begin clearing of the site until the following conditions have
573 been met:
- 574 (a) The site engineer shall conspicuously illustrate on the plan of development
575 or subdivision construction plan and the Erosion and Sediment Control
576 Plan, the limits of the areas to be cleared and the methods of protecting
577 the required buffer areas. The location of utility lines, drainage structures
578 and easements shall be shown.
- 579 (b) After the Erosion and Sediment Control Plan has been approved but prior
580 to any clearing or grading operations of the site, the owner shall have the
581 limits of clearing delineated with approved methods such as flagging, silt
582 fencing or temporary fencing.
- 583 (c) The site engineer shall certify in writing to the owner that the limits of
584 clearing have been staked in accordance with the approved plans. A copy
585 of this letter shall be sent to the Department of Planning and the
586 Department of Public Works.
- 587 (d) The owner shall be responsible for the protection of the buffer areas and
588 for replanting and/or supplemental planting and other necessary
589 improvements to the buffer as may be appropriate or required to correct
590 problems. The details shall be included on the landscape plans for
591 approval.
- 592 36. Evidence of a joint ingress/egress and maintenance agreement must be
593 submitted to the Department of Planning and approved prior to issuance of a
594 certificate of occupancy for this development.
- 595 37. The location of all existing and proposed utility and mechanical equipment
596 (including HVAC units, electric meters, junction and accessory boxes,
597 transformers, and generators) shall be identified on the landscape plans. All
598 building mounted equipment shall be painted to match the building, and all
599 equipment shall be screened by such measures as determined appropriate by
600 the Director of Planning or the Planning Commission at the time of plan approval.
- 601 38. Except for junction boxes, meters, and existing overhead utility lines, and for
602 technical or environmental reasons, all utility lines shall be underground.

603 39. A traffic impact study shall be submitted as required by the County's Traffic
604 Engineer. The applicant shall incorporate into the construction plans for signature
605 any comments generated by the County's Traffic Engineer from his review of the
606 Traffic Impact Study for this development.

607
608 Ms. News - The final item is on page 26 of your agenda and is located in
609 the Fairfield District. This is POD-8-08 (POD-53-08 Revised), Rite Aid at Dominion
610 Village Shopping Center. There is an addendum item on page 4 of your addendum,
611 which indicates that a revised plan has been included in the addendum which
612 addresses the additional right-of-way dedication for the realignment of the intersection
613 of Creighton Road and North Laburnum Avenue, and that a determination has been
614 made that the roof complies with the proffered conditions. Staff can recommend
615 approval.

616

617 **PLAN OF DEVELOPMENT & MASTER PLAN**

618

619 620 621 622 623 624 625 626	POD-08-08 (POD-53-03 Revised) Rite Aid – Dominion Village Shopping Center – 1209 E. Laburnum Avenue	Bohler Engineering for Skip Gelletly: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 14,564 square foot pharmacy/retail building in a shopping center. The 1.80-acre site is located on the southeast corner of the intersection of N. Laburnum Avenue and Creighton Road on parcel 809-729-1581. The zoning is B-3C, Business District (Conditional). County water and sewer. (Fairfield)
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619
620 Mr. Jernigan - Is there any opposition to POD-08-08 (POD-53-03 Revised),
621 Rite Aid – Dominion Village Shopping Center? No opposition.

622
623 Mr. Archer - Mr. Chairman, I move approval of POD-08-08 (POD-53-03
624 Revised), Rite Aid – Dominion Village Shopping Center, subject to the addendum item
625 and additional conditions 29 through 37.

626
627 Mr. Vanarsdall - Second.

628
629 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
630 favor say aye. All opposed say no. The ayes have it; the motion passes.

631
632 The Planning Commission approved POD-08-08 (POD-53-03 Revised), Rite Aid –
633 Dominion Village Shopping Center subject to the annotations on the plans, the standard
634 conditions attached to these minutes for developments of this type, and the following
635 additional conditions:

636
637 29. The right-of-way for widening of Creighton Road as shown on approved plans
638 shall be dedicated to the County prior to any occupancy permits being issued.
639 The right-of-way dedication plat and any other required information shall be

640 submitted to the County Real Property Agent at least sixty (60) days prior to
641 requesting occupancy permits.

642 30. The required building setback shall be measured from the proposed right-of-way
643 line and the parking shall be located behind the proposed right-of-way line.

644 31. Outside storage shall not be permitted.

645 32. The proffers approved as a part of zoning case C-9C-03 shall be incorporated in
646 this approval.

647 33. In the event of any traffic backup which blocks the public right-of-way as a result
648 of congestion caused by the drive-up pharmacy, the owner/occupant shall close
649 the drive-up pharmacy until a solution can be designed to prevent traffic backup.

650 34. Approval of the construction plans by the Department of Public Works does not
651 establish the curb and gutter elevations along the Henrico County maintained
652 right-of-way. The elevations will be set by Henrico County.

653 35. Evidence of a joint ingress/egress and maintenance agreement must be
654 submitted to the Department of Planning and approved prior to issuance of a
655 certificate of occupancy for this development.

656 36. The conceptual master plan, as submitted with this application, is for planning
657 and information purposes only.

658 37. The location of all existing and proposed utility and mechanical equipment
659 (including HVAC units, electric meters, junction and accessory boxes,
660 transformers, and generators) shall be identified on the landscape plans. All
661 building mounted equipment shall be painted to match the building, and all
662 equipment shall be screened by such measures as determined appropriate by
663 the Director of Planning or the Planning Commission at the time of plan approval.

664
665 Ms. News - That completes our expedited agenda.

666
667 Mr. Jernigan - Thank you, Ms. News.

668
669 Mr. Vanarsdall - Thank you, Ms. News.

670
671 Mr. Jernigan - Okay, Mr. Secretary.

672
673 Mr. Emerson - Mr. Chairman, that takes you into the cases that are
674 scheduled to be heard for public hearing.

675

676 **TRANSFER OF APPROVAL**

677

POD-26-92 **Nabil Hafez for Republic Plaza LLC:** Request for transfer
(POD-9-86 Revised) of approval as required by Chapter 24, Section 24-106 of
Republic Plaza – the Henrico County Code from Mask Investments LLC to
4501 Williamsburg Road Republic Plaza LLC. The 2.658-acre site is located on the
south line of Williamsburg Road, approximately 800 feet
from the intersection with Laburnum Avenue on parcel
815-713-6182. The zoning is M-1, Light Industrial District.
County water and sewer. **(Varina)**

678

679 Mr. Jernigan - Is there any opposition to transfer of approval POD-26-92
680 (POD-9-86 Revised), Republic Plaza? No opposition. Good morning, Lee.

