

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, January 26,
4 2005.

5

6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson (Brookland)
7 Mr. C. W. Archer, C.P.C., Vice Chairperson (Fairfield)
8 Mr. E. Ray Jernigan, C.P.C. (Varina)
9 Mr. John Marshall (Three Chopt)
10 Mrs. Lisa D. Ware, C.P.C. (Tuckahoe)
11 Mr. David A. Kaechele, (Three Chopt) Board of Supervisors
12 Representative

13

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

25

26 **Mr. David A. Kaechele, the Board of Supervisors Representative, abstains on all cases**
27 **unless otherwise noted.**

28

29 Mr. Vanarsdall - The Planning Commission will now come to order. Good morning
30 everyone. This is the second meeting of this year, and the first meeting was the Rezoning
31 Meeting that we had one Thursday evening. I want to do the same thing we did there. I want
32 to welcome Mr. Kaechele to the Planning Commission.

33

34 Mr. Kaechele - Thank you.

35

36 Mr. Vanarsdall - Mr. Kaechele will sit with us this year as a member of the Board of
37 Supervisors. He's not here to watch us, the law requires that, he's here to help us. We gave
38 Lisa Ware, who was last year's Chairman, a gift. We don't have a gift this morning but I want
39 to tell her again what a wonderful job she did as Chairperson, Chairlady, Chairman. And then
40 I want to compliment the staff, over on my right, for they are the unsung heroes who get us to
41 this point for the meeting today. So, with that, I will turn the meeting over to Mr. Silber. Mr.
42 Silber is our Director of Planning and behind him is Dave O'Kelly who is the Assistant
43 Director of Planning. So, with that I'll turn it over to Mr. Silber who is also the Secretary of
44 the Commission.

45

46 Mr. Silber - Thank you, Mr. Chairman, we appreciate that. Good morning,
47 everyone. We do have a very heavy agenda. There are a few items on the Expedited Agenda
48 so hopefully we can move along fairly quickly this morning. We do have all of the members
49 of the Commission present this morning. So, we can conduct business. The first item on the
50 agenda would be to review the deferrals and withdrawals. I'm not aware of any withdrawals
51 this morning, but there are a number of items on the list for deferrals. Ms. News.

52

53 Ms. News - Good morning, Mr. Chairman, members of the Commission. Staff is
54 aware of three requests for deferrals. The first is on page seven of your agenda and it is
55 located in the Three Chopt District. This is POD-47-04, the architectural plans for the Retail
56 Building & Bank – Town Center @ Twin Hickory. The applicant is requesting deferral until
57 February 23, 2005.

58

59 **PLAN OF DEVELOPMENT-ARCHITECTURAL PLANS**

60 **(Deferred from the December 15, 2004, Meeting)**

61

62 63 64 65 66	POD-47-04 Retail Building & Bank – Town Center @ Twin Hickory – Nuckols Road	Hankins & Anderson for Twin Hickory (E&A), LLC: Request for approval of architectural plans, as required by Chapter 24, Section 24-106 of the Henrico County Code, for a 4,000 square foot retail building and a 3,700 square foot bank with drive-thru facilities. The 1.61-acre site is located at the southwest intersection of Old Nuckols Road and Nuckols Road in the Town Center @ Twin Hickory Shopping Center on parcel 745-773-9641. The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)
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62

63 Mr. Vanarsdall - Is there anyone in the audience in opposition to deferral of this case.
64 This case is in the Three Chopt District and it's POD-47-04, Retail Building & Bank – Town
65 Center @ Twin Hickory? No opposition. Mr. Marshall

66

67 Mr. Marshall - Mr. Chairman, I move that case POD-47-04, be deferred to the February
68 23 meeting, at the request of the applicant.

69

70 Mr. Archer - Second.

71

72 Mr. Vanarsdall - The motion was made by Mr. Marshall and seconded by Mr. Archer.
73 All in favor say aye...all opposed say nay.

74

75 At the request of the applicant, the Planning Commission deferred POD-47-04, Retail Building
76 – Town Center @ Twin Hickory, to its February 23, 2005, meeting.

77

78 **SUBDIVISION (Deferred from the December 15, 2004, Meeting)**

79

Majestic Meadows
(September 2004 Plan)

Engineering Design Associates for Reginald H. Nelson, IV and Phyllis Marie Nelson: The 180.94-acre site proposed for a subdivision of 130, single-family homes is located at 9421 Osborne Turnpike at the northeast corner of the intersection of Osborne Turnpike and Kingsland Road on parcel 808-672-3167. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 130 Lots**

80

81 Ms. News - It is my understanding, that the Commission is requesting deferral of this
82 case until the February 23, 2005, meeting.

83

84 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of this
85 Varina case, Majestic Meadows (September 2004 Plan)? There's no opposition. Mr. Jernigan.

87

88 Mr. Jernigan - Mr. Chairman, I make a motion to defer subdivision Majestic Meadows
89 (September 2004 Plan) to February 23, 2005, by request of the Commission.

90

91 Mrs. Ware - Second.

92

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

95

96 The Planning Commission deferred Majestic Meadows (September 2004 Plan) to its February
97 23, 2005, meeting.

98 **SUBDIVISION (Deferred from the December 15, 2004, Meeting)**

99

Wilton Parkway
(December 2004 Plan)
New Market Road to
Osborne Turnpike

Youngblood, Tyler & Associates, P.C. for Florence C. Garton et al., William R. & R. A. Pumphrey, Ronald B. Kiser, Life Int., Stirel M., Jr. & A. J. Paston, David B. & Barbara L. Kiser, James H., Jr. & V.H. Palmer, Interstate Construction Corp., Ralph H. Wigton, Kermit L., Sr. & B. J. Cephas, Eugene B. & Shirley S. Moyer, Jeffrey T. & J. L. K. White, Susan J. McDonald, Nathan E. & Dawne D. Jones, Glauson Investments Corp., and HHHunt Corp.: The 20.95-acre site proposed for a public road is located at its eastern terminus on New Market Road (State Route 5), approximately 300 feet north of Battlefield Park Road, to its western terminus, approximately 1100 feet west of the intersection of Osborne Turnpike and Mill Roads on parcels 809-692-4528, 809-691-6235, 809-691-2613, 808-690-7572, 808-690-3884, 808-690-0946, 808-690-1074, 808-690-9385, 805-688-7568, 803-687-7700, 803-686-8177, 803-686-8950, 803-686-7753, 803-686-6854, 803-686-5549, 803-686-4052, 803-686-2162, 803-686-1847, 803-686-9862, 802-686-9466, 802-686-7867, 803-686-2025, 803-686-0426 and 798-683-5459. The zoning is A-1, Agricultural District and R-2A, One-Family Residence District. **(Varina) 0 Lots**

100

101 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of Wilton
102 Parkway (December 2004 Plan) in the Varina District? There's no opposition. Mr. Jernigan.

103

104 Mr. Jernigan - Mr. Chairman, I move to defer the subdivision Wilton Parkway
105 (December 2004 Plan) to February 23, 2005, by request of the applicant.

106

107 Mr. Archer - Second.

108

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

111

112 At the request of the applicant, the Planning Commission deferred Wilton Parkway (December
113 2004 Plan) to its February 23, 2005, meeting.

114

115 Mr. Vanarsdall - I believe you have one more, Ms. News.

116

117 Ms. News - I understand that there may be some requests for deferral by the
118 Commission.

119

120 Mrs. Ware - I have one request that I would like to add to the deferrals, it's on page
121 56.

122 Mr. Vanarsdall - All right, you go ahead.
123

124 Mrs. Ware - It' on page 56. Westhampton Glen (January 2005 Plan) – Patterson
125 Avenue, I would like to request deferral to February 23 meeting, at the request of the
126 Commission.
127

128 **SUBDIVISION**

129

Westhampton Glen
(January 2005 Plan)
Patterson Avenue

Bay Design Group, P.C. for SCI Virginia Funeral Services, Inc. and Wilton Development Corporation: The 22.6061-acre site proposed for a subdivision of 37 single-family homes is located along the north side of Patterson Avenue (State Route 6) approximately 1,700 feet west of the intersection of Patterson Avenue and Gaskins Road on part of parcel 744-742-5871. The zoning is R-2C, One-Family Residence District (Conditional). County water and sewer. **(Tuckahoe) 37 Lots**

130

131 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of
132 Westhampton Glen (January 2005 Plan) in the Tuckahoe District? There's no opposition.

133

134 Mr. Jernigan - Second.

135

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

138

139 The Planning Commission deferred Westhampton Glen (January 2005 Plan) to its February 23,
140 2005, meeting.

141

142 Ms. News - I understand that the Commission has another request on page 58 of your
143 agenda, subdivision Millside.

144

145 **SUBDIVISION**

146

Millside (January 2005 Plan)
Mill Road and
Chickahominy Branch Drive

A. G. Harocopos & Associates, P.C. and Ahsan Qureshi for Arshad Mahmood: The 1.19-acre site proposed for a subdivision of 2 single-family homes is located at the southwest corner of the intersection of Mill Road and Chickahominy Branch Drive on parcels 767-774-1547 and 2445. The zoning is R-2, One-Family Residence District. County water and sewer. **(Brookland) 2 Lots**

147

148 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of Millside
149 (January 2005 Plan) in the Brookland District? There's no opposition. I move that Millside be
150 deferred to February 23 at the Commission's request.

151

152 Mr. Archer - Second, Mr. Chairman.

153

154 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer.

155 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

156

157 The Planning Commission deferred Millside (January 2005 Plan) to its February 23, 2005,
158 meeting.

159

160 Mr. Marshall - Mr. Chairman, I have one.

161

162 Mr. Vanarsdall - Okay, Mr. Marshall.

163

164 Mr. Marshall - I don't have the page number but it's Westridge East.

165

166 Ms. News - It's on page 43.

167

168 **SUBDIVISION**

169

Westridge East
(January 2005 Plan)
- Sawdust Drive

Engineering Design Associates for Neil A. and A.H.W. Sonenklar: The 12.649-acre site proposed for a subdivision of 9 single family homes is located at the eastern terminus of Sawdust Drive on parcels 733-773-6063, 1348 and 732-773-9849. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Three Chopt) 9 Lots**

170

171 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of Westridge
172 East (January 2005 Plan) in the Three Chopt district? There's no opposition. Mr. Marshall.

173

174 Mr. Marshall - I move that that be deferred to the February 23 at the request of the
175 Commission.

176

177 Mr. Jernigan - Second.

178

179 Mr. Vanarsdall - The motion was made by Mr. Marshall and seconded by Mr. Jernigan.

180 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

181

182 The Planning Commission deferred Westridge East (January 2005 Plan) to its February 23,
183 2005, meeting.

184

185 Mr. Vanarsdall - Are there any more? Is there anyone in the audience that would like to
186 defer a case?

187

188 Mr. Silber - Next on the agenda are items that are listed as expedited. These are
189 plans that have been reviewed by the County administration. There are no outstanding issues
190 that we are aware of. The applicant has agreed to the annotations and the conditions that have

191 been placed on these plans by staff. The Commission member from that district is comfortable
192 with the request with the plans. So, they have been placed on the Expedited Agenda so that
193 they can be heard without additional testimony or hearing. If there is opposition to these plans,
194 they will be pulled off of the Expedited Agenda and heard in the order that they are found on
195 the full agenda. So, we have a number of items this morning that are on the Expedited
196 Agenda. Ms. News.

197

198 Ms. News - Yes, sir. Staff is aware of 19 requests for expedited although a couple of
199 them will be removed and I will cover them as I get to those cases.

200

201 Mr. Silber - Okay.

202

203 Ms. News - First on the agenda, on page 2 of your agenda, in the Varina District, is
204 a transfer of approval for POD-12-04, Darby House (Formerly The Meadows at Victoria
205 Park).

206

207 **TRANSFER OF APPROVAL**

208

POD-12-04 Darby House (Formerly The Meadows at Victoria Park)	Nancy S. Rose for Darbytown Meadows, LLC: Request for approval of a transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from John and Martha Gibbs and Interfaith Housing Corporation to Darbytown Meadows, LLC. The 8.92-acre site is located at the southern terminus of Shirleydale Avenue, approximately 790 feet south of the intersection of Shirleydale and Darbytown Roads on parcel 807-710-5328. The zoning is R-5, General Residence District. County water and sewer. (Varina)
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209

210 Mr. Vanarsdall - Is there anyone in the audience in opposition to the transfer of approval
211 request POD-12-04, Darby House (Formerly The Meadows at Victoria Park) in the Varina
212 District? There's no opposition. Mr. Jernigan.

213

214 Mr. Jernigan - Mr. Chairman, I move for approval of POD-12-04, it's a transfer of
215 approval in the Varina District.

216

217 Mr. Archer - Second, Mr. Chairman.

218

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

221

222 The Planning Commission approved the transfer of approval request for POD-12-04, Darby
223 House (Formerly the Meadows at Victoria Park) from Interfaith Housing Corporation to
224 Darbytown Meadows, LLC, subject to the new owner accepting and agreeing to be responsible
225 for continued compliance with the conditions of the original approval.

226

227 **TRANSFER OF APPROVAL**

228

POD-70-80
Enterprise Car Rental
(Formerly Bojangles)
7919 W. Broad Street

Edward M. Farley, IV for 1st Commonwealth Properties:
Request for approval of a transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Broad Street Corporation to 1st Commonwealth Properties. The 0.85-acre site is located along the south line of W. Broad Street (U.S. Route 250) approximately 450 feet east of Enterprise Parkway on parcel 764-751-1299. The zoning is B-3, Business District. County water and sewer. **(Three Chopt)**

229

230 Mr. Vanarsdall - Is there anyone in the audience in opposition to the transfer of approval
231 request POD-70-80, Enterprise Car Rental (Formerly Bojangles) in the Three Chopt District?
232 There's no opposition. Mr. Marshall.

233

234 Mr. Marshall - I move approval of POD-70-80 transfer of approval.

235

236 Mrs. Ware - Second.

237

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

240

241 The Planning Commission approved the transfer of approval request for POD-70-80,
242 Enterprise Car Rental (Formerly Bojangles) from Broad Street Corporation to 1st
243 Commonwealth Properties subject to the new owner accepting and agreeing to be responsible
244 for continued compliance with the conditions of the original approval.

245

246 Ms. News - On page 5, in the Brookland District, is a landscape and lighting plan,
247 LP/POD-67-02, Millspring Townes, Section 3. There is also an item on page 2 of your
248 addendum which includes a revised annotated plan and a recommendation for approval. The
249 annotations are just minor adjustments.

250

251 **LANDSCAPE & LIGHTING PLAN**

252

LP/POD-67-02
Millspring Townes, Section
3 - Hungary Springs Road

Bay Design Group, P.C. for Wilton Development Corporation: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.49-acre site is located along the west line of Hungary Springs Road, approximately 200 feet north of Olde West Drive on parcel 765-757-8865. The zoning is RTHC, Residential Townhouse District (Conditional) and C-1, Conservation District. **(Brookland)**

253

254 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape and
255 lighting plan for LP/POD-67-02, Millspring Townes, Section 3, in the Brookland District?

256 There's no opposition. I move that LP/POD-67-02, Millspring Townes, Section 3, be
257 approved under the Expedited Agenda, the annotations on the plan on the addendum and that's
258 it.

259

260 Mr. Jernigan - Second.

261

262 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.

263 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

264

265 The Planning Commission approved the landscape and lighting plan for LP/POD-67-02,
266 Millspring Townes, Section 3, subject to the annotations on the plan and the standard
267 conditions for landscape and lighting plans.

268

269 Ms. News - On page 6 of your agenda is a landscape plan and it's located in the
270 Three Chopt District, landscape plan LP/POD-78-02, Three Chopt Village, Phase 2. There is
271 also an addendum item on page 3 of the addendum which includes a revised recommendation
272 for approval and there is a revised plan in your packet with minor annotations.

273

274 **LANDSCAPE PLAN**

275

LP/POD-78-02 Three Chopt Village Phase 2 Three Chopt Road	James River Nurseries for Three Chopt Village, LLC: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 32.6-acre site is located on the north line of Three Chopt Road, approximately 1,400 feet west of Gaskins Road at 10700 Three Chopt Road on parcels 749-755-4576 and 6396. The zoning is R-6C, General Residence District (Conditional). (Three Chopt)
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276

277 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape plan,
278 LP/POD-78-02, Three Chopt Village Phase 2, in the Three Chopt District? There's no
279 opposition. Mr. Marshall.

280

281 Mr. Marshall - Mr. Chairman, I move approval of landscape plan, LP/POD-78-02,
282 Three Chopt Village Phase 2, subject to the annotations on the plans and the standard
283 conditions for landscape plans and the revised recommendation on the addendum on page 3.