681

682 Mr. Pambid - Good morning, sir. Staff has yet to receive a bond or a
683 proposed alternate landscape or worked out a schedule with the applicant to address
684 his landscape deficiencies on site, as identified in the inspection report of December 17,
685 2007. Therefore, staff cannot recommend approval at this time. The site deficiencies
686 include missing trees along the interior landscape islands and street trees as well.

687

688 Mr. Jernigan - Is the applicant here?

689

690 Mr. Pambid - No sir.

691

692 Mr. Jernigan - They are not. Okay. Well, then, I will just do a Commission
693 deferral on that.

694

695 Mr. Pambid - Very well.

696

697 Mr. Jernigan - With that, I will move for deferral of POD-26-92 (POD-9-86
698 Revised), Republic Plaza.

699

700 Mr. Vanarsdall - Second.

701

702 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
703 favor say aye. All opposed say no. The ayes have it; the motion passes.

704

705 Mr. Emerson - Is that to March 26?

706

707 Mr. Jernigan - Yes sir.

708

709 Mr. Emerson - Okay.

710

711 Mr. Jernigan - I'm sorry; March 26. That is a Commission deferral.

712

713 At the request of the Commissioner, the Planning Commission deferred POD-26-92
714 (POD-9-86 Revised), Republic Plaza to its March 26, 2008 meeting.

715
716 Mr. Emerson - Mr. Chairman, I did, in error, move past the Conditional
717 Subdivision review. I apologize for that. So, if we could go back and have Ms. Christina
718 Goggin review the subdivision extensions of conditional approval with you this morning.

719
720 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
721
722 **FOR INFORMATIONAL PURPOSES ONLY**
723

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Castleton (February 2005 Plan)	494	178	2	Varina	02/25/09
Kain's Quarter (February 2005 Plan)	6	6	2	Three Chopt	02/25/09
Kensington Meadows (February 2004 Plan) (Formerly Weatherfield Farms)	168	118	3	Fairfield	02/25/09
Stony Run Estates (February 2003 Plan)	33	6	3	Varina	02/25/09
Westridge East (January 2005 Plan)	7	7	2	Three Chopt	02/25/09

724
725 Mr. Jernigan - Okay. Good morning, Ms. Goggin, how are you?
726

727 Ms. Goggin - I am good, thank you. Good morning, Planning Commission
728 members. I would be happy to answer any questions you may have, but all these are
729 for informational purposes only. As you can tell, five out of six of these have active
730 construction items going on. Only one of them has not obtained any final approval, and
731 that would be Westridge East.

732
733 Mr. Jernigan - Okay. Are there any questions for Ms. Goggin from the
734 Commission?
735

736 Mr. Branin - I have none. Thank you, Ms. Goggin.
737

738 Mr. Jernigan - Thank you, Ms. Goggin. Okay, Mr. Emerson.
739

740 Mr. Emerson - Mr. Chairman, that takes you to the next item on your public
741 hearing agenda.
742

743 **ALTERNATIVE FENCE HEIGHT PLAN – RESIDENCE**

744 *(Deferred from the January 23, 2008 Meeting)*

745 TC-227
Rainer Residence –
2008 Fondulac Road

Norman Rainer: Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-95(l) 7 of the Henrico County Code to allow a fence exceeding a height of 42 inches in a front yard. The .55-acre site is located on the west line of Fondulac Road, approximately 400 feet south of Anoka Road on parcel 758-748-2712. The zoning is R-2, One-Family Residence District. **(Three Chopt)**

746
747 Mr. Jernigan - Is there any opposition to alternative fence height plan TC-
748 227, Rainer Residence? We do have opposition. Mr. Emerson, would you explain our
749 policy?

750
751 Mr. Emerson - Yes sir. Mr. Chairman, you do have public time limits, public
752 hearing time limits. The applicant is allowed 10 minutes to present the request after staff
753 presentation. Time may be reserved for responses to testimony. Opposition is allowed
754 10 minutes to present its concerns. Commission questions do not count into the time
755 limits and the Commission may waive the time limits for either party at its discretion.

756
757 Mr. Jernigan - Thank you, sir. Good morning.

758
759 Mrs. Berndt - Good morning. This request for an alternative fence height
760 approval was deferred from last month's Planning Commission meeting. Since last
761 month's deferral, the applicant has revised the plan to lower the fence another two
762 inches constituting a 16-inch height deviation in excess of what is permitted by code for
763 the portion of the fence which lies within the front yard setback area. The applicant has
764 also provided an additional graphic, as you can see here. This shows the proposed
765 fence, as represented graphically, and verifies the colors and materials will match the
766 existing home's brick and white accents.

767
768 Code limits the maximum fence height in a residentially-zoned front yard to three feet,
769 six inches, unless an alternative fence height is approved by the Planning Commission.
770 Previously, staff has received calls from adjacent neighbors in support of this request.
771 Yesterday, staff received a call in opposition to the request from the neighbor
772 immediately adjacent to the fence.

773
774 Should the Commission act on this request, staff recommends the standard conditions
775 for landscape plans and the additional conditions listed in the agenda. The applicant, Dr.
776 Norman Rainer, is here to answer any questions you may have of him, and I'm happy to
777 answer any questions the Commission may have of me. Thank you.

778
779 Mr. Jernigan - Are there any questions for Mrs. Berndt from the
780 Commission?

781
782 Mr. Branin - No, but I may have some after opposition speaks.
783
784 Mr. Jernigan - Okay. We do have opposition. Would you like to come up
785 and speak now, ma'am? You have to state your name.
786
787 Ms. Marks - Oh, excuse me. Linda Marks and I live next door at 2006
788 Fondulac Road.
789
790 Mr. Jernigan - Okay. Good morning.
791
792 Ms. Marks - Good morning. I respectfully thank you for listening to me. I
793 do have some concerns. There has been a trespassing issue with Dr. Rainer on my
794 property. The trespassing has resulted in vandalism. I have not done any charge for
795 that. I want to avoid that. There was a court hearing and Dr. Rainer was found guilty
796 beyond reasonable doubt of trespassing on my property. The judge—and I think it's
797 fair—has taken the matter under advisement and has asked us to meet again in a year.
798 If Norman Rainer stays off my property during that time, it would be dismissed.
799 Unfortunately, he has continued to trespass on my property and there has been
800 additional vandalism.
801
802 The fence, it's very close to the property line. I have a new survey here, if you'd like to
803 see it. It's point 0—0.2 feet. Would you like to see the survey?
804
805 Mr. Branin - I would.
806
807 Mr. Jernigan - Yes ma'am.
808
809 Mr. Branin - Thank you, Mr. Kennedy.
810
811 Ms. Marks - The fact that he has a court order to remain off my property,
812 I do think it would present a conflict on maintaining the fence on my side of the property.
813 The additional issue that I have is the contractor did not leave—when they did the
814 wall—contractor clean. Also, next to the wall, there was additional concrete at various
815 places that encroaches on my property. This is an issue because it backs up the
816 drainage onto my property leaving standing water. Also, the area between the fence—
817 which is mostly my property except for the 0.2 feet—has been raised far above the level
818 that it was prior. By raising that with a ditch going along the side of the fence, it's
819 caused additional water problems. When water is standing, sand ends up on it,
820 covering it further over my driveway and then bringing water further over. When it rains
821 a lot, the entire driveway is frequently covered and if it's ice, I can't get out. I would like
822 that area back to the level that it was, but that has not happened. It's the natural slope
823 of the land. It slopes from the back and the side. When the wall was put up, it stopped
824 the water on my property so it no longer goes according to the natural slope of the land.
825 The land has also been manipulated with various ditches, sand, holes, and hills, causing
826 flooding and water standing within the area.

827
828 My other concern is the fence decreasing visibility. There are children that play on the
829 street riding their bikes and those little scooters and things. It's clear to see with that
830 open area everything that's going on and it gives you real clear visibility. I drive an
831 SUV. I have multiple sclerosis. It does have a lift on the back. It's done according to
832 guidelines and it's all been professionally done, but it does cause my vehicle to extend
833 out further. I am concerned about the lack of visibility along that side because you can
834 see well with it open whether there are any children playing. Of course you're going to
835 stop at the end, but they could come up out of nowhere, where if you can see along that
836 way, you would know ahead of time if there were children out there. So, I have a
837 concern there, too. Like I said, my car being extended with a lift and then having to use
838 the scooter at times when the multiple sclerosis flares up, it extends my car further over,
839 making it less space than normal.

840
841 I would appreciate those considerations. I do have pictures of some—they're not real,
842 real clear—of the items that I'm speaking of, if you'd like to see them.

843
844 Mr. Jernigan - If you could, just give them to one of the staff personnel.
845 They'll put it on the screen.

846
847 Ms. Marks - The first picture shows—it's dated March. It shows the
848 original wall that was there and the property level. The next picture was before I did my
849 survey. Dr. Rainer had done his. My stake is a bit further back than his and it was a
850 certified survey that was done. You can see the concrete that's been laid down actually
851 stopping up the holes that were in the bottom part of the brick. It's truly stopping up the
852 water everywhere, keeping that wet most of the time. Here's a picture. It's not the best
853 picture. Here's a picture of when we had our last rain showing the water backed up.
854 Would you like to see? I have attempted to have someone remove the dirt and sand
855 that's higher, and it's returned. I have attempted to do some, but I'm not really supposed
856 to. It's always returned, so I don't really know what to do about getting that back to the
857 level that it is. That, too, is a issue because I don't want to be stuck in water, particularly
858 when it's icy.

859
860 Mr. Jernigan - Okay.

861
862 Ms. Marks - That's all.

863
864 Mr. Jernigan - Are there any questions?

865
866 Ms. Marks - I respectfully appreciate your consideration.

867
868 Mrs. Jones - Can I ask a quick question?

869
870 Mr. Jernigan - Yes.

871 Mrs. Jones - Ms. Marks, is your home under construction? Did I see a
872 dumpster there? Are you working on your property?

873
874 Ms. Marks - No, sorry. No ma'am. That's the house next door.
875
876 Mrs. Jones - Oh, I see.
877
878 Ms. Marks - The gentleman lost his wife. The son bought the house and
879 he's making the lower part accessible for the older gentleman and he's moving into the
880 top part.
881
882 Mrs. Jones - Are you planning to plant grass along the side of your
883 driveway there to hold the soil?
884
885 Ms. Marks - I had grass there. It's all been destroyed. My yard had
886 grass. Not perfect, but I had finally found grass that would work well in the area. It was
887 coming up very well and that has vanished, as well as a great deal of my shrubbery.
888
889 Mrs. Jones - Are you planning to replace that?
890
891 Ms. Marks - Well, as soon as I can get all the sand—A lot of sand's been
892 put in the yard and that's all got to be removed, and then it had to be re-topsoiled. I
893 don't think this is a good time of year to do that.
894
895 Mrs. Jones - Not right at the moment, I wouldn't think.
896
897 Ms. Marks - I do not do these things. Everything I've put out there has
898 been taken out. Now, I'm not saying the lawn was perfect—it wasn't—but I had finally
899 found grass—not going by what they recommended—that came up and it was coming
900 up very, very nice. I noticed it wasn't there and was white at the end of the driveway. It
901 was an amazement to me and I went out and just kinda swept it away, took the hose
902 and washed off the sand. I thought, well gee, that little part's there. Then the next day it
903 was like four times as much sand on it. There was nothing I could do to save it.
904
905 Mrs. Jones - Thank you.
906
907 Ms. Marks - Thank you for your consideration.
908
909 Mr. Jernigan - Are there any more questions for Ms. Marks from the
910 Commission?
911
912 Mr. Archer - Just one, Ms. Marks. You're saying that the problems that
913 you have are caused by the existing brick wall that's already been built.
914
915 Ms. Marks - Yes. I believe the plan was the brick wall and the fence,
916 from what I understood. I think it would have been a great idea to present it all at the
917 same time so that maybe the brick wall could have been further over and my property

918 wouldn't have built up. Maybe that would have solved it; I don't know. Doing it as a two-
919 part series, it's—Well, the dirt higher up is a problem regardless.

920
921 Mr. Archer - Right. That's what I'm trying to make sure we all understand.
922 The brick wall would not have had to come before us.

923
924 Ms. Marks - Excuse me?

925
926 Mr. Archer - The brick wall that's existing now would not have had to
927 come before us for approval because it is within the height limit.

928
929 Ms. Marks - Right. I'm just saying if the whole thing had been done,
930 perhaps someone would have halted the piling of the dirt and the extra concrete put
931 there, which certainly prevents the water from flowing since I'm getting water from the
932 back of the hill, as well as from the back of my property. The houses were built
933 according to the slope of the land.

934
935 Mr. Archer - I just wanted to make sure you understood about the existing
936 wall.