284

285 Mr. Jernigan - Second.

286

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

289

290 The Planning Commission approved the landscape plan for LP/POD-78-02, Three Chopt
291 Village Phase 2, subject to the annotations on the plan and the standard conditions for
292 landscape plans.

293 **PLAN OF DEVELOPMENT RECONSIDERATION – ARCHITECTURAL PLANS**

294

POD-14-04
Gaskins Professional Offices
- Gaskins Road

Balzer & Associates, Inc. for Kathermann & Company, Inc.: Request for reconsideration of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to reconsider the architectural design of eight previously approved, one-story buildings totaling 49,267 square feet for an office park. The 6.81-acre site is located at the southwest corner of Gaskins Road and Three Chopt Road on parcel 749-754-5736. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Tuckahoe)**

295

296 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-14-04, Gaskins
297 Professional Offices, in the Tuckahoe District? There’s no opposition. Mrs. Ware.

298

299 Mrs. Ware - Mr. Chairman, I move for approval of POD-14-04, Gaskins Professional
300 Offices, subject to the annotations on the plans and the standard conditions for developments of
301 this type on the Expedited Agenda.

302

303 Mr. Jernigan - Second.

304

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

307

308 The Planning Commission approved the reconsideration of the architectural plans for POD-14-
309 04, Gaskins Professional Offices, subject to the annotations on the plans and the standard
310 conditions for developments of this type.

311

312 **PLAN OF DEVELOPMENT RECONSIDERATION**

313

POD-117-98
Courtland @ Wyndham
(POD-116-96 Revised)

Youngblood, Tyler & Associates for Prospect Homes, Inc.: Request for reconsideration of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to authorize the elimination of internal sidewalks and the addition of a gazebo in conjunction with 75 previously approved and constructed, two-story townhouses for sale. The 4.9-acre site is located on the west line of Wyndham Park Drive at its intersection with Dominion Club Drive on parcel 740-776-1890. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

314

315 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-117-98, Courtland
316 @ Wyndham (POD-116-96 Revised) in the Three Chopt District? There’s no opposition. Mr.
317 Marshall.

318 Mr. Marshall - Mr. Chairman, I move approval of POD-117-98, Courtland @

319 Wyndham, subject to the annotations on the plans and the standard conditions for developments
320 of this type on the Expedited Agenda.

321

322 Mr. Archer - Second.

323

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

326

327 The Planning Commission approved the reconsideration to eliminate internal sidewalks and add
328 a gazebo for POD-117-98, Courtland @ Wyndham (POD-116-96 Revised), subject to the
329 annotations on the plans and the standard conditions for developments of this type.

330

331 Ms. News - On page 13 of your agenda and located in the Varina District is POD-1-
332 05, Rejoice Christian Church. There is an addendum item on page 3 which includes a revised
333 recommendation for approval and added condition involving provision of sidewalks and a
334 revised architectural plan which shows the addition of a brick knee wall on the front of the
335 building and vinyl siding in all other areas.

336

337 **PLAN OF DEVELOPMENT**

338

POD-1-05 Rejoice Christian Church - 1843 Darbytown Road	Hulcher & Associates, Inc. for Rejoice Christian Center and DeFoggi Development & Construction: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 4,000 square foot church. The 4.00-acre site is located on the west side of Darbytown Road, approximately 600 feet south of Oakland Road on parcel 807-707-7004. The zoning is B-1C, Business District (Conditional). County water and sewer. (Varina)
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339

340 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-1-05, Rejoice
341 Christian Church in the Varina District? There's no opposition. Mr. Jernigan.

342

343 Mr. Jernigan - Mr. Chairman, I move for approval of POD-1-05, Rejoice Christian
344 Church, with the standard conditions for developments of this type and the following additional
345 conditions Nos. 23 through 33 plus No. 34 on the addendum and the recommendation by staff.

346

347 Mrs. Ware - Second.

348

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

351 The Planning Commission approved POD-1-05, Rejoice Christian Church, subject to the
352 annotations on the plans, the standard conditions attached to these minutes for developments of
353 this type and the following additional conditions:

354

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

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

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

366 26. The location of all existing and proposed utility and mechanical equipment (including
367 HVAC units, electric meters, junction and accessory boxes, transformers, and
368 generators) shall be identified on the landscape plans. All equipment shall be screened
369 by such measures as determined appropriate by the Director of Planning or the Planning
370 Commission at the time of plan approval.

371 27. Outside storage shall not be permitted.

372 28. The proffers approved as a part of zoning case C-88C-88 shall be incorporated in this
373 approval.

374 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
375 form acceptable to the County Attorney prior to final approval of the construction
376 plans.

377 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
378 approved by the County Engineer prior to final approval of the construction plans by
379 the Department of Public Works.

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

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

385 33. Approval of the construction plans by the Department of Public Works does not
386 establish the curb and gutter elevations along the Henrico County maintained right-of-
387 way. The elevations will be set by Henrico County.

388 34. A standard concrete sidewalk shall be provided along the west side of Darbytown Road
389 in conjunction with Phase II Darbytown Road improvements as required by the Director
390 of Public Works.

391

392

393 **PLAN OF DEVELOPMENT**

394

POD-7-05

Tuckahoe Village Shopping
Center – Eastern Shops
Addition

Koontz-Bryant, P.C. for Tuckahoe Village Shopping Center, Corporation and Richard Johnson: 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, 6,378 square foot commercial retail building within an existing shopping center. The 16.09-acre site is located at 11204 Patterson Avenue (State Route 6) at the northwest corner of Patterson Avenue and Lauderdale Drive on parcel 737-742-5676. The zoning is B-2, Business District. County water and sewer. **(Tuckahoe)**

395

396 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-7-05, Tuckahoe
397 Village Shopping Center, in the Tuckahoe District? There's no opposition. Mrs. Ware.

398

399 Mrs. Ware - Mr. Chairman, I move for approval of POD-7-05, Tuckahoe Village
400 Shopping Center – Eastern Shops, subject to the annotations on the plan and the standard
401 conditions for developments of this type, and the following additional conditions Nos. 23
402 through 30 on the Expedited Agenda.

403

404 Mr. Jernigan - Second, Mr. Chairman.

405

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

408

409 The Planning Commission approved POD-7-05, Tuckahoe Village Shopping Center, subject to
410 the annotations on the plans, the standard conditions attached to these minutes for developments
411 of this type and the following additional conditions:

412

413 23. Only retail business establishments permitted in a B-2 zone may be located in this center.

414 24. The ground area covered by all the buildings shall not exceed in the aggregate 25
415 percent of the total site area.

416 25. No merchandise shall be displayed or stored outside of the building(s) or on
417 sidewalk(s).

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

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

- 425 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
426 form acceptable to the County Attorney prior to final approval of the construction
427 plans.
- 428 29. Insurance Services Office (ISO) calculations must be included with the plans and
429 contracts and must be approved by the Department of Public Utilities prior to the
430 issuance of a building permit.
- 431 30. The location of all existing and proposed utility and mechanical equipment (including
432 HVAC units, electric meters, junction and accessory boxes, transformers, and
433 generators) shall be identified on the landscape plans. All equipment shall be screened
434 by such measures as determined appropriate by the Director of Planning or the Planning
435 Commission at the time of plan approval.

436

437 **PLAN OF DEVELOPMENT**

438

POD-10-05
Independent Insurance
Agents of Virginia –
8600 Mayland Drive
(POD-75-77 Revised)

Koontz-Bryant, P.C. for Independent Insurance Agents of Virginia: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, for a one-story, 5,500 square foot addition to an existing office building. The 1.19-acre site is located on the east side of Mayland Drive, approximately 500 feet west of N. Parham Road on parcel 757-753-6144. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

439

440 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-10-05, Independent
441 Insurance Agents of Virginia, in the Three Chopt District?

442

443 Man from Aud. - I'm not in opposition but I represent the landlord next door that do not
444 want to grant (unintelligible).

445

446 Mr. Vanarsdall - You are not in opposition? Do you want to come down front and tell us
447 what you need? State your name please.

448

449 Mr. Mason - I'm John Mason with C. B. Richard Ellis. I represent Koll Bren Triver
450 who owns the adjacent property. They have no problem with the development; however, they
451 do not want to give a means of ingress and egress onto their adjacent property.

452

453 Mr. Silber - And, Ms. News, does the plan show for that access?

454

455 Ms. News - Yes, sir. There is a joint access drive and the condition requiring a
456 maintenance agreement between the two properties. So, it should probably come off of the
457 agenda.

458

459 Mr. Silber - My recommendation is that it comes off of the Expedited Agenda.

460

461 Mr. Marshall - I agree.

462

463 Mr. Vanarsdall - All right. Thank you. We will take it off of the Expedited Agenda and
464 handle it in the order in which it is on the full agenda.

465

466 **THIS CASE WAS TAKEN OFF OF THE EXPEDITED AGENDA AND PLACED ON**
467 **THE REGULAR AGENDA.**

468

469 Ms. News - Next on page 35, in the Fairfield District, is subdivision Dominion
470 Townes, Section 3 (January 2005 Plan). There is an addendum item on page 4 which includes
471 an added condition to prohibit access from Leslie Ann Drive.

472

473 **SUBDIVISION**

474

Dominion Townes,
Section 3
(January 2005 Plan)
Creighton Road

Koontz-Bryant, P.C. for EJD Associates, Inc.: The 7.75-acre
site proposed for a subdivision of 21 single-family townhomes
is located on the western terminus of Mitchelltree Boulevard,
along the western boundary of Mitchelltree Subdivision on part
of parcel 810-728-3075. The zoning is RTHC, Residential
Townhouse District (Conditional). County water and sewer.
(Fairfield) 21 Lots

475

476 Mr. Vanarsdall - Is there anyone in opposition to Dominion Townes, Section 3 (January
477 2005 Plan) in the Fairfield District? There is no opposition. Mr. Archer.

478

479 Mr. Archer - Mr. Chairman, I move approval of Dominion Townes, Section 3
480 (January 2005 Plan) subject to the annotations on the plans, the standard conditions for
481 subdivisions served by public utilities, additional conditions Nos. 13, 14, 15 and No. 16 on the
482 addendum.

483

484 Mrs. Ware - Second.

485

486 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs. Ware. All
487 in favor say aye...all opposed say nay. The motion is passed.

488

489 The Planning Commission granted conditional approval to subdivision Dominion Townes,
490 Section 3 (January 2005 Plan) subject to the standard conditions attached to these minutes for
491 subdivisions served by public utilities, the annotations on the plan and the following additional
492 conditions:

493

494 13. Prior to requesting recordation, the developer shall furnish a letter from Dominion
495 Virginia Power stating that this proposed development does not conflict with its
496 facilities.

497 14. The limits and elevation of the 100-year frequency flood shall be conspicuously noted
498 on the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
499 floodplain as a "Variable Width Drainage & Utilities Easement."

500 15. The proffers approved as part of zoning case C-41C-04 shall be incorporated in this
501 approval.

502 16. No construction access from Leslie Ann Drive shall be permitted.

503

504 Ms. News - Next on page 38 of your agenda, subdivision Kingsland Green (January
505 2005 Plan) in the Varina District and the applicant has requested that this be removed from the
506 Expedited Agenda.

507

508 **SUBDIVISION**

509

Kingsland Green
(January 2005 Plan)
8950 Buffin Road

**Engineering Design Associates for Ruth and John Yahley and
Centex Homes:** The 82.465-acre site proposed for a subdivision
of 61 single-family homes is located at 8950 Buffin Road at the
northwest corner of Buffin Road and Kingsland Road on parcel
821-678-7061. The zoning is A-1, Agricultural District. County
water and sewer. **(Varina) 61 Lots**

510

511 **AT THE APPLICANT'S REQUEST, THIS CASE WAS TAKEN OFF OF THE**
512 **EXPEDITED AGENDA AND PLACED ON THE REGULAR AGENDA.**

513

514 Ms. News - The next case, it is the same situation. On page 39 subdivision
515 Roundabout Estates (January 2005 Plan) in the Varina District, the applicant has also requested
516 that this be removed from the Expedited Agenda and heard on the regular agenda.

517

518 **SUBDIVISION**

519

Roundabout Estates
(January 2005 Plan)
9421 Varina Road

Engineering Design Associates for Ralph & Judith Allen: The
88.14-acre site proposed for a subdivision of 61 single-family
homes is located at 9421 Varina Road, approximately 2,000 feet
south of Kingsland Road on parcels 817-674-9022 and 816-674-
7114. The zoning is A-1, Agricultural District. Individual well
and septic tank/drainfield. **(Varina) 61 Lots**

520

521 **AT THE APPLICANT'S REQUEST, THIS CASE WAS TAKEN OFF OF THE**
522 **EXPEDITED AGENDA AND PLACED ON THE REGULAR AGENDA.**

523

524 Ms. News - Next, on page 40 of your agenda, located in the Varina District, is
525 subdivision Seelman Estates (January 2005 Plan). There is an addendum item on page 6 and
526 that addendum involves deleting condition No. 12, which was requiring a provision for
527 underground utilities.

528

529

530 **SUBDIVISION**

531

Seelman Estates
(January 2005 Plan)
2355 New Market Road

Engineering Design Associates for Donald & Sandra Seelman: The 6.75-acre site proposed for a subdivision of 5 single-family homes is located along the south line of New Market Road (State Route 5) approximately 488 feet west of Mill Road on parcel 813-688-3947. The zoning is A-1, Agricultural District. County water and sewer. **(Varina)**
5 Lots

532

533 Mr. Vanarsdall - Is there anyone in the audience in opposition to Seelman Estates (January
534 2005 Plan), in the Varina District? There's no opposition. Mr. Jernigan.

535

536 Mr. Jernigan - Wait a minute. Courtney. Is she here? Oh, there you are. I'm going to
537 leave No. 12 on there for underground power. The applicant is okay with it, putting the power
538 underground.

539

540 Ms. Fisher - That's fine. That was mentioned during staff/developer.

541

542 Mr. Jernigan - I'm going to leave No. 12 on.

543

544 Ms. News - Okay.

545

546 Mr. Vanarsdall - All right, entertain a motion.

547

548 Mr. Jernigan - Mr. Chairman, I move for approval of subdivision Seelman Estates
549 subject to the annotations on the plan, the standard conditions for subdivisions served by public
550 utilities, and the following additional condition No. 12.

551

552 Mrs. Ware - Second.

553

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

556

557 Mr. Marshall - Please note my abstention for the record.

558

559 Mr. Vanarsdall - So noted.

560

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

564

565 12. Provide underground utilities as suggested by the Route 5 Overlay Guidelines.

566 **SUBDIVISION**

567

Englewood
(January 2005 Plan)
Three Chopt Road and
Barrington Hills Drive

E. D. Lewis & Associates for John J. Hanky, The JJH Corporation & Barrington Valley, John J. & Ima M. Liesfeld and Liesfeld Family LLC: The 5.69-acre site proposed for a subdivision of 5 single-family homes is located on the southwest corner of Three Chopt Road and Barrington Hills Drive on parcels 742-759-4953; 741-760-8628 (part); 741-759-9340; 742-759-0145 and part of 742-759-2727. The zoning is R-2C, One-Family Residence District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt) 5 Lots**

568

569 Mr. Vanarsdall - Is there anyone in the audience in opposition to Englewood (January
570 2005 Plan) in the Three Chopt District? There's no opposition. Mr. Marshall.

571

572 Mr. Marshall - Mr. Chairman, I move approval of Englewood (January 2005 Plan)
573 subdivision subject to the annotations on the plan and the standard conditions for subdivisions
574 served by public utilities and the following additional conditions Nos. 12 through 18.

575

576 Mrs. Ware - Second.

577

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

580

581 The Planning Commission granted conditional approval subject to the standard conditions
582 attached to these minutes for subdivision served by public utilities, the annotations on the plan
583 and the following additional conditions:

584

585 12. Prior to requesting recordation, the developer shall furnish a letter from Plantation
586 Pipeline stating that this proposed development does not conflict with its facilities.

587 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
588 foot-wide planting strip easement along Three Chopt Road and the 15-foot-wide planting
589 strip easement along Barrington Hills Drive shall be submitted to the Department of
590 Planning for review and approval prior to recordation of the plat.

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

593 15. The proffers approved as part of zoning case C-71C-03 shall be incorporated in this
594 approval.

595 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
596 maintenance of the common area by a homeowners association shall be submitted to the
597 Department of Planning for review. Such covenants and restrictions shall be in form and
598 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
599 the subdivision plat.