937
938 Ms. Marks - The existing wall, the pillars, you have to look around them,
939 but you can certainly work with that. The open area, there are a few children that are out
940 on their bikes and it's really good be able to see them at all times because children go
941 quickly and they can show up real quick. Their safety does concern me, as well as the
942 fact my own vehicle is a bit longer and the driveway does have some problems now that
943 it did not previously have. That concerns me with visibility as well, as well as next door.
944 They have two children and cars go all the way to the end of the driveway. On this side,
945 if cars are farther to the end, you're losing some of your visibility by additional cars, say,
946 at the Rainer's or the neighbor next door. So, I am concerned about the visibility issue
947 as well, for my safety as well as the children. We do have children on the street now.

948
949 Mrs. Jones - Just a quick point of clarification. Were the charges of
950 trespassing related to Dr. Rainer's maintenance of the existing brick fence?

951
952 Ms. Marks - No. The charges of trespassing were the fact that he
953 continued to come on my property and dig ditches. He actually killed several trees by
954 cutting major roots. I did have them cut down at my expense. I don't want to do any
955 kind of civil suit; I just want him to stay off my property. I don't want any additional
956 damage; however, the damage has continued. It would have a conflict with it, the judge
957 says, because it's his fence and he would be responsible for maintaining the part on my
958 side.

959
960 Mrs. Jones - Okay. Thank you very much.

961
962 Mr. Jernigan - Are there any more questions for Ms. Marks from the
963 Commission?

964
965 Mr. Branin - I have none, Ms. Marks.
966
967 Ms. Marks - Thank you very much for your consideration.
968
969 Mr. Jernigan - Thank you, ma'am. All right. I'd like to hear from the
970 applicant. Normally, we would hear from the applicant first, but Mr. Branin, in his
971 wisdom, figured we should hear the opposition's first so he can clarify it. So, if the
972 applicant would come on up, please? State your name for the record.
973
974 Mr. Rainer - My name is Norman Rainer. Good morning.
975
976 Mr. Jernigan - Good morning.
977
978 Mr. Rainer - I'm absolutely breathless at this point, having listened to Mrs.
979 Marks. Before I address some of the specific items she brought up, I'd like to just give
980 you a brief picture of why I want that fence. Mrs. Marks' property is unsightly. The fence
981 would improve the appearance of my property and also would improve the appearance
982 of the neighborhood. Most of the traffic in that area comes from Anoka Road and
983 comes in a direction whereby they would see a nice vinyl fence, nice and neat vinyl
984 fence with associated shrubbery. It presents a very nice appearance. In fact, many
985 neighbors on the street have complimented me on having installed the brick wall and
986 the shrubs, which currently present a much-improved appearance.
987
988 The second reason beyond appearance factors is that Mrs. Rainer and I need some
989 isolation from Mrs. Marks. Mrs. Marks is suffering from multiple sclerosis, which has
990 affected her body and mind. She presents a very pleasant appearance here today, but
991 I'm almost sorry I didn't bring my wife here with me; she'd be in tears when I say that
992 Mrs. Marks is a rather belligerent person. If we establish eye contact, either I or Mrs.
993 Rainer walking to our car or mailbox—
994
995 Mr. Branin - Mr. Rainer, we don't need to go into personal or personality
996 description. We have you here to decide if we're going to put up the fence.
997
998 Female - [Off mike.]
999
1000 Mr. Branin - No ma'am, thank you. The point of saying that you need
1001 isolation from your neighbor—
1002
1003 Mr. Rainer - That's correct. That's the second reason.
1004
1005 Mr. Branin - —is far enough, sir.
1006
1007 Mr. Rainer - Can I address now some of the points that Mrs. Marks had
1008 brought up?
1009

1010 Mr. Branin - Absolutely.

1011
1012 Mr. Rainer - She says her grass is not perfect; however, she deliberately
1013 uproots the grass. In fact, I have some witnesses who can testify to the fact that she will
1014 deliberately uproot whatever small amounts of grass are on her property. She does not
1015 want to have grass there saying that she just doesn't believe in it or whatever other
1016 reason. The business about the sand, apparently she's accusing me of throwing sand
1017 on her property. That's a lie. The business about car length, her car length. Well, she
1018 has a fixture on the back of her car, which extends maybe a foot beyond the normal
1019 length of the automobile. It's not a factor with respect to visibility. In fact, the County
1020 Traffic Engineer determined that the proposed fence would not compromise sight
1021 distance, would not compromise sight distance either for her backing out of her
1022 driveway, or for any children on the street. The property is located at the lower end of a
1023 hill so the impact of a fence is less severe as you approach the property in either
1024 direction than it would be if the property were located at the peak of a hill.

1025
1026 Mrs. Marks went on about the brick wall, the drainage problem, and she mentioned a
1027 recent court action. That brick wall you see, which I installed that at considerable
1028 expense, is something I did not want to have to do. Mrs. Rainer and I lived in that
1029 house for 42 years. We never had to have a brick wall, retaining wall built. It was built
1030 only because the existing swale, the swale that had been there ever since my wife and I
1031 moved into the property—The swale was there to direct storm water into the front
1032 drainage ditch. Mrs. Marks deliberately filled in that swale. She deliberately wanted
1033 storm water to enter my house. The only consequence, the only resort I had was either
1034 to try to fill in that ditch, which it was on the property line—After that, I was accused of
1035 trespassing. Well, I had a choice—either try to fill in that ditch or have a flooded house.
1036 As a last resort because of the allegations of trespassing, I built the wall. The wall has
1037 not created a flooding problem. It's the contour of the land that caused the flooding
1038 problems. She's up hill. That flooding problem that you might see in the picture can
1039 easily be resolved if she wants to do it, but she does not want to do it. All you have to
1040 do is bring in a grader, re-grade the land so that the land will taper down toward the
1041 County drainage ditch. Therefore, it can be resolved. It's not something I caused; it's
1042 not something the brick wall caused. It's something that Mrs. Marks wants to live with
1043 and just complains about instead of doing something to remedy the problem.

1044
1045 She mentioned some concrete debris on her side of that wall. When the wall was being
1046 built, I instructed the contractor not to set foot on her property, not once inch on her
1047 property. So, to build that wall, they did it the hard way. They had laborers digging the
1048 footing for the brick wall so that no apparatus would be on Mrs. Marks' side of the wall.
1049 The alternative would have been to rent a ditch-digging machine which would have
1050 straddled the footing, but in doing so, the leg supports of the ditch-digging machine
1051 would have been on her property. So, to avoid that miniscule aspect of trespassing—
1052 let's say it might have taken two hours where the footings of the machine would have
1053 been on her property—we had the ditch dug the hard way with manual labor. It took two
1054 men three days to dig that footing. When it was done, there was some slight debris on
1055 the other side of the wall. I asked Mrs. Marks if she would like me to instruct the

1056 workers to clean up that debris, and it's a very small amount of debris. I didn't want her
1057 to accuse me again of trespassing. I asked Mrs. Marks, "Would you like me to have the
1058 workers clean up that small amount of debris on your side of the wall?" She said no.
1059 So, so be it. That's the way it is. If she wanted to have it cleaned up now, it would take
1060 a worker maybe 30 minutes to remove that debris.
1061

1062 This is not a trivial or minor issue with my wife and I. We've been very happy with that
1063 neighborhood. We've raised a family there and we've contributed significantly to the
1064 betterment of Henrico County. We have never before thought of moving. We saw no
1065 good reason in prior years to move, to leave the community, but this is it. This is a
1066 reason to leave the community. We do not like to be subjected to abusive commentary
1067 by Mrs. Marks as we walk on our driveway.
1068

1069 The other points I could go into concerning what Mrs. Marks said, some of which are
1070 complete falsehoods, but I'm going to leave it at this point. I hope you can see things
1071 my way. Thank you.
1072

1073 Mr. Jernigan - Are there any questions for Mr. Rainer from the
1074 Commission?
1075

1076 Mr. Branin - No, I don't have any.
1077

1078 Mr. Jernigan - I want to say one thing here. You all have some issues that
1079 we are not going to be able to handle here. We can't control the situation that you all
1080 have personally. What our situation is here, we have a portion of a brick fence, brick
1081 wall that's already up. I do want to ask Ms. Marks, did you fill in the ditch that drains to
1082 the County ditch?
1083

1084 Ms. Marks - [Off mike.] No sir, I did not. [Unintelligible.]
1085

1086 Mr. Branin - You have to come down, ma'am.
1087

1088 Mr. Jernigan - You have to come down.
1089

1090 Ms. Marks - [Off mike.] I apologize.
1091

1092 Mr. Jernigan - There's not much—
1093

1094 Ms. Marks - When Dr. Rainer dug the first ditch, which was 12 inches—I
1095 wish I'd brought the pictures—12 inches by 12 inches, he ended up with a lot of ditch
1096 dirt. That was put on my property. The grate that he's speaking of was also added on
1097 my property, which his wife informed me they'd had water problems since they put the
1098 addition on and their children, when they were young, their sons had put in the grate
1099 and the drainage pipes. It was on my property. I didn't object to it; it was fine. I did not
1100 fill it up with dirt, but when the ditch was dug, of course the dirt was put higher up. When
1101 it rained, it pushed the dirt in there. I had no control over that. I would have no reason to

1102 put dirt in the—If I wanted to cause harm, I would have had this in a civil suit a long time
1103 ago because there's been tremendous damage to my house. I do have pictures
1104 showing the contrast. I didn't see that it was relevant to this issue. I did have grass
1105 growing in my yard, but like I said, it wasn't perfect. I'd finally found something that
1106 worked. If you contrast the two pictures between January '07 when I put a new roof on
1107 and October 24, you would not believe it's the same property. No, I have not dug up
1108 grass. Dr. Rainer continues to put—I don't know what it is. My grandmother called it a
1109 weed. It's some kind of thing that grows a thing of straw or something and then moths
1110 keep showing up. Yes, I do try to get that up. There is no grass. There was grass.

1111
1112 Mr. Jernigan - All right. Well, I mainly wanted to find out about the ditch.
1113 Like I said, you all have more problems than what we can handle here. What we're
1114 going to have to decide on today is just strictly what we're going to do on this fence
1115 height. The other problems that you all have you're going to have to work out with a
1116 judge.

1117
1118 Ms. Marks - I wasn't even trying to bring up those issues. I was—

1119
1120 Mr. Jernigan - The only thing I was questioning is was there is a lot of water
1121 being retained here by this wall and that's the reason he had stated you had filled the
1122 ditch. That's the only thing I wanted to clear up.

1123
1124 Ms. Marks - Oh, no sir. The room has always flooded and I've been told,
1125 oh, for about eight years, "If one drop of water gets in this room, I'll be taking you to
1126 court." Well, I said if you took me to court and the judge said I had to do something, I'd
1127 do it. But I basically ignored the comment. It was on my land. I wasn't objecting to it
1128 being on my land. I didn't really want it there because it looks like my property floods,
1129 which is doesn't. I was being a good neighbor and I said nothing. No, I did not do
1130 anything to fill it up. I would not do that. That would not be kind. That would not be
1131 neighborly.

1132
1133 Mr. Jernigan - All right. Thank you, Ms. Marks. Appreciate it. Mr. Branin.

1134
1135 Mr. Branin - Well, thank you, Mr. Chairman. Serving five years on this
1136 Commission now, the hardest cases we ever face in this Commission are fences. I
1137 don't know why, but there's more opposition and more problems than any other cases
1138 we handle. Mr. Chairman, taking into consideration that—Mr. Rainer, you have a very
1139 nice brick wall. I live in your neighborhood, sir. Taking into consideration our policy that
1140 we have with fence height, safety of the road and so forth, I'm going to move for denial
1141 of the alternative fence height.

1142
1143 Mr. Jernigan - All right. We have a motion by Mr. Branin.
1144 Mrs. Jones - Second.

1145
1146 Mr. Jernigan - A second by Mrs. Jones. All in favor of denial say aye. All
1147 opposed say no. The ayes have it; the motion is denied.

1186
1187 To the north is a large wetlands. Again, on the eastern side is the school site, which has
1188 a dry pond BMP, and then it goes into a buffer. There's a buffer along that side, which is
1189 a planted buffer.

1190
1191 On the southern half of the site, again we have CrossRidge Glen Way here, Reedville
1192 Road here. It extends behind here on their lots, backing up to the development on
1193 Reedville, as well as along Glen Way, which is a townhouse development. Behind
1194 Reedville are Cryptomeria, Arborvitae, and Nellie Stevens Hollies, along with some Wax
1195 Myrtles where there is parking there and it doesn't provide additional space to provide
1196 the larger trees. There is continued edge around there of evergreens along that
1197 property. Then along the southern property line, again, the same thing—Arborvitae,
1198 Cryptomeria, and Leyland Cypress.

1199
1200 To the west on this side there's a wet pond BMP, which also has a transitional buffer
1201 along the school. The wet pond does have a fountain in it and it is attractively
1202 landscaped.

1203
1204 The whole perimeter is actually landscaped, as well as the interior. There are a lot of
1205 wetlands on this site, so it's very highly landscaped. Staff thinks it's going to be very
1206 attractive. As I said, the tree canopy requirement is 20%. They're actually meeting
1207 more than 40% tree canopy in this development. A lot of tree canopy is going to be
1208 provided primarily because of wetlands. They already met the tree canopy with the
1209 wetlands, but with the additional landscaping, they more than double the requirement.