- 600 17. Any future building lot containing a BMP, sediment basin or trap and located within the
601 buildable area for a principal structure or accessory structure, may be developed with
602 engineered fill. All material shall be deposited and compacted in accordance with the
603 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
604 professional engineer. A detailed engineering report shall be submitted for the review
605 and approval by the Building Official prior to the issuance of a building permit on the
606 affected lot. A copy of the report and recommendations shall be furnished to the
607 Directors of Planning and Public Works.
- 608 18. Prior to final approval, the engineer shall furnish the Planning staff with a plan showing
609 a dwelling situated on lots Nos. 2 and 5 to determine if the lot design is adequate to
610 meet the requirements of Chapter 24, of the Henrico County Code.

611

612 **SUBDIVISION**

613

Frostick Hills
(January 2005 Plan)
Wilkinson Road

QMT, Timothy L. Rohmoser for Chamberlayne Rec. Association and Windsor Enterprises: The 2.5-acre site proposed for a subdivision of 3 single family homes is located at the intersection of Wilkinson Road and N. Wilkinson Road on parcel 792-753-4981. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 3 Lots**

614

615 Mr. Vanarsdall - Is there anyone in the audience in opposition to Frostick Hills (January
616 2005 Plan) in the Fairfield District? There's no opposition. Mr. Archer.

617

618 Mr. Archer - Mr. Chairman, I move approval of Frostick Hills (January 2005 Plan)
619 subdivision subject to the annotations on the plan and the standard conditions for subdivisions
620 served by public utilities.

621

622 Mrs. Ware - Second.

623

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

626

627 The Planning Commission granted conditional approval to Frostick Hills (January 2005 Plan)
628 subject to the standard conditions attached to these minutes for subdivision served by public
629 utilities and the annotations on the plan.

630

631 Ms. News - On page 51 of your agenda and located in the Varina District is
632 subdivision Camp Hill (January 2005 Plan) for 6 lots. There is an addendum item on page 7
633 with a revised recommendation for approval.

634 **SUBDIVISION**

635

Camp Hill
(January 2005 Plan)

Foster & Miller, P.C. for Watkins-Varina L.C., Kornblau/Eagle CHW Investments, L.C. and Camp Hill Development, LLC: The 8.09-acre site proposed for a subdivision of 6 single-family homes is located 900 feet south of Darbytown Road on the north boundary line of proposed Camp Hill Subdivision on parcels 832-688-9219 and 833-686-7681. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 6 Lots**

636

637 Mr. Vanarsdall - Is there anyone in the audience in opposition to Camp Hill (January 2005
638 Plan) in the Varina District? There's no opposition. Mr. Jernigan.

639

640 Mr. Jernigan - Mr. Chairman, I move for approval of Camp Hill (January 2005 Plan)
641 subdivision subject to the standard conditions for subdivisions not served by public utilities and
642 the following additional conditions No. 4 and 10 amended and Nos. 12 through 22 and the
643 addendum with approval from the staff.

644

645 Mr. Marshall - Second.

646

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

649

650 The Planning Commission granted conditional approval to Camp Hill (January 2005 Plan)
651 subject to the standard conditions attached to these minutes for subdivision not served by public
652 utilities, the annotations on the plan and the following additional conditions:

653

654 4. **AMENDED** -This approval is of the conditional plat only. Final approval of the plat
655 shall not be granted until such time as the Virginia Department of Health has granted
656 approval for sewage disposal on all lots or until a final plat is prepared that
657 conspicuously indicates all lot(s) not receiving Virginia Department of Health approval
658 for sewage disposal, and which states that there shall be no construction on lots without
659 such approval. Details of approved sewage disposal systems and reserved areas for such
660 systems shall be included with the final construction plan prior to construction plan
661 approval.

662 10. **AMENDED** - Prior to recordation of the plat, the developer shall provide a buildable
663 area plan showing information for each lot within the subdivision. These plans shall be
664 a part of the revised construction plans submitted for review and for signature. The
665 buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the
666 buildable area for the principal structure, all setback dimensions, the minimum lot width
667 (front building line), the area of each lot found to be suitable for the location of the
668 septic drainfield system and reserved drainfield area on the lot, or alternative system,
669 and if applicable, the 100 year floodplain location, the area of each lot exclusive of
670 floodplain, and Chesapeake Bay Act Preservation areas and setback dimensions when

- 671 dimensions when applicable.
- 672 12. Each lot shall contain at least 1 acre, exclusive of floodplain areas.
- 673 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
674 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
675 floodplain as a "Variable Width Drainage & Utilities Easement."
- 676 14. Prior to requesting final approval, a draft of the covenants and deed restrictions for the
677 maintenance of the common area by a homeowners association shall be submitted to the
678 Planning Office for review. Such covenants and restrictions shall be in form and
679 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
680 the subdivision plat. The covenants should establish conditions to provide for perpetual
681 upkeep of the historic fort/breastworks to be preserved within the common area, including
682 interpretive signage or other facilities provided.
- 683 15. Any future building lot containing a BMP, sediment basin or trap and located within the
684 buildable area for a principal structure or accessory structure, may be developed with
685 engineered fill. All material shall be deposited and compacted in accordance with the
686 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
687 professional engineer. A detailed engineering report shall be submitted for the review and
688 approval by the Building Official prior to the issuance of a building permit on the affected
689 lot. A copy of the report and recommendations shall be furnished to the Directors of
690 Planning and Public Works.
- 691 16. No more than 50 lots may be recorded on a single point of access, inclusive of lots
692 approved with the Camp Hill (October 2003 Plan) and Camp Hill (May 2004 Plan).
- 693 17. The applicant shall consult with the Division of Recreation and Parks on any historical
694 findings as development progresses. A copy of any study identifying and protecting
695 historic resources which may be required by a state or federal agency through its
696 permitting process shall be submitted to the Planning Office and Division of Recreation
697 and Parks prior to final approval of the construction plans.
- 698 18. If a geologic exploration and a geo-technical study is performed by a geo-technical firm
699 representing the applicant to determine if the proposed development may impact ground
700 water quality and quantity at Camp Holly Springs, a copy of the study and
701 recommendations shall be submitted to the Planning Office and the Health Department
702 prior to final approval of the construction plans.
- 703 19. Lots approved as part of this subdivision shall be included in the overall phasing plan for
704 the Camp Hill (October 2003 Plan), subdivision, which shall be submitted with the first
705 application for final approval for either subdivision, and which shall be updated with each
706 subsequent application.
- 707 20. Utility easements for future County sanitary sewer main extensions, including
708 permanent and construction easements, shall be shown on the final construction plans in
709 locations mutually acceptable to the applicant and the Director of Public Utilities. Such
710 easements shall be shown on the subdivision plat prior to recordation.
- 711 21. Any application for final approval which does not substantially conform to the plat as
712 approved for conditional approval as determined by the Director of Planning, shall be
713 submitted for reconsideration by the Planning Commission.

714 22. Prior to final approval of the construction plans, the developer shall furnish a letter from
715 Dominion Virginia Power stating that this proposed development does not conflict with its
716 facilities.

717

718 **SUBDIVISION**

719

Shady Grove Meadows
(January 2005 Plan)
Shady Grove Road

Foster & Miller, P.C. for William Leroy Ellis, Margie Dawson, Anne Nuckols; Jacqueline L. and Edward L. Disse, Jr. and BMJ, LLC: The 8.0-acre site proposed for a subdivision of 14 single-family homes is located along the west line of Shady Grove Road, approximately 550 feet south of the intersection of Shady Grove Road and Homes Lane on parcels 742-771-2730 and 742-771-5837. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 14 Lots**

720

721 Mr. Vanarsdall - Is there anyone in the audience in opposition to Shady Grove Meadows
722 (January 2005 Plan) in the Three Chopt District? There's no opposition. Mr. Marshall.

723

724 Mr. Marshall - Mr. Chairman, I move approval of Shady Grove Meadows (January
725 2005 Plan) subject to the annotations on the plan, the standard conditions for subdivisions
726 served by public utilities, and additional conditions Nos. 12 through 18.

727

728 Mrs. Ware - Second.

729

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

732

733 The Planning Commission granted conditional approval to Shady Grove Meadows (January
734 2005 Plan) subject to the standard conditions attached to these minutes for subdivision served
735 by public utilities, the annotations on the plan and the following additional conditions:

736

737 12. Each lot shall contain at least 13,500 square feet.

738 13. The detailed plant list and specifications for the landscaping to be provided within the 30-
739 foot-wide planting strip easement along Shady Grove Road shall be submitted to the
740 Department of Planning for review and approval prior to recordation of the plat.

741 14. A County standard sidewalk shall be constructed along the west side of Shady Grove
742 Road.

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

745 16. The proffers approved as part of zoning case C-53C-04 shall be incorporated in this
746 approval.

747 17. Any future building lot containing a BMP, sediment basin or trap and located within the
748 buildable area for a principal structure or accessory structure, may be developed with
749 engineered fill. All material shall be deposited and compacted in accordance with the

750 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
751 professional engineer. A detailed engineering report shall be submitted for the review and
752 approval by the Building Official prior to the issuance of a building permit on the affected
753 lot. A copy of the report and recommendations shall be furnished to the Directors of
754 Planning and Public Works.
755 18. A cash proffer, in accordance with the requirement of proffer #12 of rezoning case C-
756 53C-04, shall be paid by the developer to Henrico County prior to the issuance of any
757 building permits.

758

759 **SUBDIVISION**

760

The Village @ Osborne
(January 2005 Plan)
7101 Osborne Turnpike

Foster & Miller, P.C. for Finer Homes, Inc., John W. Nelson and Elizabeth N. Gottwald and WWLP Development, LLC: The 41.758-acre site proposed for a subdivision of 64 single-family homes on zero lot lines is located at 7101 Osborne Turnpike, approximately 4,500 feet north of Burning Tree Road on parcels 802-696-9269 and 803-696-6866. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Varina) 64 Lots**

761

762 Mr. Vanarsdall - Is there anyone in the audience in opposition to The Village @ Osborne
763 (January 2005 Plan) in the Varina District? There's no opposition. Mr. Jernigan.

764

765 Mr. Jernigan - Mr. Chairman, I move for approval of The Village @ Osborne (January
766 2005 Plan) subdivision subject to the standard conditions for subdivisions served by public
767 utilities.

768

769 Mr. Marshall - Second.

770

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

773

774 The Planning Commission granted conditional approval to The Village @ Osborne (January
775 2005 Plan) subdivision subject to the standard conditions attached to these minutes for
776 subdivision served by public utilities.

777

778 Ms. News - The final request is on page 6 of your agenda and it is located in the
779 Varina District. This is subdivision Scandia Farms (January 2005 Plan). This includes an
780 addendum on page 8. There has been a change in the number of lots from 14 to 13 lots.

781

782

783 **SUBDIVISION**

784

Scandia Farms
(January 2005 Plan)
Scandia Road

Barthol Design Associates, P.C. for Scandia Farm LLC: The 19.77-acre site proposed for a subdivision of 14 single-family homes is located along the south line of Scandia Road, approximately 2,250 feet east of the intersection of Scandia Road and White Oak Road on parcel 859-702-4468. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 13 ~~14~~ Lots**

785

786 Mr. Vanarsdall - Is there anyone in the audience in opposition to Scandia Farms (January
787 2005 Plan) in the Varina District? There's no opposition. Mr. Jernigan.

788

789 Mr. Jernigan - Mr. Chairman, I move for approval of Scandia Farms (January 2005
790 Plan) subdivision subject to the standard conditions for subdivisions not served by public
791 utilities and staff recommendation and the lot count has been cut from 14 to 13.

792

793 Mrs. Ware - Second.

794

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

797

798 The Planning Commission granted conditional approval to Scandia Farms (January 2005 Plan)
799 subdivision subject to the standard conditions attached to these minutes for subdivision not
800 served by public utilities, the annotations on the plans and the following additional conditions:

801

802 11. Each lot shall contain at least one acre.

803 12. Any necessary offsite drainage easements must be obtained prior to approval of the
804 construction plan by the Department of Public Works.

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

813

814 Mr. Silber - Next on the agenda would be the conditional subdivision extensions.
815 There is an addendum list provided for you on this matter. All of the items up for conditional
816 subdivision extension this morning will be handled administratively. We provide this list for
817 you for informational purposes, but perhaps I need staff to explain to you the changes. I
818 believe it deals with the Camp Hill subdivision. Ms. Goggin, are you going to tell us about the
819 addendum?

820

821 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 822 **FOR INFORMATIONAL PURPOSES ONLY**

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Bryan Park Gardens, Sec. C (January 2003 Plan)	Brookland	21	21	1	1 Year 1/25/06
Camp Hill (October 2003 Plan)	Varina	317	317	0	Pending 1 Year 1/25/06
Crawford Park @ Greenbrooke	Three Chopt	76	13	0	5 Years 1/28/09 1 Year 1/25/06
Greenbrooke Sub. Section C (January 2004 Plan)	Three Chopt	15	15	0	1 Year 1/25/06
Henley (Formerly Kings Reach) (Oct. 2003 Plan)	Three Chopt	80	80	0	1 Year 1/25/06
Malvern Hill Manor (January 2001 Plan)	Varina	121	121	3	1 Year 1/25/06
Old Washington Place (January 2001 Plan)	Brookland	10	10	3	1 Year 1/25/06
Stoneleigh Subdivision (December 2003 Plan)	Fairfield	173	68	0	5 4 Years 12/17/08
Townhomes @ Deep Run Ridgefield Parkway (December 2003 Plan)	Three Chopt	7	7	0	1 Year 1/25/06
Grey Oaks (Formerly XYZ Subdivision) (January 2004 Plan)	Three Chopt	208	193 143	0	5 4 Years 1/28/09

823

824 Ms. Goggin - Yes, sir. Good morning, Commission. On page 1 of the agenda staff
 825 has provided a list of conditionally approved subdivisions that are eligible and have received
 826 administrative extensions. There are revisions to this list, which is in your handout addendum.
 827 I will briefly go over these changes. The first is Camp Hill (October 2003 Plan) has been
 828 extended for one year until January 25, 2006. Crawford Park @ Greenbrook has been
 829 extended for one year until January 25, 2006. Stoneleigh Subdivision has been extended for
 830 four years instead of the five years as indicated in the original agenda. And, Grey Oaks has
 831 143 remaining lots and has been extended for four years. I'll be happy to answer any questions
 832 the Commission may have.

833

834 Mr. Vanarsdall - Are there any questions by Commission members? Thank you, Ms.
 835 Goggin. Before we get started, I want to mention that Cindy Warren is back in the booth back
 836 there taking care of the controls, helping Diana Carver, help take care of all of this. So, if
 837 anything goes wrong, we can blame it on her. Mr. Secretary.

838 Mr. Silber - Mr. Secretary, yes, sir, Mr. Chairman. The next item on the agenda is
839 actually the first item to be considered is a transfer of approval. This is on page 4 of your
840 agenda. This is POD-39-02, Cost Plus World Market @ The Shoppes @ Best Buy.

841

842 **TRANSFER OF APPROVAL**

843

POD-39-02 **Mr. Hugh Tierney for Ruby Restaurant, Inc.:** Request for
Cost Plus World Market @ approval of a transfer of approval as required by Chapter 24,
The Shoppes at Best Buy - Section 24-106 of the Henrico County Code from Glenbrook-
11198 W. Broad Street Brookriver, LLC to Ruby Restaurant, Inc. The 2.697-acre site
is located on the north side of W. Broad Street (U.S. Route
250) approximately 300 feet west of the intersection of W.
Broad Street and Brookriver Drive on parcel 743-761-3546.
The zoning is M-1C, Light Industrial District (Conditional).
County water and sewer. **(Three Chopt)**

844

845 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-39-02, Cost Plus
846 World Market @ The Shoppes at Best Buy? There's no opposition. Mr. Marshall.

847

848 Mr. Marshall - Mr. Chairman, I move approval of transfer of approval POD-39-02,
849 Cost Plus World Market @ The Shoppes at Best Buy.

850

851 Mr. Archer - Second.

852

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

855

856 The Planning Commission approved the transfer of approval request for POD-39-02, Cost Plus
857 World Market @ The Shoppes at Best Buy from Glenbrook-Brookriver, LLC to Ruby
858 Restaurant, Inc., subject to the new owner accepting and agreeing to be responsible for
859 continued compliance with the conditions of the original approval and the following additional
860 conditions:

861

862 1. A bond shall be posted by **January 28, 2005** to cover the site deficiencies in the
863 inspection report, dated **January 18, 2005**.