1210
1211 As far as lighting is concerned, light poles are 12-foot high, 150-watt light fixtures. They
1212 are carriage lights similar to what's done in the rest of the community. The intention is to
1213 make it a residential community, not make it look like an apartment complex. We think
1214 it achieves that goal with the light levels that are provided. Safety is provided, but not to
1215 the point that it becomes a glaring parking lot.

1216
1217 With that, I can answer any questions of the Planning Commission.

1218
1219 Mr. Jernigan - Are there any questions for Mr. Kennedy from the
1220 Commission?

1221
1222 Mrs. Jones - No.

1223
1224 Mr. Jernigan - Thank you, sir.

1225
1226 Mr. Vanarsdall - I don't have any questions because we've talked about it, but
1227 I'd like to know would you all like Mr. Kennedy to meet with you and explain that in more
1228 detail.

1229
1230 Male - [Off mike.] We've already met outside.

1231

1232 Mr. Vanarsdall - You're okay with it?
1233
1234 Male - [Off mike.] Thank you very much.
1235
1236 Mr. Vanarsdall - Great. Thank you. I don't need to hear from the applicant
1237 unless someone else does.
1238
1239 Mr. Jernigan - All right, then, we'll entertain a motion, Mr. Vanarsdall.
1240
1241 Mr. Vanarsdall - All right. I move that LP/POD-04-06, Southall @ CrossRidge
1242 – CrossRidge Glen Way, be approved with annotations on the plan and standard
1243 conditions for landscape and lighting plans.
1244
1245 Mr. Archer - Second.
1246
1247 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
1248 favor say aye. All opposed say no. The ayes have it; the motion passes.
1249
1250 The Planning Commission approved the landscape plan for LP/POD-04-06, Southall @
1251 CrossRidge – CrossRidge Glen Way, subject to the standard conditions attached to
1252 these minutes for landscape and lighting plans.
1253
1254 Mr. Glover - Mr. Chairman, I want to clarify why I abstained again. It's not
1255 a conflict, but I just don't want to have any appearance that it might be. I'm about a
1256 block away from this site. There is no conflict here; the attorney has said that.
1257
1258 Mr. Jernigan - Thank you, Mr. Glover.
1259
1260 **SUBDIVISION**
1261
SUB-04-08 **Balzer & Associates, Inc. for Big Green Mountain, LLC:**
Hechler Ridge The 2.93-acre site proposed for a subdivision of 6 7 single-
(February 2008 Plan) family home is located along the west line of Oakley's
Lane, approximately 150 feet north of Antigo Road on
parcel 814-723-9520. The zoning is R-3, One-Family
Residence District and ASO (Airport Safety Overlay)
District. County water and sewer. **(Fairfield) 6 7 Lots**

1262
1263 Mr. Jernigan - Is there any opposition to SUB-04-08, Hechler Ridge
1264 (February 2008 Plan)? No opposition. Good morning, Mr. Ward.
1265
1266 Mr. Ward - Good morning.
1267
1268 Mrs. Jones - Good morning, Matt.
1269

1270 Mr. Ward - There is a revised caption and a recommendation on page 1
1271 of the addendum. Also, the original plan of 7 lots and the revised plan of 6 lots are in
1272 your agenda. As you can see, this approval is for 6 lots.

1273
1274 The revised plan satisfies the Department of Public Works, Traffic Division requirements
1275 for additional right-of-way dedication, as well as road improvements along Oakley's
1276 Lane, and Department of Public Works, Environmental Division on the correctly-shown
1277 stream protection area (SPA) of 50 feet, and the correct building setbacks applied from
1278 that stream protection area. With that, staff can recommend approval subject to the
1279 standard conditions for subdivisions served by public utilities and conditions 13 through
1280 15 on the agenda. I would be happy to answer any questions you may have of me at
1281 this time. We have the engineer, Brandon Sovick, and the developers, Mr. Rempe and
1282 Mr. Baker, here today to answer any questions you may have of them.

1283
1284 Mr. Jernigan - All right, are there any questions for Mr. Ward from the
1285 Commission? Mr. Archer, would you like to hear from the applicant?

1286
1287 Mr. Archer - I don't think so, Mr. Chairman. Mr. Ward and I have been
1288 over this and it seems that since the original staff report was written, the items
1289 requested have been received. I'm ready for a motion.

1290
1291 Mr. Jernigan - Okay, sir.

1292
1293 Mr. Archer - Mr. Chairman, with that I will move for approval of SUB-04-
1294 08, Hechler Ridge (February 2008 Plan), subject to the addendum item, which indicates
1295 the approval of a revised plan with 6 lots instead of 7, and instead of the comments on
1296 the original agenda. Staff recommends conditional approval subject to the standard
1297 conditions for subdivisions served by public utilities and the additional conditions 13, 14,
1298 and 15 on the original agenda.

1299
1300 Mr. Vanarsdall - Second.

1301
1302 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
1303 favor say aye. All opposed say no. The ayes have it; the motion passes.

1304

1305 The Planning Commission granted conditional approval to SUB-04-08, Hechler Ridge
1306 (February 2008 Plan), subject to the standard conditions attached to these minutes for
1307 subdivisions served by public utilities, the annotations on the plans, and the following
1308 additional conditions:

1309
1310 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
1311 noted on the plat and construction plans and labeled "Limits of Special Flood
1312 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
1313 Drainage & Utilities Easement."

1314 14. Each lot shall contain at least 11,000 square feet exclusive of the floodplain areas.

1315 15. Any necessary offsite drainage easements must be obtained prior to final approval
1316 of the construction plan by the Department of Public Works.

1317

1318 SUBDIVISION

1319

SUB-05-08

Foxhill Crossing
(February 2008 Plan)

Balzer & Associates, Inc. for Big Green Mountain, LLC:

The 14.66-acre site proposed for a subdivision of **8 7**, single-family home is located on the south line of E. Foxhill Road at the intersection with Meadowspring Road on parcels 810-719-9594 and 810-719-7884. The zoning is R-3, One-Family Residence District and C-1, Conservation District and ASO (Airport Safety Overlay) District and MPBO (Microwave Path Buffer Overlay) District. County water and sewer. **(Varina) 8 7 Lots**

1320

1321 Mr. Jernigan - Is there any opposition to SUB-05-08, Foxhill Crossing
1322 (February 2008 Plan)? There is no opposition. Mr. Pambid, good morning.