864 2. The site deficiencies, as identified in the inspection report, dated **January 18, 2005** shall
865 be corrected by **June 1, 2005**.

866

867 Mr. Silber - Mr. Cooper, was there anything on that that you would need to share
868 with the Commission?

869

870 Mr. Cooper - Actually, the applicant has agreed to all of our requests and regards to
871 outstanding deficiencies on the site. They will be posting a bond by Friday to cover those
872 deficiencies and have agreed to correct all missing landscaping by June 1 of this year.

873

874 Mr. Silber - I know that the Commission is wanting to move along this morning, but
875 there are some things I feel like staff needs to inform the Commission. So, if you can give the
876 staff a minute to tell you a little bit more about these items you might want to hear them out.

877

878 Mr. Marshall - I didn't mean to do that.

879

880 Mr. Jernigan - We had so many expedited it just kind of kept on rolling.

881

882 Mr. Silber - I understand, this Commission is very efficient.

883

884 Mr. Vanarsdall - We want to get out of here before it snows.

885

886 Mr. Silber - Okay. Let's move on to our next case.

887

888 **PLAN OF DEVELOPMENT**

889

POD-92-04

Goddard School Expansion -
Town Center @ Twin
Hickory

Hankins & Anderson, Inc. for D & B Holdings, LLC, Salvatore Oliveri, Et Als and The Goddard School: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 4,500 square foot school building and associated parking as an addition to an existing shopping center. The 0.39-acre site is located along the south line of Old Nuckols Road, approximately 600 feet west of the intersection of Old Nuckols Road and Nuckols Road, between the existing Goddard School and Shady Grove Animal Clinic on parcel 745-773-8662 and part of 745-773-6955. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

890

891 Mr. Marshall - I do want to hear about this one.

892

893 Mr. Silber - Okay. Mr. Cooper.

894

895 Mr. Cooper - Good morning, again, members of the Commission. Ms. Goggin is
896 handing out a revised plan to you this morning regarding this project. You may be aware of
897 the existing Goddard School located within the Town Center at Twin Hickory Shopping
898 Center. This plan is for an expansion to that project. It will be a stand-alone building located
899 on the parcel between the existing Goddard School and the Shady Grove Animal Clinic.

900

901 Staff had two main concerns of the original plan submitted. First, that the building was
902 actually located within an existing utility easement, located at the rear of the property near Old
903 Nuckols Road. The revised plan now shows that building located outside of that easement
904 which satisfies staff. And the second concern was related to parking. The applicant did not
905 provide enough parking to meet the need of its use within its own property lines with the
906 original plan. However, as of late yesterday afternoon, the applicant did receive a commitment

907 from Realti Corp. who owns the vacant parcel of land across the interior drive sometimes
908 known as the sledding hill within the shopping center. Realti Corp. and their contract purchaser
909 for that piece have agreed to allow the Goddard School to construct the necessary five spaces
910 that they needed on their property. We have received commitment letters from them and a
911 signature on an application. This is shown on the revised plan that was handed out to you this
912 morning. Along with those five spaces across the street, staff is recommending an additional
913 condition No. 34, which is attached to your plan, and that condition reads: The five parking
914 spaces located on parcel 745-773-9641 shall be designated for Goddard School employee only
915 parking unless otherwise approved by the Planning Commission with future development.

917

918 Generally, staff feels that the size of the proposed building is still generally too large for the
919 site. However, it does meet standards and code requirements and the proffers associated with
920 this property and therefore staff can recommend approval. The applicant and his engineer are
921 here today and they can answer any questions you might have and I'll be happy to answer any
922 questions as well.

923

924 Mr. Vanarsdall - All right. Is there any opposition to this case? I don't think there was.
925 No. Are there any questions by Commission members?

926

927 Mr. Marshall - I would like to hear from the applicant. I have some questions.

928

929 Mr. Bullock - Good morning, I'm Tom Bullock. I'm one of the owners of Goddard
930 School.

931

932 Mr. Marshall - Okay. The added condition, No. 34 about the five parking spaces, will
933 you accept an added provision that those spaces will be in place prior to the issuance of a
934 certificate of occupancy?

935

936 Mr. Bullock - Yes, sir.

937

938 Mr. Marshall - Mr. Cooper, I want that added into the conditions, and I have one other
939 question. You were at a meeting that we had about this nightmare property out there and it
940 was suggested that this sleighing parcel, this hole in the donut, that if something could be done
941 to help the situation out there with the parking and putting in the park that the neighbors were
942 promised when the development was initially done that it would acquire a proffer amendment
943 which would require the signing off of, I guess, all seven or so property owners out there to do
944 that. I want to know if and when we get to the point where a plan is acceptable to the
945 neighbors as well as the other people in the shopping center for this hole in the donut parcel, is
946 the Goddard School going to be willing to sign off on the application to amend the proffers to
947 allow that change to take place?

948

949 Mr. Bullock - Yes, sir, we will. We are sort of tired of that hole in the donut too.

950

951 Mr. Marshall - Thank you. That's the only question that I have.

952 Mr. Vanarsdall - Are there any more questions? Thank you, Mr. Bullock. We are ready
953 for a motion, Mr. Marshall.

954

955 Mr. Marshall - What do we have to do as far as amending that?

956

957 Mr. Silber - I think all you need to do is just make that a part of the motion. I would
958 think the language you want to add would say, "Five parking spaces located on parcel so and
959 so shall be designated for Goddard School employee only parking prior to the issuance of the
960 certificate of occupancy unless otherwise approved by the Planning Commission."

961

962 Mr. Marshall - Okay. With that, I'll make a motion to approve POD-92-04, Goddard
963 School Expansion, subject to the annotations on the plan, the standard conditions for
964 developments of this type along with conditions Nos. 9 and 11 amended, Nos. 23 through 33
965 and additional added condition No. 34 that reads: The five parking spaces located on parcel
966 745-773-9641 shall be designated for Goddard School employee only parking prior to the
967 issuance of a certificate of occupancy unless otherwise approved by the Planning Commission
968 with future development.

969

970 Ms. Ware - Second.

971

972 Mr. Vanarsdall - The motion was made by Mr. Marshall and seconded by Mrs. Ware. All
973 in favor say aye...all opposed say nay. The motion passes.

974

975 The Planning Commission approved POD-92-04, Goddard School Expansion – Town Center
976 @ Twin Hickory, subject to the standard conditions attached to these minutes for developments
977 of this type, the annotations on the plan and the following additional conditions:

978

979 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
980 Planning for review and Planning Commission approval prior to the issuance of any
981 occupancy permits.

982 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
983 depictions of light spread and intensity diagrams, and fixture and specifications and
984 mounting height details shall be submitted for Department of Planning review and
985 Planning Commission approval.

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

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

993 25. A standard concrete sidewalk shall be provided along the south side of Old Nuckols
994 Road.

995 26. The proffers approved as a part of zoning cases C-19C-94, C-56C-94, C-49C-96 and C-
996 68C-99 shall be incorporated in this approval.

- 997 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
 998 form acceptable to the County Attorney prior to final approval of the construction
 999 plans.
- 1000 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1001 approved by the County Engineer prior to final approval of the construction plans by
 1002 the Department of Public Works.
- 1003 29. Insurance Services Office (ISO) calculations must be included with the plans and
 1004 contracts and must be approved by the Department of Public Utilities prior to the
 1005 issuance of a building permit.
- 1006 30. Approval of the construction plans by the Department of Public Works does not
 1007 establish the curb and gutter elevations along the Henrico County maintained right-of-
 1008 way. The elevations will be set by Henrico County.
- 1009 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1010 Department of Planning and approved prior to issuance of a certificate of occupancy for
 1011 this development.
- 1012 32. The location of all existing and proposed utility and mechanical equipment (including
 1013 HVAC units, electric meters, junction and accessory boxes, transformers, and
 1014 generators) shall be identified on the landscape plans. All equipment shall be screened
 1015 by such measures as determined appropriate by the Director of Planning or the Planning
 1016 Commission at the time of plan approval.
- 1017 33. The ground area covered by all buildings shall not exceed in the aggregate 25 percent of
 1018 the total site area.
- 1019 34. The five parking spaces located on parcel 745-773-9641 shall be designated for
 1020 Goddard School employee only parking prior to the issuance of a certificate of
 1021 occupancy unless otherwise approved by the Planning Commission with future
 1022 development.

1023
 1024 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1025

POD-2-05
 Moore Hummer –
 Dominion Boulevard and
 Sadler Road

**Bay Design Group, P.C. for George & Irma Goldstein and
 Wilton Development Corporation:** Request for approval of a
 plan of development and transitional buffer deviation, as
 required by Chapter 24, Sections 24-106 and 24-106.2(e)(3) of
 the Henrico County Code, to construct a two-story, 24,386
 square foot automotive dealership. The 3.46-acre site is located
 on the southwest corner of Dominion Boulevard and Sadler
 Road on parcel 747-761-2937. The zoning is B-3C, Business
 District (Conditional). County water and sewer. **(Three Chopt)**

1026

1027 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-2-05, Moore
 1028 Hummer, in the Three Chopt District? Moore Hummer is moving west to Dominion
 1029 Boulevard if anybody wants to get one today. No opposition. Ms. Goggin.

1030 Ms. Goggin - A revised annotated plan is currently being handed out to you. Staff has
1031 completed its review of the plan and the developer and staff disagree on providing sidewalk on
1032 both Dominion Boulevard and Sadler Road. Staff believes that this is a reasonable request
1033 because both roads are on the Major Thoroughfare Plan and would be built with sidewalk if
1034 constructed by the County today. The site is adjacent to R-6 zoning on the western property
1035 line. Code requires a 35-foot transitional buffer which is being reduced with a proffered six-
1036 foot decorative concrete wall, to 23 feet. The applicant can provide 19 feet from the western
1037 property line and request that the Planning Commission reduce the buffer an additional four
1038 feet to avoid pushing the proposed improvements toward Dominion Boulevard into the
1039 streetscape landscaping area.

1040

1041 I would also like to take a moment to clarify for the record, that signage shown on the
1042 architectural elevations is not a part of the plan of development approval. Staff can recommend
1043 approval subject to the annotations on the revised plan, the standard conditions for
1044 developments of this type, conditions Nos. 23 through 32 on the agenda. A separate motion
1045 would be required if the Commission chooses to grant the transitional buffer reduction.

1046

1047 Dan Caskie, the site engineer and Hank Wilton, the property owner, are here if you have any
1048 questions for them and I will be happy to answer any questions that the Commission may have.

1049

1050 Mr. Vanarsdall - Are there any questions of Ms. Goggin by the Commission members?

1051

1052 Mrs. Ware - Clarify the reduction one more time. What do they want to and why do
1053 they want the reduction, etc.

1054

1055 Ms. Goggin - Code requires 35 feet. You are able to reduce the buffer two times the
1056 height of the wall which would take it to 23. They only have 19 feet from the property line to
1057 their proposed improvements, which would require an additional reduction of four feet. They
1058 could move the improvements east, but they would be closer to Dominion Boulevard and could
1059 impact the landscape buffer that is along Dominion Boulevard between the site and the road.

1060

1061 Mrs. Ware - Okay.

1062

1063 Mr. Vanarsdall - Are there any more questions by Commission members? Mr. Marshall,
1064 would you like to hear from the applicant?

1065

1066 Mr. Marshall - No, I don't need to hear from the applicant.

1067

1068 Mr. Vanarsdall - Thank you, Ms. Goggin.

1069

1070 Ms. Goggin - You are welcome.

1071

1072 Mr. Marshall - I don't have a problem with there not being sidewalks. If not
1073 sidewalks... I've been out there where either the garage and bank property behind it, there's
1074 not any, and Sadler Road there, there's not any, so I don't have any problems with not having

1075 the sidewalk and I think the fence, I agree with the staff, that the fence issue is reasonable and
1076 we don't want to put the buildings closer out to Dominion Boulevard into the landscape area
1077 and with the fence they can (unintelligible). I think it would look better that way, anyway. So,
1078 I'm going to make a motion to approve POD-2-05, Moore Hummer, subject to the standard
1079 conditions for developments of this type, the annotations on the plan and additional conditions
1080 Nos. 23, 24, 26 through 32. And, that's the first motion, then I've got to make another one.

1082

1083 Mr. Silber - So, your motion is to delete No. 25?

1084

1085 Mr. Marshall - Right.

1086

1087 Mr. Jernigan - Second.

1088

1089 Mr. Vanarsdall - The motion was made by Mr. Marshall and seconded by Mr. Jernigan.
1090 All in favor say aye...all opposed say nay.

1091

1092 Mr. Marshall - And, I make a motion for the transitional buffer deviation, four feet for
1093 the fence.

1094

1095 Mr. Jernigan - Second.

1096

1097 Mr. Vanarsdall - The motion was made by Mr. Marshall and seconded by Mr. Jernigan.
1098 All in favor say aye...all opposed say nay.

1099

1100 The Planning Commission approved POD-2-05, Moore Hummer, subject to the standard
1101 conditions attached to these minutes, the annotations on the plans, the transitional buffer
1102 deviation and the following additional conditions:

1103

1104 23. The right-of-way for widening of Sadler Road and Dominion Boulevard as shown on
1105 approved plans shall be dedicated to the County prior to any occupancy permits being
1106 issued. The right-of-way dedication plat and any other required information shall be
1107 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1108 occupancy permits.

1109 24. The developer shall provide fire hydrants as required by the Department of Public
1110 Utilities and Division of Fire.

1111 25. All repair work shall be conducted entirely within the enclosed building.

1112 26. The proffers approved as a part of zoning cases C-42C-01 and C-43C-04 shall be
1113 incorporated in this approval.

1114 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1115 form acceptable to the County Attorney prior to final approval of the construction
1116 plans.

1117 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
1118 approved by the County Engineer prior to final approval of the construction plans by
1119 the Department of Public Works.

- 1120 29. Insurance Services Office (ISO) calculations must be included with the plans and
 1121 contracts and must be approved by the Department of Public Utilities prior to the
 1122 issuance of a building permit
- 1123 30. Approval of the construction plans by the Department of Public Works does not
 1124 establish the curb and gutter elevations along the Henrico County maintained right-of-
 1125 way. The elevations will be set by Henrico County.
- 1126 31. The location of all existing and proposed utility and mechanical equipment (including
 1127 HVAC units, electric meters, junction and accessory boxes, transformers, and
 1128 generators) shall be identified on the landscape plans. All equipment shall be screened
 1129 by such measures as determined appropriate by the Director of Planning or the Planning
 1130 Commission at the time of plan approval.

1131

1132 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1133

POD-3-05 Rainbow Station @ Wyndham-Wyndham Park Drive and Nuckols Road	Balzer & Associates, Inc. for HHHunt Corporation and R. Earl Johnson: Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 106.2 of the Henrico County Code, to construct two, one-story buildings, totaling 19,534 square feet, to be used for a day care facility. The 6.80-acre site is located at the northeast corner of the intersection of Wyndham Park Drive and Nuckols Road on parcels 741-776-3595 and 740-777-8434. The zoning is O-1C, Office District (Conditional) and R-4AC, One-Family Residence District (Conditional). County water and sewer. (Three Chopt)
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1134

1135 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-3-05, Rainbow
 1136 Station @ Wyndham, in the Three Chopt District? Thank you. We have opposition. Go
 1137 ahead, Mr. Cooper.

1138

1139 Mr. Cooper - Good morning, again, members of the Commission. Ms. News is
 1140 handing out a revised plan and architectural renderings to you this morning. These plans do
 1141 address the outstanding concerns staff had listed in the original staff report. Specifically, the
 1142 proposed development has now been relocated out of the residentially zoned portion of the
 1143 property, which is adjacent to the Aubury @ Wyndham subdivision. All aspects of the design
 1144 have been located completely within the limits of the O-1C zoning. As well, in regards to that,
 1145 typically there is a transitional buffer that is required between the residential and the office
 1146 zoning but because that zoning line is located within the subject property the applicant is
 1147 requesting a transitional buffer deviation to move the required 10-foot buffer from the zoning
 1148 line to the actual property line. So, in other words, if you look at your map above you, it
 1149 would locate the 10-foot transitional buffer immediately along the property line of the rear of
 1150 the homes on Park Forest Court and Park Forest Way.