1323

1324 Mr. Pambid - Good morning again, sir. A revised plan showing 8 lots was
1325 included in the original agenda where the previous plan showed 7 lots with a
1326 considerable amount of open space and space reserved for future development. Since no
1327 homeowners association is proposed, the open space and future development area
1328 were eliminated with the 8-lot revision.

1329

1330 Staff has requested that the developer consider providing sidewalk and curb and gutter
1331 to provide pedestrian connectivity between the existing multi-family development and
1332 Jacob Adams Elementary School. Incidentally, as the meeting has been going on, the
1333 applicants have agreed to provide sidewalk with curb and gutter in the spirit of good
1334 planning practices.

1335

1336 The adjacent Jacob Adams Elementary School has sidewalk along its portion of East
1337 Foxhill Road that is short approximately 90 feet of the subject property. Curb and gutter
1338 and limited sidewalk are provided throughout the adjacent Hechler Village and Foxhill
1339 townhome development.

1340

1341 Staff feels that the request for consideration of such facilities is reasonable when taking
1342 into account the adjacent multi-family uses, as well as the Henrico County School
1343 System's non-transportation zone policy stating that bus transportation is not provided
1344 within three-tenths of a mile from an elementary school and one-half mile from a middle
1345 or secondary school, and the presence of sidewalk on the school property.
1346

1347 Staff recommends approval of this conditional SUB-05-08, Foxhill Crossing, subject to
1348 the annotations on staff plans, the standard conditions for subdivisions served by public
1349 utilities, and additional conditions 13 through 14 listed in the agenda. This concludes
1350 my presentation. I'm happy to answer any questions that you might have. I also have
1351 Brandon Sovick with Balzer and Associates, and Mark Granby and Mark Baker with
1352 Green Mountain, LLC.
1353

1354 Mr. Jernigan - All right. Are there any questions for Mr. Pambid from the
1355 Commission?
1356

1357 Mrs. Jones - I have one. Lee, when you say that the applicants agreed to
1358 sidewalk, and curb and gutter, is that then going to be just noted on the plan? How do
1359 you incorporate that into the case?
1360

1361 Mr. Pambid - We can work that through the construction plan review
1362 phase.
1363

1364 Mr. Jernigan - Why don't we just make it condition #15?
1365

1366 Mr. Pambid - We can also make it condition #15 as well.
1367

1368 Mr. Jernigan - Mr. Emerson, I would just say condition 15 would be that
1369 they agree to put in curb and gutter and sidewalk.
1370

1371 Mr. Emerson - Yes sir. I think that would cover it.
1372

1373 Mrs. Jones - I'm very glad they agreed to that.
1374

1375 Mr. Jernigan - Okay. I don't have any questions unless you all want to say
1376 something.
1377

1378 Mr. Branin - Did they agree to the curb and guttering?
1379

1380 Mr. Jernigan - Yes. You might want to bring him up. Good morning. State
1381 your name for the record.
1382

1383 Mr. Baker - I'm Mark Baker. I'm with Baker Development Resources. I'm
1384 a consultant for Big Green Mountain. We've enjoyed working with staff on this. That
1385 condition with regards to the sidewalks is a little bit nebulous. Staff has made it clear
1386 from the beginning that it's being recommended that we consider it. At this point, we're

1387 willing to condition it as a part of the subdivision. We do want to make it clear that it was
1388 never presented to us as a requirement. We are recognizing staff's position and the
1389 concerns over sound planning principles, the location of the adjacent multi-family, and
1390 the school adjoining that.

1391
1392 Mr. Jernigan - We understand that, too. What happened between
1393 yesterday and today, Public Works was re-evaluating the language on that. That's the
1394 reason it wasn't clear to you before. When I discussed it with Mr. Pambid the other day,
1395 they had said that it was not a requirement, that Public Works didn't recommend it.
1396 Reviewing that, being that it's as close to the school as it is, they had to take it under
1397 advisement again and have come up to the fact—They were still analyzing it, but if you
1398 hadn't agreed to it today, we would have had to defer this case until we had it cleared
1399 up. Now that you all have decided to go ahead and do it, I'm ready to move on with it.

1400
1401 Mr. Baker - I think this works out best for all.

1402
1403 Mr. Jernigan - Okay. Thank you, sir. All right. With that, I will move for
1404 approval of SUB-05-08, Foxhill Crossing (February 2008 Plan), in the Varina District
1405 with standard conditions for subdivisions served by public utilities, the following
1406 additional conditions #13, #14, the addendum showing 8 lots rather than 7 lots, and
1407 recommendation from staff.

1408
1409 Mrs. Jones - And #15.

1410
1411 Mr. Jernigan - I'm sorry. And the addition of #15.

1412
1413 Mr. Branin - Second.

1414
1415 Mr. Jernigan - Thank you, Mrs. Jones.

1416
1417 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor
1418 say aye. All opposed say no. The ayes have it; the motion passes. Thank you,
1419 gentlemen.

1420
1421 The Planning Commission granted conditional approval to SUB-05-08, Foxhill Crossing
1422 (February 2008 Plan), subject to the standard conditions attached to these minutes for
1423 subdivisions served by public utilities, the annotations on the plans, and the following
1424 additional conditions:

- 1425
1426 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
1427 noted on the plat and construction plans and labeled "Limits of Special Flood
1428 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
1429 Drainage & Utilities Easement."
1430 14. Prior to requesting recordation, the developer must furnish a letter from **Dominion**
1431 **Virginia Power**, stating that this proposed development does not conflict with its
1432 facilities.

1468 from the Police Department. The architect was unable to attend this hearing due to a
1469 previous engagement. I am happy to answer any questions the Commission may have
1470 of me.
1471
1472 Mr. Jernigan - Okay. Are there any questions for Ms. Goggin from the
1473 Commission?
1474
1475 Mr. Branin - No, but I would like to hear from Kim Vann.
1476
1477 Mr. Jernigan - Okay.
1478
1479 Mr. Vanarsdall - I don't have any.
1480
1481 Mr. Jernigan - Good morning.
1482
1483 Ms. Vann - Good morning.
1484
1485 Mrs. Jones - Good morning, Kim.
1486
1487 Mr. Vanarsdall - Good morning, Ms. Vann.
1488
1489 Ms. Vann - How are you?
1490
1491 Mrs. Jones - Good.
1492
1493 Mr. Branin - Ms. Vann, you're comfortable with what they've changed?
1494
1495 Ms. Vann - Yes. I believe the architect and the applicant have done a
1496 lot to meet County's concerns in trying to make it a little bit safer, more visible site, and
1497 a little bit more pleasing to look at as far as the landscaping, as Ms. Goggin stated.
1498
1499 Mr. Branin - Okay. I just wanted to make sure because we appreciate
1500 your input on all of cases.
1501
1502 Ms. Vann - Thank you, sir.
1503
1504 Mr. Jernigan - Are there any other questions for Ms. Vann from the
1505 Commission?
1506
1507 Mr. Vanarsdall - No. I just want to make a statement that Ms. Vann has
1508 always told me they were very cooperative about everything she presented to them.
1509
1510 Mr. Jernigan - Thank you.
1511
1512 Mr. Vanarsdall - Thank you.
1513