1151 Additionally, this plan has relocated all the play areas so that they meet the required setbacks.
1152 The original plan showed the play areas encroaching the required setbacks. They now meet
1153 them and are now fully enclosed with fence. And, finally, a fire access lane has been provided
1154 between the two buildings, which appear to satisfy the Fire Department at this time. Staff still
1155 has some concern regarding the future plans of the existing Wyndham sales trailers that are
1156 located on this property. The applicant has indicated that they will not be used as a part of the
1157 day care facility and will no longer be used for residential sales within Wyndham. Therefore,
1158 staff is recommending that the trailers be removed from this property prior to the issuance of
1159 building permits for the two buildings associated with this project. This is noted on the
1160 attachment with your revised plan this morning, and this would be additional condition No. 32.
1161

1162 Finally, staff is also aware of some concerns for this project from the adjacent property
1163 owners. Particularly, the clearing of the site, proximity of the development to their subdivision,
1164 and lack of knowledge of the project, and I believe, obviously, there are some here that will
1165 further detail their concerns for you. Generally, though, the revised plan before you does
1166 satisfy all of staff's outstanding issues and with the condition to remove the existing trailers as
1167 we discussed earlier, staff can recommend approval. The applicant and their engineer are here
1168 today. I can answer any questions as well and I would like to remind the Commission that if
1169 they do choose to move forward with this project, there would be a separate request for the
1170 transitional buffer deviation.

1171

1172 Mr. Vanarsdall - Are there any questions by the Commission members for Mr. Cooper?
1173 Thank you, Mr. Cooper. We will now hear from the applicant. Mr. Secretary, would you
1174 like to explain the opposition after he's finish?

1175

1176 Mr. Silber - I can go ahead and explain it now so that everyone is aware of it. The
1177 Planning Commission has a policy that those presenting their case or their plans have 10
1178 minutes to present their case. Some of that time can be saved for rebuttal. Likewise, the
1179 opposition has 10 minutes as a whole to present their case for opposition. The Planning
1180 Commission can extend that time if they wish. Anytime there are questions asked by the
1181 Commission of either the applicant or those in opposition, the 10-minute clock is not
1182 advancing.

1183

1184 Mr. Vanarsdall - All right. Good morning.

1185

1186 Mr. Johnson - Good morning. I'm Earl Johnson and my wife and I own Rainbow
1187 Station. This is Nicole and Jim Lambert and they will be the operators of the Wyndham
1188 project. I will let them speak. I believe that the only real issue here, to speak to, is the
1189 removal of the trailers and I'll let them speak to that.

1190

1191 Mr. Marshall - I have a question, Mr. Johnson.

1192

1193 Mr. Johnson - Certainly.

1194

1195 Mr. Marshall - One of the concerns of the neighbors is the fact that this building, and I

1196 guess you can appreciate it, will be so close to the backs of their homes. And when I look at
1197 this plan I see those trailers, and they are going to be removed, has any thought been given,
1198 and I asked Mr. Cooper about this yesterday, just purely looking at this plan, if you were to
1199 take the building that's closest to the backs of the neighbors, and make that the parking lot that
1200 you have at the bottom, out closest to Nuckols Road, and then move that building down to the
1201 other end, do you see what I'm saying?

1202

1203 Mr. Johnson - I see what you are saying, Mr. Marshall.

1204

1205 Mr. Marshall - I mean, could that be done to alleviate the neighbors concerns about
1206 having the building so close to their houses versus the parking lot. It doesn't seem to me that it
1207 would make much difference whether the parking lot was at one end or the other.

1208

1209 Mr. Johnson - Frankly, the request to remove the trailers just came up yesterday, so we
1210 have not had any opportunity to look at that. I would say that we have, and Mrs. Lambert is
1211 going to speak to the trailers, particularly. We have some plans with what we would like to do
1212 with some portions of the land in the future that are related to the operation of the school.
1213 And, moving this without some considerable thought to it, might impact those plans.

1214

1215 Mr. Marshall - But, what I'm getting at is would you be amenable if I were to defer this
1216 case until February 23 to look at possibly readjusting the layout as far as where the parking
1217 areas are in relation to the building because it doesn't seem like to me that you would be using
1218 the same space it would just be a matter of where the building were actually located. And,
1219 with the buildings actually located closer to Nuckols Road, it is not impacting anybody really
1220 versus the ones that will be so close to the subdivision.

1221

1222 Mr. Johnson - But, when you relocate the parking lot, and I'm not really certain, right
1223 now, quite frankly, without considering the impact....

1224

1225 Mr. Marshall - I mean, in fairness to you, some of these issues didn't come up to me
1226 until yesterday either.

1227

1228 Mr. Johnson - We would prefer not to defer it. There's a two-fold answer there. One
1229 we certainly can consider anything, we prefer not to defer this. We have an interest in
1230 completing this project at soon as possible and every 30 days, obviously, that much delay in
1231 getting it up and operating.

1232

1233 Mr. Marshall - How about a two-week deferral, until February 10.

1234

1235 Mrs. Ware - These appear to be important issues to look at in regards to the adjacent
1236 property owners as well as the issue with the trailers. We need to look at the big picture.

1237

1238 Mr. Johnson - Well, without being too cynical about it, they were important a while ago
1239 to look at also. We have spent a great deal of time with the Planning staff considering this.
1240 Obviously, we need to look at whatever we need to look at to make this best for everybody.

1241 I'm not quite certain why moving the building even to the other side makes a huge difference
1242 in terms of the sight lines from the people in the back. I think you can see whether it's on
1243 Nuckols Road or whether where it is you will be able to see the property. So, I'm not quite
1244 certain why that makes a huge difference.

1245

1246 Mr. Marshall - Well, if you were looking at a building out of your back window versus
1247 a flat parking lot.

1248

1249 Mr. Johnson - Have you been to the residential side and looked at the property from
1250 that direction? There are not many trees in there. You will see the playground, you will see
1251 the buildings whether they are on whichever side of that long building, that other building is
1252 on, you are going to see the building.

1253

1254 Mr. Vanarsdall - Mr. Johnson, you probably need some time to work that out and I think
1255 that's why Mr. Marshall is suggesting a deferment.

1256

1257 Mrs. Ware - Has there been a meeting with the adjacent property owners, thus far?
1258 Do you know, Mr. Marshall?

1259

1260 Mr. Marshall - No. I didn't hear from them until yesterday.

1261

1262 Mr. Vanarsdall - Mr. Marshall, do you want to hear from them?

1263

1264 Mr. Marshall - Yes, I want to hear from them.

1265

1266 Mr. Vanarsdall - Either one of y'all want to say anything?

1267

1268 Mrs. Lambert - There was a question posed as to what we would do with the temporary
1269 structures that are there today. There is an immediate plan, an interim plan, and then the
1270 longer-term plan. Originally, what we had hoped to do was use those facilities during
1271 construction phase for construction office. What we would like to do in an interim period is to
1272 use those as our corporate offices for our own use as well as a training facility for our staff for
1273 the facilities. A permanent plan, we would come back to you with a POD at a later date to
1274 remove those facilities and construct an office building that we would use for our corporation.
1275 In keeping with the Wyndham guidelines as well as in keeping with the architectural design of
1276 those two buildings. So, that was the original hope to use those for that purpose.

1277

1278 Mr. Marshall - The County's concern is that they were always named temporary so I
1279 guess it's an oversight at some point, they should have been removed before now. But, would
1280 it help you to have it instead of having it prior to the issuance of a building permit, cause it
1281 does make somewhat sense to me that you could utilize those for construction purposes instead
1282 of having to turnaround and rent a trailer of a similar type to come in for the construction
1283 people, that it just require you remove the trailers prior to the issuance of your certificate of
1284 occupancy, which would allow you to utilize the trailers while the construction is going on but
1285 before you moved into the building they would have to be removed.

1286

1287 Mrs. Lambert - That seems to be a reasonable compromise. If we do that, it will impact
1288 the placement of the other buildings because the placement was such that it gave us the option
1289 to use those facilities for that purpose.

1290

1291 Mr. Marshall - Okay.

1292

1293 Mr. Johnson - Do we have some time reserved for after the opposition?

1294

1295 Mr. Silber - Yes.

1296

1297 Mr. Vanarsdall - All right. We will now take the opposition and whoever wants to be first
1298 please come down and state your name and we will be glad to hear what you have to say. Good
1299 morning.

1300

1301 Ms. Vanbenschoten - Good morning. My name is Chris Vanbenschoten and I am the
1302 community manager for Wyndham and I have two just brief comments that I would like to
1303 make and I know that there are some homeowners who would like to speak. But, first an
1304 immediate concern that we had was regarding the trailers and it sounds like the Commission is
1305 in support of our position that the trailers not be approved as part of the POD. I don't believe
1306 that we would have any opposition to approving them for, you know, the time period that the
1307 construction is happening. But, it has always been out understanding that those trailers were
1308 temporary for the use of the sale process of Wyndham and that they would be remove upon the
1309 completion of that. So, we are definitely requesting that the Commission do not approve those
1310 trailers to stay. The second concern that we have, and it sounds like you guys are already
1311 attune to it, is we just received the plan of development within the past few days and have not
1312 had an opportunity to share it with the adjacent homeowners. There are two homeowners who
1313 came here on their own today to share their concern about the proximity of the building. But,
1314 the other item that I wanted to address with you is to request a deferral so that there is time for
1315 the adjacent property owners to have input and review the plan of development as well. Thank
1316 you.

1317

1318 Mr. Vanarsdall - Are there any questions by Commission members?

1319

1320 Mr. Silber - Could you tell me your name, again, please?

1321

1322 Ms. Vanbenschoten - It's Chris Vanbenschoten.

1323

1324 Mr. Silber - Can you spell your last name?

1325

1326 Ms. Vanbenschoten - Sure. Do you have a lot of room? It's V (as in Victor) A N B E N S C
1327 H O T E N.

1328

1329 Mr. Vanarsdall - It sounds like it is worse than mine.

1330 Mr. Silber - Thank you.

1331

1332 Mr. Kaechele - The Wyndham Association just received copies just a few days ago.

1333

1334 Ms. Vanbenschoten - Correct. We received the notice from the Planning Department late last
1335 week and I actually personally had an opportunity to review the POD yesterday.

1336

1337 Mr. Kaechele - Okay. Normally, the Association reviews these things with the residents.
1338 Is that your normal procedure?

1339

1340 Ms. Vanbenschoten - We would like that opportunity, yes.

1341

1342 Mr. Vanarsdall - All right. Thank you. Is there anyone else? All right, come on down.

1343

1344 Mr. Price - Good morning. My name is Percy Price and I'm here with my wife
1345 Elizabeth. We own the property that the building farthest to the property line, it butts up right
1346 to our backyard. And, we have a number of concerns about the location of this building and,
1347 Mr. Marshall, thank you so much, for pointing out some of the concerns that we as residents
1348 have with the building being positioned where it is. The number one concern that I have is the
1349 fact that we never had an opportunity to see the plan up front. I think that our concerns could
1350 have been addressed up front had the owners took some time to discuss the plan with the
1351 residents and we could have voiced our opinions or our concern about the proximity of the
1352 building. My initial concern is that there is not enough... I don't know what the landscaping is,
1353 number one, and obviously our backyard is definitely impacted by this huge building right in
1354 the backyard. I would definitely like to see the building repositioned along with the trailers
1355 removed and the landscaping plan so that there is somewhat of a buffer. Right now there are
1356 not a lot of trees there but there is enough of a buffer to kind of prevent one from even seeing
1357 the trailers or anything else that's right outside our backyard. I would like to have a meeting
1358 with the owners and we can discuss the possibility of, you know, like I said repositioning some
1359 things, coming up with a landscaping plan so that our property isn't impacted by this proposal
1360 as much.

1361

1362 Mr. Vanarsdall - Okay. Are there any questions by the Commissions members?

1363

1364 Mr. Kaechele - Can you identify your lot number?

1365

1366 Mr. Price - On the map here?

1367

1368 Mr. Kaechele - Yes.

1369

1370 Mr. Price - This is our lot, right here (referring to map on the screen).

1371

1372 Mr. Vanarsdall - You are right up against it.

1373

1374 Mr. Price - Yes, right up against it.

1375 Mr. Vanarsdall - Thank you.

1376

1377 Mr. Price - You're welcome.

1378

1379 Mr. Vanarsdall - Come on down and state your name, please. Good morning.

1380

1381 Ms. Forrester - Good morning to the Planning Commission. My name is Jolane
1382 Forrester and I live at 11801 Parkforest Way. My concerns are as follows: I brought my
1383 property in 1997 when the home was being built and there are designated wetlands adjacent to
1384 the property that are going to be impacted by the development of Rainbow Station. And, I
1385 have not heard what sort of care would be given to that. Indeed, I have songbirds, I see hawks
1386 and on infrequent occasions bald eagles in the area that is right there by my home. So, I have
1387 some tremendous concerns about that and would like to have the opportunity to meet with the
1388 developers, which we absolutely have not, prior to the building of this. Also, I am concerned
1389 about the lighting that would impact our area. You know it is a residential area and it already,
1390 you know, we can see the traffic from the road and I'm concerned about the lighting and the
1391 wall that is going to be going up there. So, again, we would just appreciate the opportunity to
1392 meet with the developers and address our concerns and come to some consensus. Thank you
1393 very much.

1394

1395 Mr. Vanarsdall - Thank you. Good morning.

1396

1397 Mr. Milkis - One more. My name is Chuck Milkis and I live at 11708 Parkforest
1398 Court. I'm adjacent to the first speaker you heard who has the building right in his backyard.
1399 I'll try not to be redundant, but we as the homeowners just heard about this a few days ago so
1400 it sounds like a lot of that going on. I received a notice in the mail the end of last week. I
1401 knocked on some doors of my neighbors to see if they knew anything about it and nobody did.
1402 Several of them have expressed their concerns to me and gave me letters to bring today, which
1403 I have to enter into the record and whatever the proper way is. I'm not sure that you want me
1404 to stand here and read them but whatever would be the appropriate way to do that. I've got
1405 three letters. The concerns that you are hearing are consistent. That we weren't consulted
1406 about this, and I think we should have. We moved to a plan community where serious care
1407 and effort has been made to maintain the aesthetics and that serve, helps to sustain property
1408 values and create a nice quality of life. And as I see this proposal from my backyard, which is
1409 substantially treed between my yard and the proposed daycare center, this would not be in
1410 keeping with what I bought into when I moved into that neighborhood. If those trailers are
1411 removed, to me it's a no brainer to try to reorient the property to move that building away
1412 from our backyards. In addition to that, I think a buffer needs to be considered and you can
1413 see from the picture right there (referring to photo on the screen) there is probably 50 to 75
1414 feet of trees adjacent to our backyards. And if that can be maintained, then I don't think it
1415 would matter to the neighbors what happens on the other side because we won't be able to see
1416 it. And, I don't think anybody is opposed to a business being there or a daycare center. A
1417 daycare center can be a great asset to the community. But, what I think what we are asking for
1418 is for the applicant to work with the adjacent neighbors because we will be seriously impacted
1419 by the proposal as set forth today and I think it will impact our property values, it will impact
1420 the quality of life, certainly amongst our neighborhood. Another issue to throw out that may

1421 need to be considered is the traffic flow. If anybody is familiar with that area, the access in
1422 and out of that property is not good. And in the morning when there are kids going to school
1423 and buses and people going to work, there is a lot of traffic there. So, what will the impact be
1424 to that? So, just to wrap up, I think we, as the homeowners would appreciate an opportunity to
1425 be able to consider this further and to meet with the applicant. We would invite them to come
1426 out to our properties. They said they have come out there but my property is heavily wooded
1427 so maybe they haven't been in our backyards and I think they need to look at that and hear
1428 what our concerns are and let's see if we can work together to address those concerns and let
1429 them move forward with their business in a way that will be an asset to our community. I'll be
1430 happy to answer any questions and I do have these letters. I have eight copies of each.

1431

1432 Mr. Vanarsdall - We appreciate your input.

1433

1434 Mr. Milkis - Thank you.

1435

1436 Mr. Vanarsdall - I believe that's all. Mr. Johnson, you have some rebuttal time, would
1437 you like to speak?

1438

1439 Mr. Lambert - Mr. Chairman, if I may address a couple of comments to the
1440 homeowners and the Commission as well. My wife and I are also homeowners in Wyndham
1441 so we appreciate the values of living in Wyndham and we understand the concerns as co-
1442 homeowners in the development. I'm not sure where the process may have broken down in
1443 terms of communicating the actual plan of development to the surrounding folks, but my wife
1444 and I, this is the first time we have ever done anything like this. So, we would like to offer
1445 our personal apologies to our neighbors for not communicating this a little bit better and we
1446 would be happy to meet with you guys when it is convenient, and we appreciate the
1447 constructive nature of their comments today and if you have any more questions of us, we will
1448 be happy to try to address them.

1449

1450 Mr. Vanarsdall - Are there any questions by Commission members?

1451

1452 Mr. Silber - Can you provide me your name please?

1453

1454 Mr. Lambert - I'm sorry. I'm Jim Lambert.

1455

1456 Mr. Vanarsdall - The process broke down simply by not recognizing you had neighbors.

1457

1458 Mr. Lambert - We are learning a great deal.

1459

1460 Mr. Vanarsdall - That's all right. We accept your apology. Thank you.

1461

1462 Mr. Silber - Mr. Lambert, the County staff is aware of the sensitivity of this piece of
1463 property in the relationship to the adjoining residential community. We do appreciate you
1464 taking another look at this. We are also aware that there are some traffic implications with the
1465 property because there are medians on both road frontages, which will create some challenges

1466 getting to the property. I think the adjoining property owners needs to be aware of that as
1467 well. But, I certainly appreciate you offering to meet with the neighbors and if necessary
1468 adjust the plans. I think from the County's administrative perspective, we would like to have
1469 adequate time for you to meet with the neighbors. If the plans needs to be adjusted and the
1470 County needs to have time to review those and then react to those adjustments, it would be my
1471 recommendation that this be deferred for four weeks to give us time to do that.

1472

1473 Mr. Johnson - I think at this point, we obviously need to address the issues.

1474

1475 Mr. Marshall - Everybody I talked to they were very reasonable about this and it is a
1476 process and they just want to be able to talk with you about what their concerns are, and I, like
1477 them, didn't find out about some of them until yesterday.

1478

1479 Mr. Johnson - Well, we can beat a dead horse. I mean there was a process that we
1480 went through and they should have gotten the information but they did not get it.

1481

1482 Mr. Marshall - Right. And that's where the system broke down.

1483

1484 Mr. Johnson - And we will apologize for that, but we went through the proper process
1485 that they should have taken care of.

1486

1487 Mr. Marshall - But, it wasn't you fault that they didn't get the notice.

1488

1489 Mr. Johnson - Exactly.

1490

1491 Mrs. Ware - I'm sure the weather slowed things down a little bit too. By the time
1492 they got the letter, the weather went bad. So, hopefully you will be able to meet soon.

1493

1494 Mr. Johnson - Okay.

1495

1496 Mr. Kaechele - However, a plan of development is quite different from the zoning case.
1497 If this was zoning and they required new zoning, all of the neighbors would have been notified
1498 ahead of time and there would have been meeting. They have the right to go there with their
1499 zoning so a plan of development sometimes doesn't get the same attention as if it were a zoning
1500 case. So, this will give you the opportunity to treat it like a zoning case.

1501

1502 Mr. Johnson - Thank you, Mr. Kaechele, we have done this a few times.

1503

1504 Mr. Marshall - With that, I'm going to make a motion to defer this case until February
1505 23 at the request of the Planning Commission, and I also want Mr. Cooper to note the change
1506 on that additional condition for the trailers certificate occupancy versus building permit to
1507 allow the flexibility with the trailers during construction.

1508

1509 Mr. Jernigan - Second.

1510

1511 Mr. Vanarsdall - The motion was made by Mr. Marshall and seconded by Mr. Jernigan.
1512 All in favor say aye...all opposed say nay. The motion passes.

1513

1514 Mr. Marshall - Thank everybody for coming.

1515

1516 The Planning Commission deferred POD-3-05, Rainbow Station @ Wyndham, to its February
1517 23, 2005, meeting.

1518

1519 Mr. Vanarsdall - Before we call the next case, Mr. Secretary, I would like to recognize
1520 Meredith Bonner who came in from the Richmond Times Dispatch a while ago. Thank you for
1521 being here.

1522

1523 **PLAN OF DEVELOPMENT**

1524

POD-4-05 **VHB, Inc. for Best Buy Stores, L.P., Bank of Essex, Riner
Best Buy @ Brook Road - Realty LLC, and RS Brook Road:** Request for approval of a
Brook Road and Technology Park Drive plan of development, as required by Chapter 24, Section 24-
106 of the Henrico County Code, to construct a one-story,
45,000 square foot building, to include a 30,000 square foot
retail use and four additional tenant spaces. The 5.59-acre site
is located at the northeast corner of the intersection of Brook
Road (U.S. Route 1) and Technology Park Drive on parcels
783-768-9476, 783-768-8493 and 783-769-9024. The zoning is
B-3C, Business District (Conditional) and M-1, Light Industrial
District and C-1C, Conservation District (Conditional). County
water and sewer. **(Fairfield)**

1525

1526 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-4-05, Best Buy @
1527 Brook Road, in the Fairfield District? We have opposition. All right. Yes, sir, Mr. Cooper.

1528

1529 Mr. Cooper - As Mr. Secretary pointed out this project is for a proposed Best Buy,
1530 which will also include an additional building for additional retail space connected to it, located
1531 at the corner of Technology Park Drive and Brook Road. This is the former site of the
1532 Reliance Marina. The revised plan was submitted to you this morning for this project, and as
1533 you will notice this plan does address some of staff's original concerns, particularly, the right-
1534 turn-only lane that will now be installed along Brook Road into this development. It also
1535 includes the elimination of the southernmost entrance on Brook Road. These issues now
1536 addressed in the revised plan do satisfy Traffic Engineering and VDOT at this time.

1537

1538 The other outstanding issue we had, in regards to the original plan, pertained to the loading
1539 area or loading dock as it once was at the rear of the retail building. I'm pointing at it now
1540 (referring to photo on the screen). Staff had some concern for the design of the loading dock.
1541 Since that time, we have met with the applicant and they have agreed to work with staff and
1542 meet staff's recommendation and the result of that is what you see in your revised plan today.
1543 In essence, they have reoriented the loading area so that it now faces northernly towards the

1544 Bank of Essex, adjacent to them, and they will also enclose the loading area with a roof
1545 structure, a canopy structure, and will provide a screen wall along the outside edge of the
1546 loading area. This will be similar to the loading area wall that you will see on your plans for
1547 the Best Buy project. So, those were the two large issues we had with the original plan, which
1548 has since been revised in this plan before you this morning.

1549

1550 The other outstanding issues we had were open-space calculations as proffered and some
1551 dumpsters enclosure details. Those have also been provided to staff and are acceptable at this
1552 time. Yesterday afternoon staff did meet with an adjacent property owner. The owner of the
1553 gas station at the corner of J.E.B. Stuart and Brook Road, he is here today to speak with some
1554 of his concerns but briefly I can speak to his general concern as being traffic circulation in this
1555 area and particularly the ability for patrons and delivery trucks from the subject property to be
1556 able to enter and exit through his property. Again, he is here to further discuss those.

1557

1558 Generally speaking though, with the annotations on the revised plan and the conditions set forth
1559 in the agenda, staff can recommend approval of this project. The applicant and their engineer
1560 are here today to answer any questions. And, again, I'll be happy to answer any as well.

1562

1563 Mr. Silber - So, Mr. Cooper, if I understand you correctly, the loading area is
1564 addressed by the screening wall and a canopy.

1565

1566 Mr. Cooper - That's correct and they have also reoriented it. If you will notice, the
1567 design is now projecting the building portion of the retail building that's closest to the Best Buy
1568 as pulled out towards Holly Glen sort of but what that does is reorient the loading area so that
1569 when trucks load and unload it's facing northern as opposed to eastern.

1570

1571 Mr. Silber - Okay. And the purpose for the pavement striping is?

1572

1573 Mr. Cooper- That is to provide a safety measure between the adjacent parking and the
1574 loading area.

1575

1576 Mr. Silber - Thank you.

1577

1578 Mr. Vanarsdall - Are there any questions for Mr. Cooper?

1579

1580 Mr. Archer - Mr. Chairman, Mr. Cooper and I discussed this, what was it yesterday
1581 afternoon, I suppose? I thought we had everything worked out but since that time opposition
1582 has arisen and I don't even know at this point if the applicant has heard about it. Has he Mr.
1583 Cooper?

1584

1585 Mr. Cooper - I did notify the applicant yesterday afternoon by voice mail, and they
1586 informed me this morning that they did receive that concern. We talked about it briefly this
1587 morning and I believe that they might have some of the answers we had in regards to the issues
1588 of access between the three properties and that being, this project today, the adjacent Bank of

1589 Essex to the north and then the gas station just north of the bank.

1590

1591 Mr. Archer - Have we had opposition from the bank, by the way?

1592

1593 Mr. Cooper - No. Actually, the bank is an applicant with this project. A part of the
1594 retail building is on the same parcel.

1595

1596 Mr. Archer - Okay. Well, the applicant is certainly welcome to come forward if they
1597 want to say anything first, but it might be best to hear from the opposition first and then the
1598 applicant can respond, unless, he wants to say something first.

1599

1600 Mr. Vanarsdall - While he's coming down, we have the rules on this. It's 10 minutes for
1601 the applicant and 10 minutes for the opposition, and the applicant can save some rebuttal time.
1602 Are you the applicant?

1603

1604 Mr. Archer - No. This is the opposition. I think we need to hear from the opposition
1605 first.

1606

1607 Mr. Keith - Mr. Chairman and members of the Commission, my name is Jeff Keith,
1608 president of Keith Engineering. And I'm representing Harry, here, who owns the Texaco
1609 Station at this corner location, and amongst some of these other people, I've gotten into just the
1610 last few days because of a number of reasons, the flu and getting over the holidays. But, we
1611 sort of backed into this as far as what we call opposition. With Harry owning this property,
1612 here (referring to screen) we looked at what traffic pattern, which we should have, a good
1613 traffic pattern using tractor trailer trucks, and there is nothing in any of the restrictions or
1614 written material that tells you the size trucks are to be used and the times that they can come
1615 and go or any restrictions. But, when I eyeballed it, it looked like a... I don't know how they
1616 could get out of the Best Buy lot with a tractor trailer, and I have this overlay on the same scale
1617 as the Best Buy that we use for traffic. And essentially from what I concluded in my short
1618 look, there's no way a tractor trailer can get out of the lot without going over to the bank.
1619 Now even at the bank there are some tight restrictions and of course the best opportunity would
1620 be to go right straight through to that J.E.B. Stuart Parkway. That would be a straight shot out
1621 of that loading dock. Otherwise, they have got a pretty congested area in there and nothing in
1622 the traffic pattern or anything says what they are going to do with tractor trailers. And,
1623 according to the documents, Harry, here, who owns the Superstar Station, he has an agreement
1624 with the bank and the bank people use this road in the back of his lot, right there. They use
1625 that road to exit from the bank onto J.E.B. Stuart Parkway instead of going out on Highway 1
1626 and then come back again and go on over to Virginia Commons. And, this is an agreement
1627 with him because it's just an occasional car use, but when they get into this, if these people are
1628 thinking, then there would be lots of traffic that might use this and we don't have any guidance
1629 to this to what they want to do with this. It is not an adjacent lot, but it is essentially adjacent
1630 because they might have to come through there to get a tractor trailer out of there, eventually.
1631 We have been trying for about four years to get a POD approval and this Commission just
1632 approved that for him for 4,000 square feet and we are 4,500 that we are putting here
1633 (referring to screen). One of the reasons they gave for turning him down was that he was

1634 he was overbuilding. I mean, if anything is overbuilt, it sits right here (referring to screen) the
1635 Best Buy. Another one, they had their traffic pattern inside the service station where cars
1636 would go and we were sort of severely criticized by what traffic pattern he had to get around
1637 his proposed buildings. And it weren't that many tractor trailers. And there are some revisions
1638 that came to these things; of course, we didn't get to look at. We would like to be one hundred
1639 percent sure that they don't have to come back and ever ask him to use this road across through
1640 here (referring to screen) and if they would they would have to compensate him for it. And
1641 there's nothing in this POD on that end. I don't know that the bank understands that these
1642 tractor trailers will have to go out through bank through the ATM machine lines or what they
1643 do. And then when we talked to the traffic engineer, he hadn't really given it that much
1644 thought yesterday and that's why I think we need to spend a little more time looking at what
1645 they are doing inside and if they have to take off part of their building to give them a good road
1646 out for the tractor trailer, then you are right, they are overbuilt.

1647

1648 Mr. Archer - Mr. Keith, when were you all notified of this plan of development?
1649 When did you discover it?

1650

1651 Mr. Keith - They were notified about a week or so ago and then I was notified about
1652 three days ago. No one came around and knocked on the door or anything. There were no
1653 signs put up.

1654

1655 Mr. Archer - Well, we don't generally knock on the door.

1656

1657 Mr. Keith - Right, I know, I'm just saying in this particular case, we spent a lot of
1658 time here with the Commission.

1659

1660 Mr. Vanarsdall - No, we don't put up sign for these things, you know that.

1661

1662 Mr. Keith - Right, I understand that.

1663

1664 Mr. Vanarsdall - That's the reason I thought you were the applicant. I've never seen you
1665 on the other side.

1666

1667 Mr. Archer - It's Mr. Pradhan, I believe it is, is it not?

1668

1669 Mr. Keith - Yes.

1670

1671 Mr. Archer - He's referred to as Harry. At this point in time, I suppose we need to
1672 give the applicant an opportunity to respond to this and then we can see what suggestion we
1673 can make after we hear that. And bear in mind that the two cases, the one you spoke of
1674 earlier, are really not related in that regard but this is an issue I think we need to look at. So,
1675 let's give the applicant an opportunity to respond to it.

1676

1677 Mr. Silber - Mr. Archer, I think it might be also appropriate, after the applicant
1678 speaks; we also have the assistant traffic engineer here that may want to respond to this.

1679

1680 Mr. Pradhan - I'm also in opposition as well. I actually own the lots directly behind the
1681 Best Buy. My name is Jeff Pradhan.

1682

1683 Mr. Vanarsdall - Would you state your name, please?

1684

1685 Mr. Pradhan - Jeff Pradhan. I own the two lots, if you are looking at the maps there,
1686 they are directly behind the Best Buy and I think they are the most greatly impacted by this
1687 proposed POD. You are talking about a lot of commercial activity and like Mr. Keith said, not
1688 really distinguishing when the hours of operation is going to be, especially for loading and
1689 unload semi-tractor trailers, y'all are talking about a huge building it's going to be right there
1690 in my back yard. It's not only going to diminish the property value of the house that I have
1691 there in the first lot but also it's going to greatly diminish the property and opportunity as to
1692 what I can do with the second lot that's in the back that's now pretty much being completely in-
1693 locked by commercial zone area and has no access to roads. So, I'm in opposition to this as
1694 well.

1695

1696 Mr. Archer - What is your name again, Sir?

1697

1698 Mr. Pradhan - Jeff Pradhan.

1699

1700 Mr. Archer - Oh, you are Jeff Pradhan?

1701

1702 Mr. Pradhan - Yes.

1703

1704 Mr. Archer - Are you related to Mr. Pradhan?

1705

1706 Mr. Pradhan - I'm his son.

1707

1708 Mr. Archer - Okay. Now the two lots that you are referring to, are they on Ethelwood
1709 Road?

1710

1711 Mr. Pradhan - Yes, sir.

1712

1713 Mrs. Ware - Can you point them out on the map?

1714

1715 Mr. Pradhan - Yes, I can.

1716

1717 Mr. Archer - One has a house on it and the other one behind it?

1718

1719 Mr. Pradhan - This is the house and this is the empty lot, right there (referring to map
1720 on the screen).

1721

1722 Mr. Marshall - So, you can provide access to your lot through your lot with an
1723 easement?

1724

1725 Mr. Pradhan - Yes, that's probably a possibility.

1726

1727 Mr. Jernigan - But, you are landlocked now?

1728

1729 Mr. Pradhan - Yes.

1730

1731 Mrs. Ware - The back one.

1732

1733 Mr. Pradhan - The back one.

1734

1735 Mr. Marshall - See he can give an easement down the side.

1736

1737 Mr. Jernigan - Right. You'd have to give an easement through your front lot.

1738

1739 Mr. Kaechele - Has that always been two lots?

1740

1741 Mr. Pradhan, Sr. - The first lot is his lot and the second one is (unintelligible) lot.

1742

1743 Mr. Jernigan - The second is whose?

1744

1745 Mr. Pradhan, Sr. - His brother's lot.

1746

1747 Mr. Jernigan - What Mr. Kaechele asked is, was that one lot that was split or was it two

1748 separate lots.

1749

1750 Mr. Marshall - A family subdivision.

1751

1752 Mr. Pradhan - It was two separate lots.

1753

1754 Mr. Archer - Was it always two separate lots?

1755

1756 Mr. Pradhan - Yes.

1757

1758 Mr. Silber - I think one thing that we may need to point out is that it may not meet the

1759 zoning requirements. All public lots need to have public road frontage. I don't see that that

1760 has public road frontage, so it might have been split and it may not meet the zoning

1761 requirements and it may not be able to be built on.