1514 Mr. Jernigan - Thank you, Ms. Vann. Okay. Did you want to hear from the
1515 applicant, Mr. Vanarsdall?
1516
1517 Mr. Vanarsdall - No sir.
1518
1519 Mr. Jernigan - Okay, sir.
1520
1521 Mr. Vanarsdall - I would like to point out that Ms. Celia Serrano is here this
1522 morning. She's the office manager for Kings Construction, who is going to do this job.
1523 We appreciate you being here.
1524
1525 Ms. Goggin - I would like to also thank her for all of her cooperation in
1526 working with me. She's been wonderful.
1527
1528 Mr. Vanarsdall - That's nice, thank you.
1529
1530 Mr. Jernigan - Thank you, Ms. Goggin.
1531
1532 Mr. Vanarsdall - If any of you had an opportunity, the owner and the market
1533 was in the paper this week. It's a nice article. You didn't see it? It's quite a success
1534 story. He came here from El Salvador.
1535
1536 Mr. Vanarsdall - El Salvador. He's a nationalized American citizen. All right.
1537 With that, I recommend POD-79-07, Arco Iris Latino Mart. First of all, this is the
1538 architectural, which last meeting we approved the POD. The conditions of POD
1539 approval by the Planning Commission dated January 23, 2008, continue to apply and
1540 the following additional condition is recommended, condition #43—"No portion of the
1541 exterior of the building shall be painted as a mural." So, I recommend approval of that.
1542
1543 Mr. Archer - Second.
1544
1545 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
1546 favor say aye.
1547
1548 Mr. Vanarsdall - Don't go away. I want to thank Ms. Goggin for all the work
1549 you did on it.
1550
1551 Ms. Goggin - Thank you very much.
1552
1553 Mr. Vanarsdall - They've come a long way on it since it started out.

1589 Mr. Pambid - Thank you.
1590
1591 Mr. Jernigan - Not much work. Not much work on my part, but a lot of work
1592 on your part. Let's put it that way. Thank you so much.
1593
1594 Mr. Pambid - Thank you, sir.
1595
1596 Mr. Jernigan - All right. I don't need to hear from the applicant unless you
1597 want to say something, which I'm sure you don't. With that, I will move for approval of
1598 POD-6-08, Eubank Center, in the Varina District subject to the standard conditions for
1599 developments of this type and the following additional conditions #29 through #34 and
1600 #35 added on the addendum.
1601
1602 Mr. Vanarsdall - Second.
1603
1604 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
1605 favor say aye. All opposed say no. The ayes have it; the motion passes.
1606
1607 The Planning Commission approved POD-6-08, Eubank Center, subject to the
1608 annotations on the plans, the standard conditions attached to these minutes for
1609 developments of this type, and the following additional conditions:
1610
1611 29. The right-of-way for widening of November Avenue as shown on approved plans
1612 shall be dedicated to the County prior to any occupancy permits being issued.
1613 The right-of-way dedication plat and any other required information shall be
1614 submitted to the County Real Property Agent at least sixty (60) days prior to
1615 requesting occupancy permits.
1616 30. The required building setback shall be measured from the proposed right-of-way
1617 line and the parking shall be located behind the proposed right-of-way line.
1618 31. The loading areas shall be subject to the requirements of Chapter 24, Section
1619 24-97(b) of the Henrico County Code.
1620 32. Approval of the construction plans by the Department of Public Works does not
1621 establish the curb and gutter elevations along the Henrico County maintained
1622 right-of-way. The elevations will be set by Henrico County.
1623 33. The location of all existing and proposed utility and mechanical equipment
1624 (including HVAC units, electric meters, junction and accessory boxes,
1625 transformers, and generators) shall be identified on the landscape plans. All
1626 building mounted equipment shall be painted to match the building and all
1627 equipment shall be screened by such measures as determined appropriate by
1628 the Director of Planning or the Planning Commission at the time of plan approval.
1629 34. Except for junction boxes, meters, and existing overhead utility lines, and for
1630 technical or environmental reasons, all utility lines shall be underground.
1631 35. The subdivision plat for November Avenue shall be recorded before any
1632 occupancy permits are issued.
1633

1634 Mr. Emerson - Mr. Chairman, that completes your public hearing agenda
1635 and takes you to the next item on your agenda, which is the approval of the minutes of
1636 the January 23, 2008 meeting.

1637
1638 **APPROVAL OF MINUTES:** January 23, 2008 Minutes

1639
1640 Mr. Vanarsdall - So moved.

1641
1642 Mr. Jernigan - Are there any changes or corrections to the minutes of
1643 January 23, 2008?

1644
1645 Mr. Archer - I had one correction on page 26, line 879. That sentence
1646 should read, "I'll amend the motion to read at the request of the Commission."
1647 Substitute the word, "read" for "meet."

1648
1649 Mrs. Jones - Read, r-e-a-d?

1650
1651 Mr. Archer - Yes.

1652
1653 Mrs. Jones - Okay.

1654
1655 Mrs. Jones - I have no corrections. I just wanted to compliment the folks
1656 on very-easily read minutes with very, very few things that need to be corrected. I'm
1657 impressed in recent months. They have been well done.

1658
1659 Mr. Jernigan - Yes, they are good.

1660
1661 Mrs. Jones - I missed that one.

1662
1663 Mr. Vanarsdall - Mr. Chairman, I move that we approve the minutes with the
1664 correction.

1665
1666 Mr. Archer - I'll second that motion.

1667
1668 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer to
1669 approve the minutes. All in favor say aye. All opposed say no. The ayes have it; the
1670 minutes are approved.

1671
1672 The Planning Commission approved the January 23, 2008 minutes as corrected.

1673
1674 Mr. Jernigan - Do we have a motion to adjourn?

1675
1676 Mrs. Jones - So moved.

1677
1678 Mr. Archer - Second.

1679

1680 Mr. Jernigan - Motion by Mr. Archer, seconded by Mrs. Jones. The
1681 meeting's adjourned.

1682
1683 The meeting is adjourned.

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E. Ray Jernigan, Chairperson

R. Joseph Emerson, Jr., Acting Secretary