1762

1763 Mr. Kaechele - Yes. All the rest of those lots run all the way back.

1764

1765 Mr. Archer - How long have you owned those lots Mr. Pradhan?

1766

1767 Mr. Pradhan - Since December 2004.

1768

1769 Mr. Archer - Oh, okay, I thought it must have been fairly recently because there were
1770 only 14 lots on Ethelwood Road, as I recall over the years. Okay. Thank you. Mr. Cooper,
1771 do you have something you want to say?

1772

1773 Mr. Cooper - Mr. Silber, I just want to reference. Those were two lots with the
1774 original Holly Glen subdivision. Ethelwood, as it makes a 90 degree turn, coming off of
1775 J.E.B. Stuart Parkway, with the original subdivision, was intended to connect through, but as
1776 development occurred and rezoning occurred, that portion of Ethelwood was actually vacated,
1777 which is what's left that rear parcel to be landlocked.

1778

1779 Mr. Silber - So, it had public road frontage when the subdivision went to record?

1780

1781 Mr. Cooper - Yes, sir, that is correct.

1782

1783 Mr. Silber - That road frontage right-of-way was vacated?

1784

1785 Mr. Cooper - Yes, sir.

1786

1787 Mr. Silber - And I guess it was vacated at someone's request.

1788

1789 Mr. Cooper Correct. Yes, with some rezonings, in regard to commercial and also in
1790 regard to that there is some conservation zoning along that property line that was also
1791 designated at that time as well.

1792

1793 Mr. Silber - Yes. I can see the C-1C zoning that runs along the western boundary.

1794

1795 Mr. Cooper - That's correct.

1796

1797 Mrs. Ware - Do you have a picture of what the lot looks like now?

1798

1799 Mr. Cooper - Yes, ma'am (he places picture on the screen).

1800

1801 Mrs. Ware - Thank you.

1802

1803 Mr. Cooper - Sure.

1804

1805 Mr. Vanarsdall - All right. Mr. Archer, what do you want to do?

1806

1807 Mr. Archer - We need to hear from the applicant.

1808

1809 Mr. Moore - Mr. Chairman, members of the Commission, my name is Glen Moore
1810 and I'm here this morning on behalf of Ross Sterner. I'm his principal... A&N stores is one of
1811 the applicants and has actually purchased a piece of the property that was owned by Bank of
1812 Essex from them and that's the reason they are in agreement with this. I want to point out,
1813 first of all, the last speaker's comments that right now, as you can see, that property is

1814 developed with the Old Reliance Marina Store. It was a boat sales facility. It was clearly a
1815 commercial use. I think this would be a significant upgrading of the property. This gentleman
1816 bought his property in December 2004 clearly knew that was a commercial area and that
1817 commercial development would likely occur.

1818

1819 With respect to the access drive, we feel like the access drive that we have shown on this plan
1820 of development will greatly enhance the movement of traffic between J.E.B. Stuart Parkway
1821 and Technology Park Drive for the benefit of all of the commercial development on the east
1822 side of Brook Road between those two streets. I would also point out to you that there are
1823 cross access easements agreements in place and they were done eight or nine years ago that
1824 would allow the drive to be generally extended as shown on this plan. And, I think Mr.
1825 Keith's client was probably a participant in those agreements, or certainly his predecessor was.
1826 There are recorded documents.

1827

1828 Let me say this. To the extent that there is any prohibition or did the documents don't permit
1829 trucks from property all the way to the south to go through his property, they won't be allowed
1830 to do so. We will be able to get truck traffic in and out of this property out to Route 1, if
1831 that's what needs to be done, legally, without going through his property. But, we believe we
1832 have the right to go through that property and I think it would be better for trucks coming to
1833 his, trucks and cars coming to his property as well to be served by this access drive. I'll be
1834 happy to answer any questions that the Commission members may have.

1835

1836 Mr. Vanarsdall - Are there any questions for Mr. Moore?

1837

1838 Mr. Archer - Mr. Moore, would you happen to have any of those documents with
1839 you?

1840

1841 Mr. Vanarsdall - Let me ask the two gentlemen there in the aisle. Who are you waiting
1842 for?

1843

1844 Man In Aud. - We are from Best Buy.

1845

1846 Mr. Archer - They are all together. They are the applicants.

1847

1848 Mr. Vanarsdall - Okay.

1849

1850 Mr. Moore - This is one of them.

1851

1852 Mr. Archer - Can you just point out for us the section in there that, so that we all don't
1853 have to read it individually?

1854

1855 Mr. Marshall - There's standard cross access easements?

1856

1857 Mr. Moore - They are pretty standard, yes. I don't know if there is such a thing as a
1858 standard one but this is pretty close.

1859

1860 Mr. Marshall - I mean, you either have a cross access easement or you don't.

1861

1862 Mr. Moore - In Section 3.1 of this document, no 2.1 excuse me, that deals with cross
1863 access. Basically, this document would relate to the Bank of Essex property and to the Texaco
1864 property. There is another one, which I don't have, that also includes the Reliance Marina
1865 property. I'll be happy to give these to you all.

1866

1867 Mr. Archer - Thank you, sir.

1868

1869 Mr. Marshall - Maybe Mr. Jennings knows something about this.

1870

1871 Mr. Silber - I think it would be appropriate to hear from the assistant traffic engineer.
1872 I think that, obviously, there are some advantages to all the properties here as far as some
1873 access abilities. I personally think and, Mr. Jennings can elaborate on this, but I think there
1874 are some advantages to even the two existing developed properties to the north would have the
1875 ability to get through property to get out to Technology Park Drive but then would get them to
1876 a crossover on Route One. I think there is some advantage to that as well.

1877

1878 Mr. Jennings - Yes, sir, Mr. Silber. I wasn't aware of any concerns with this....

1879

1880 Mr. Vanarsdall - Do you want to give your name, Mike?

1881

1882 Mr. Jennings - Oh, Michael Jennings, assistant traffic engineer. How are y'all doing?
1883 Until yesterday afternoon around four o'clock I wasn't aware of any concerns about any cross
1884 access through this property. For the flow of trucks through there, I know those... not about
1885 trucks particularly, but I know traffic was intended to flow through that access from the very
1886 beginning of this strip between Technology Park Drive and J.E.B. Stuart Parkway. And, I
1887 know at staff/developer they said there were some cross access agreements in place and that is
1888 the last that I heard. And if they would like to restrict trucks, they can look at designing Best
1889 Buy to make sure that trucks can exit out of their property without going through this access.
1890 As far as I am aware of, the connection between these two major roads, two roads were always
1891 intended.

1892

1893 Mr. Archer - Mr. Jennings, the applicant has stated that they would be able to do that,
1894 that they could get trucks to circulate in that property? In your opinion, is that something that
1895 could be doable base on the current plan that we have here?

1896

1897 Mr. Jennings - I didn't look at that very closely because it wasn't an issue.

1898

1899 Mr. Archer - And also I believe the applicant is saying that, and he can correct me if I
1900 am wrong, that they oppose to any traffic coming through that property.

1901

1902 Mr. Jennings - Do you mean the applicant or the opposition?

1903

1904 Mr. Archer - I'm sorry, I mean the opposition, not the applicant.
1905

1906 Mr. Jennings - I know that that access drive was always intended to go through there.
1907 Until yesterday afternoon, I wasn't aware of any of his concerns about traffic coming through
1908 that access drive.
1909

1910 Mr. Marshall - From a traffic engineering standpoint, do you think that is the best way
1911 for circulation?
1912

1913 Mr. Jennings - I think it is an alternative that works very well, yes. I mean, if they have
1914 got other means of getting out and, of course, all of the traffic is not going to go through there.
1915 There access out to Route 1, back onto Technology Park Drive and some traffic will go
1916 through the bank to get to Route 1.
1917

1918 Mr. Archer - Well, I think one of the major things we have to deal with... Mr. Moore
1919 just gave us some copies of some agreements and I think... Mr. Secretary, don't we need to
1920 study those to see what is applicable to what they have here?
1921

1922 Mr. Silber - Yes, sir. We can study them and upon quick review they seem to be
1923 fairly binding. It looks like there is a cross access agreement between all three parcels, but we
1924 can look at that closer, yes, sir.
1925

1926 Mr. Archer - Okay. As much as I know you all, the applicant has worked out a lot of
1927 things with staff, and as of yesterday morning, I thought we were ready to go with this but this
1928 has shed new light on this, Mr. Moore, and I think you probably need to defer it until staff has
1929 had a chance to review these cross access agreements and to discuss them with the opposition
1930 also.
1931

1932 Mr. Moore - Mr. Archer, certainly we understand if you feel that it must be deferred,
1933 but I was wondering if the Commission will consider just deferring this for two weeks, to
1934 allow us to try to work this out.
1935

1936 Mr. Archer - I think we could probably read them within two weeks.
1937

1938 Mr. Vanarsdall - That's up to you. If you want two weeks, you can get two weeks.
1939

1940 Mr. Moore - That's what we would like.
1941

1942 Mr. Archer - That sounds reasonable.
1943

1944 Mr. Silber - Mr. Archer, do you want to hear from the other two that were going to
1945 speak on behalf of the development?
1946

1947 Mr. Marshall - I think the issue is just the easement.
1948

1949 Mr. Archer - Yes, if you want to speak, sir, it's fine with me. Who did I talk to
1950 yesterday morning? Are you here? Oh, how are you, sir. You understand that at the time we
1951 spoke this issue had not come up. We were not aware of it. But the cross access agreements,
1952 if they are legal and binding they certainly would have right much of an impact on this and I
1953 hope that the opposition understands that also. Do you have copies of those, sir, Mr. Keith?

1954

1955 Mr. Keith - The thing I wanted to say was, really, we looked it over and his attorney
1956 is doing a review of that right now because it's not anywhere close to the intention and I'm not
1957 sure that.... It's between him and the bank, we are sure of that, but when you throw in the next
1958 piece of property, we are not sure of that.

1959

1960 Mr. Archer - So, his attorney is reviewing them now, also?

1961

1962 Mr. Keith - Yes he is.

1963

1964 Mr. Archer - So, you all haven't had a chance to come up with a conclusion either?

1965

1966 Mr. Keith - No, we don't have a conclusion, the same as you. But, the other thing
1967 is, from an engineering standpoint, I would really like to see what kind of traffic flow, how
1968 you can get these large tractor trailers in and out with what they have right now.

1969

1970 Mr. Archer - Well, the applicants said they can do it, so we will have to give him a
1971 chance to show us that he can and we also need to review these agreements.

1972

1973 Mr. Keith - There are several things that could be done and I would just like to be
1974 assured of that so that if things go to the place and the tractor trailer drivers decide that that's
1975 too hard for them to get around the pattern they give him, they will start shooting across there.

1976

1977 Mr. Vanarsdall - Well, I think you have made up your mind that you want to defer it for
1978 two weeks.

1979

1980 Mr. Archer - Yes, we do. I don't think that there is too much more that we can
1981 discuss until we look at these access agreements and we can't do it today. And, obviously, you
1982 all haven't had a chance to review them either.

1983

1984 Mr. Keith - Right.

1985

1986 Mr. Archer - So, we'll defer it for two weeks, is that okay, Mr. Moore?

1987

1988 Mr. Vanarsdall - That will be the 10th of February.

1989

1990 Mr. Archer - That is an evening, the zoning meeting. Mr. Cooper, do you want to say
1991 something?

1992 Mr. Cooper - I just want to add one more point for Mr. Pradhan benefit in regards to
1993 the servicing of dumpsters. The retail building portion of this project falls under proffers that

1994 limit the hours of dumpster loading and unloading to 6:00 a.m. to 6:00 p.m. So, we are
1995 covered by that and perhaps the applicant for the Best Buy portion would be willing to agree to
1996 the same conditions in regards to dumpster and loading and unloading just to make it even for
1997 both and help to alleviate some of the noise.

1998

1999 Mr. Archer - Mr. Moore, would you note that please, sir. Thank you. All right, Mr.
2000 Pradhan, thank you for coming.

2001

2002 Mr. Vanarsdall - All right, Mr. Archer.

2003

2004 Mr. Archer - I move to defer at the applicant request to the February 10 meeting.

2005

2006 Mr. Jernigan - Second.

2007

2008 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Jernigan.

2009 All in favor say aye...all opposed say nay. The motion passes.

2010

2011 At the request of the applicant, the Planning Commission deferred POD-4-05, Best Buy @
2012 Brook Road, to its February 10, 2005, meeting.

2013

2014 Mr. Vanarsdall - The Commission will take a break. We are about half way through.

2015

2016 **THE PLANNING COMMISSION TOOK A BREAK AT THIS TIME AND THEN**
2017 **RECONVENED.**

2018

2019 Mr. Vanarsdall - The Commission will now reconvene.

2020

2021 Mr. Silber - The next case is on Page 21 of your Agenda.

2022

2023 **PLAN OF DEVELOPMENT MASTER PLAN**

2024

POD-8-05
Willow Lawn
Re-Development Phase 2
(POD-63-04 Revised)

VHB, Inc. for Federal Realty Investment Trust: Request for approval of a revised plan of development master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to redevelop an existing shopping center and retail strip center including demolition of a 47,250 square foot section of the existing shopping center, two additions totaling 19,550 square feet to the retail strip center, a 12,000 square foot addition to the shopping center and the addition of three out parcels. The sum total of all the proposed additions is 49,550 square feet. The 37.25-acre site is located at 1601 Willow Lawn Drive at the southeast corner of W. Broad Street (U.S. Route 250) and Willow Lawn Drive on part of parcels 773-736-2918 and 773-736-6272. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

2025

2026 Mr. Vanarsdall - Is anyone in the audience in opposition to this case in the Brookland
2027 District? No opposition. Good morning.

2028

2029 Mr. Kennedy - The Shoppes at Willow Lawn Redevelopment Plan, Phase 2, is a
2030 proposed master plan for long-term revitalization of this regional shopping center. It was built
2031 in 1958 and was enclosed in 1984.

2032

2033 The proposed master plan is a revision to the short-term revitalization plan that was approved
2034 by the Planning Commission in July of 2004. The earlier plan divided an existing retail strip
2035 center from the shopping center parcel for financing and other purposes. That plan also
2036 authorized a small addition would be added to the retail strip center as well as three out
2037 parcels, an out parcel bank along West Broad Street (US Route 250) and two other out parcels
2038 along Willow Lawn Drive.

2039

2040 In addition to the previously approved modifications to the shopping center's master plan, the
2041 proposed plan contemplates demolition and reconstruction of a portion of the mall facing West
2042 Broad Street. A 12,000 square foot addition would be added to the rear of the anchor tenant
2043 space, and a second 17, 000 square foot addition would be added to the strip retail center.
2044 Prospective tenants for the vacant existing and proposed portions of the Center have been
2045 identified by the Mall's operating agent. They are currently working out lease details with
2046 several prospective tenants. They are real excited about what is going on. The long-term
2047 objective is to give the major tenant frontage on West Broad Street so they would have more
2048 visibility. So that way, the anchor would have visibility from Broad Street as opposed to being
2049 hidden behind the existing mall now.

2050

2051 The master plan would be implemented by administrative Plans of Development, which would
2052 not require any further action by the Planning Commission.

2053

2054 The proposed plan would attract additional interest in the property and is viewed by staff as a
2055 reasonable long-term plan for the revitalization of this community asset.

2056 The plan provides a framework for construction plans implementing the master plan to address
2057 the County's development standards.

2058

2059 Approval is therefore recommended.

2060

2061 The engineer and the developer are present and are both available to answer any questions.

2062

2063 Mr. Vanarsdall - Any questions for Mr. Kennedy by Commission members? I don't need
2064 to hear from the applicant to give any kind of a presentation or run down of what we are
2065 doing, but I would like for Alex to come down as there are several people back there from the
2066 realty company.

2067

2068 Alex Englance - Nice to be here. I am Alex Englance, the Managing Director of
2069 Development for Federal Realty Investment Trust, and I just want to say on behalf of Federal

2070 Realty that we are very excited about what is happening in the entire Willow Lawn area. The
2071 work of Mr. Glover, John Marlles, Randy Silber, all of the people that have been focusing on
2072 that enterprise zone, there is a lot going on. We are very happy to be part of that
2073 revitalization, with what is being done with our center, and also, I just want to thank the staff
2074 for the past several past years. We have gone and looked at a lot different (unintelligible) of
2075 what we could do with the center, and the staff has been extremely professional. We work all
2076 over the country and you have a very good professional staff that gives excellent
2077 recommendations and guidance to us, and we look forward to working with them during the
2078 next year, so, again, thank you very much for all of your help and we are very excited about
2079 what is happening to this whole area. Thank you.

2080

2081 Mr. Vanarsdall - Thank you. We are glad to have you. The Blue-Cross Blue-
2082 Shield/Anthem headquarters is going to be right down the street, and as soon as they finish,
2083 they are going to move everybody in the whole Metropolitan area into there. John Marlles,
2084 who is in the audience this morning, and he has been working on things with a group of people
2085 at the corner of Willow Lawn and Broad Street, so a lot of good things are coming, and we are
2086 very excited about getting Willow Lawn back like it should be, and thank you all for your
2087 efforts. If there are no more questions, I will make a motion to approve POD-8-05, Willow
2088 Lawn Redevelopment, Phase 2, with the annotations on the plans, standard conditions for
2089 developments of this type, and the following conditions No. 23 through 30.

2090

2091 Mr. Marshall - Second.

2092

2093 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in
2094 favor say aye. All opposed say no. The motion passes.

2095

2096 The Planning Commission approved POD-8-05, Willow Lawn Redevelopment, Phase 2,
2097 subject to the annotations on the plans, the standard conditions attached to these minutes for
2098 developments of this type, and the following additional conditions:

2099

2100 23. Only retail business establishments permitted in a B-2 zone may be located in this center.

2101 24. No merchandise shall be displayed or stored outside of the building(s) or on
2102 sidewalk(s).

2103 25. The easements for drainage and utilities as shown on approved plans shall be granted to
2104 the County in a form acceptable to the County Attorney prior to any occupancy permits
2105 being issued. The easement plats and any other required information shall be submitted
2106 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2107 permits.

2108 26. The developer shall provide fire hydrants as required by the Department of Public
2109 Utilities and Division of Fire.

- 2110 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
 2111 form acceptable to the County Attorney prior to final approval of the construction
 2112 plans.
- 2113 28. Insurance Services Office (ISO) calculations must be included with the plans and
 2114 contracts and must be approved by the Department of Public Utilities prior to the
 2115 issuance of a building permit.
- 2116 29. The conceptual master plan, as submitted with this application, is for planning and
 2117 information purposes only. All subsequent detailed plans of development and
 2118 construction plans needed to implement this conceptual plan may be administratively
 2119 reviewed and approved and shall be subject to all regulations in effect at the time such
 2120 subsequent plans are submitted for review/approval.
- 2121 30. The location of all existing and proposed utility and mechanical equipment (including
 2122 HVAC units, electric meters, junction and accessory boxes, transformers, and
 2123 generators) shall be identified on the landscape plans. All equipment shall be screened
 2124 by such measures as determined appropriate by the Director of Planning or the Planning
 2125 Commission at the time of plan approval.

2126
 2127 **PLAN OF DEVELOPMENT**

2128

POD-82-04
 Family Dollar
 421 Laburnum Avenue

Michael D. Hunkler, P.E. for Alan Waserstein, Lease Florida, Inc. and The Hutton Company: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 8,000 square foot retail building. The 0.72-acre site is located at 421 E. Laburnum Avenue at the southwest corner of the intersection of E. Laburnum Avenue and Waddey Street on parcel 794-738-0040. The zoning is B-1, Business District. County water and sewer. **(Fairfield)**

2129

2130 Mr. Vanarsdall - Mr. McGarry.

2131

2132 Mr. McGarry - Good morning, Mr. Chairman, and members of the Commission.

2133

2134 Mr. Vanarsdall - Is there any opposition to Family Dollar, POD-82-04? No opposition.

2135

2136 Mr. McGarry- The site is an abandoned vandalized service station on a very small
 2137 shallow parcel near Essex Village. Staff feels the neighborhood could greatly benefit from the
 2138 redevelopment of this site. The applicant has agreed to a number of things and we have agreed
 2139 to a number of things, too. They have agreed to a standard sized walk along the Laburnum
 2140 Avenue frontage, plus a 6-foot masonry wall fronting the neighborhood behind the site. The
 2141 raised landscape island waiver that was requested has been granted and this helps the site
 2142 function. The 18-foot access isle that is on the Waddy Street side of the site has been widened
 2143 to 20 feet at the request of the Fire Marshall. The building materials show metal panels, and
 2144 Condition No. 29 requires building walls to be brick, split-faced CMU, or perhaps something
 2145 permanent like Hardiplank.

2146 When the case was reviewed as a preliminary, the shallow lot width and depth prevented
2147 meeting the rear-yard setback and meeting the full landscape area requirement. The applicant
2148 requested and the BZA granted a rear-yard setback variance. The applicant was told the
2149 Commission would grant the landscape area reduction. That was not correct, but nonetheless,
2150 we will honor that piece of information. As a result of that, the staff can recommend to the
2151 Planning Commission that you all grant a waiver for the three landscaped areas required. The
2152 waiver would allow a 2-1/2 foot buffer along Laburnum, 6-3/4 foot landscape buffer along
2153 Waddy Avenue, and a 4-foot landscape buffer along the western property line. Staff can
2154 recommend approval subject to standard conditions for developments of this type and the
2155 following conditional conditions No. 23 through 29. I'd be happy to answer any questions.

2156

2157 Mr. Vanarsdall - Any questions for Mr. McGarry?

2158

2159 Mr. Archer - Mr. McGarry, there is a wooden fence behind that lot. Is that included in
2160 this plan or does that belong to one of the adjacent neighbors?

2161

2162 Mr. McGarry - I don't remember the wooden fence. Let me see if it shows up on the
2163 aerial for us. You really cannot tell from the aerial.

2164

2165 Mrs. Ware - Is it along that area, Mr. Archer, behind it where the house sets?

2166

2167 Mr. Archer - Well,

2168

2169 Mr. McGarry - Based on the plan, it appears there is an existing wooden fence. There
2170 was an alley here between this property and the residential neighborhood behind. This area
2171 was all platted originally as lots with an alley. That alley has since been vacated, so each of
2172 the abutting property owners received half of the alley, and based on what I see on their plan
2173 there, it appears that it shows a solid screen wall at that location. I am sorry. I don't know the
2174 answer.

2175

2176 Mr. Silber - But your concern, since there is going to be a solid wall, is your concern
2177 that you question whether the fence would remain or not?

2178

2179 Mr. Archer - Well, I was just curious as to whether or not it was on this property or
2180 on one of the adjacent properties. I saw it last night. It is not in such a good state of repair.

2181

2182 Mr. Silber - Well, I think if it is on the subject property, we would ask that it be
2183 removed and replaced with the wall. The applicant looks as though they may have some
2184 information.

2185

2186 Ms. Jennifer Greer - It is not. We would take that down and replace it with a new fence.

2187

2188 Mr. Archer - So it is on the site, then?

2189 Ms. Greer - Yes. The property owner behind us had come to the BZA meeting he
2190 just wanted to verify, the reason he showed up was to make sure that we were going to put up
2191 some type of screening.

2192

2193 Mr. Archer - That is fine. I was just curious as to whether or not it was not on the
2194 property and we'd end up with two fences back there, but that is all I need to know.

2195

2196 Mr. Silber - That is a good question. We do not want two fences.

2197

2198 Mr. Vanarsdall - All right. No more questions.

2199

2200 Mr. Archer - So, Mr. McGarry, the things that were stated in the informative
2201 paragraph here have been met as best as we can do at this point. Is that correct?

2202

2203 Mr. McGarry - That is correct. The applicant has given on some things we wanted and
2204 we have been similarly accommodating on our side. The only thing that you all have to do is
2205 be agreeable to accepting the more narrow landscape buffers along the three property lines.

2206

2207 Mr. Archer - OK. I would like to ask the applicant just a couple of questions, and then
2208 I think that we can move on. Is there an expanded Family Dollar Store planned?

2209

2210 Ms. Greer - Yes.

2211

2212 Mr. Archer - Does this fit in it or would you have to modify it to make it smaller?

2213

2214 Ms. Greer - Yes, this building is smaller than their standard prototype.

2215

2216 Mr. Archer - OK.

2217

2218 Ms. Greer - We actually had to make it smaller and change the preferred dimensions
2219 of it, also.

2220

2221 Mr. Archer - I understand. It is a very tight sight. That is all I need to ask unless
2222 somebody else has some questions.

2223

2224 Mr. Vanarsdall - Does anybody else have any questions? OK, thank you.

2225

2226 Mr. Archer - Mr. Chairman, I am sure both of you are familiar with that site that is
2227 near the race track and it is just as it is described in the staff report, an abandoned vandalized
2228 service station on a small parcel, and anything that could go there would be an asset to the
2229 community and would certainly be a big improvement over what is there. Do we have to make
2230 any special motion?

2231

2232 Mr. Silber- No, sir.

2233

2234 Mr. Archer - With that I will move for approval of POD-82-04 subject to the standard
2235 conditions for developments of this type and added conditions Nos. 23 through 29.

2236

2237 Mr. Jernigan - Second.

2238

2239 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
2240 say aye. All opposed say no. The motion passes.

2241

2242 The Planning Commission approved POD-82-04, Family Dollar, 421 Laburnum Avenue,
2243 subject to the annotations on the plans, the standard conditions attached to these minutes for
2244 developments of this type and the following additional conditions:

2245

2246 23. The developer shall provide fire hydrants as required by the Department of Public
2247 Utilities and Division of Fire.

2248 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2249 form acceptable to the County Attorney prior to final approval of the construction
2250 plans.

2251 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
2252 approved by the County Engineer prior to final approval of the construction plans by
2253 the Department of Public Works.

2254 26. Insurance Services Office (ISO) calculations must be included with the plans and
2255 contracts and must be approved by the Department of Public Utilities prior to the
2256 issuance of a building permit.

2257 27. Approval of the construction plans by the Department of Public Works does not
2258 establish the curb and gutter elevations along the Henrico County maintained right-of-
2259 way. The elevations will be set by Henrico County.

2260 28. The location of all existing and proposed utility and mechanical equipment (including
2261 HVAC units, electric meters, junction and accessory boxes, transformers, and
2262 generators) shall be identified on the landscape plans. All equipment shall be screened
2263 by such measures as determined appropriate by the Director of Planning or the Planning
2264 Commission at the time of plan approval.

2265 Commission at the time of plan approval.

2266 29. Provide exterior walls of brick or split faced integral color CMU.

2267 **PLAN OF DEVELOPMENT**

2268

POD-5-05
Grayson Hill, Section 1 - Patterson Avenue and Gaskins Road

E. D. Lewis & Associates, P.C. for Gaskins Centre, LC:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 50, two and three-story townhouses units for sale with a club house and swimming pool. The 14.836-acre site is located on the southeast corner of Patterson Avenue (State Route 6) and Gaskins Road on parcels 745-741-0907 (part), 745-740-9892 (part) and 746-741-3665. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Tuckahoe)**

2269

2270 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, Grayson Hill,
2271 Section 1, in Tuckahoe? No opposition. Good morning, Mr. Wilhite.

2272

2273 Mr. Wilhite - Good morning. We have the first section and the first 50 lots of a 220-
2274 lot townhouse development. Being handed out to you is a revised site plan, some additional
2275 original staff annotations that were not in your packet, and some revised architectural plans.
2276 Staff looked at the revised site plan and with a few annotations we can recommend approval,
2277 one dealing with the treatment of the 50 ft. proffered buffer at the bottom right-hand corner of
2278 the site. This has been moved off of the Patterson Avenue right of way as it was shown on the
2279 zoning exhibits. There is anticipation that due to road construction, there will be grading
2280 within this area and also relocation of a power line that is going to require the buffer to be
2281 moved. The final location of this buffer has not been determined yet. It will be determined
2282 with the construction plans. Especially the site plan has been revised to remove some lots that
2283 were originally shown in the proffered buffer along the eastern property line. That has been
2284 moved out. Also due to the architectural design of the units, there are some architectural
2285 features or projections that were going to have some setback problems, and a number of the
2286 lots have been enlarged as far as the rear and front yards to accommodate some of those
2287 changes. The revised architecturals, representative examples of the elevations are included in
2288 the packet as well. We were in a position as to go forward with approval of the architecturals
2289 as well at this point, however, the applicant has just indicated to us that he prefers to defer
2290 those for 30 days and just go ahead with site plan approval at this point. They are looking at
2291 some alternative treatments that would require specific Planning Commission approval. They
2292 would like to defer the architecturals if the Commission is willing to do that. At this point,
2293 staff is in a position to recommend approval of the revised plan that you have in your packet
2294 and I will be happy to answer any questions that you have.

2295

2296 Mr. Vanarsdall - Any questions of Mr. Wilhite by Commission members?

2297

2298 Mr. Jernigan - Mr. Wilhite, let me ask you. Is that going to make them better than what
2299 these elevations are here?

2300

2301 Mr. Wilhite - Well, we shall see.

2302 Mr. Silber - Mr. Wilhite, this is only for Section 1. Is that correct?
2303

2304 Mr. Wilhite - That is right, 50 lots.
2305

2306 Mr. Vanarsdall - Any more questions? I will entertain a motion.
2307

2308 Mrs. Ware - You want to move on? OK. I do know that as we move to Phase 2 there
2309 will be some discussion as far as alleys and some issues that are specific to this case, and Mr.
2310 Theobald indicated he would be working through to make sure that they were well addressed if
2311 we move forward. Do I need to say anything about the architectural treatments not being
2312 entertained within this?
2313

2314 Mr. Silber - I think that needs to be a part of your motion. Yes, ma'am.
2315

2316 Mrs. Ware - Then I will move that POD-5-05, Grayson Hill, Section 1 – Patterson
2317 Avenue and Gaskins Road, be approved subject to the standard conditions for development of
2318 this site the added conditional conditions No. 9 and 11 Amended and No. 23 through 38, and
2319 this is for the site plan only.
2320

2321 The architectural elevations will come back to the Commission on February 23.
2322

2323 Mr. Vanarsdall - Motion made by Mrs. Ware and seconded by Mr. Jernigan. All in favor
2324 say aye. All opposed say no. The motion passes.
2325

2326 The Planning Commission approved POD-5-05, Grayson Hill, Section 1 – Patterson Avenue
2327 and Gaskins Road, subject to the standard conditions for developments of this type and the
2328 following additional conditions:
2329

2330 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
2331 Planning for review and Planning Commission approval prior to the issuance of any
2332 occupancy permits.

2333 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2334 depictions of light spread and intensity diagrams, and fixture and specifications and
2335 mounting height details shall be submitted for Department of Planning review and
2336 Planning Commission approval.

2337 23. The subdivision plat for Grayson Hill, Section 1, shall be recorded before any building
2338 permits are issued.

2339 24. The entrances and drainage facilities on Patterson Avenue (State Route 6) shall be
2340 approved by the Virginia Department of Transportation and the County.

2341 25. A notice of completion form, certifying that the requirements of the Virginia
2342 Department of Transportation entrances permit have been completed, shall be submitted
2343 to the Department of Planning prior to any occupancy permits being issued.

2344 26. The developer shall provide fire hydrants as required by the Department of Public
2345 Utilities and Division of Fire.

- 2346 27. A standard concrete sidewalk shall be provided along the east side of Gaskins Road and
2347 the south side of Patterson Avenue.
- 2348 28. Outside storage shall not be permitted.
- 2349 29. The proffers approved as a part of zoning case C-35C-04 shall be incorporated in this
2350 approval.
- 2351 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
2352 approved by the County Engineer prior to final approval of the construction plans by
2353 the Department of Public Works.
- 2354 31. The pavement shall be of an SM-2A type and shall be constructed in accordance with
2355 County standard and specifications. The developer shall post a defect bond for all
2356 pavement with the Department of Planning - the exact type, amount and implementation
2357 shall be determined by the Director of Planning, to protect the interest of the members
2358 of the Homeowners Association. The bond shall become effective as of the date that
2359 the Homeowners Association assumes responsibility for the common areas.
- 2360 32. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must
2361 certify that the roads have been designed and constructed in accordance with County
2362 standards.
- 2363 33. Insurance Services Office (ISO) calculations must be included with the plans and
2364 contracts and must be approved by the Department of Public Utilities prior to the
2365 issuance of a building permit.
- 2366 34. Approval of the construction plans by the Department of Public Works does not
2367 establish the curb and gutter elevations along the Henrico County maintained right-of-
2368 way. The elevations will be set by Henrico County.
- 2369 35. Approval of the construction plans by the Department of Public Works does not
2370 establish the curb and gutter elevations along the Virginia Department of Transportation
2371 maintained right-of-way. The elevations will be set by the contractor and approved by
2372 the Virginia Department of Transportation.
- 2373 36. The location of all existing and proposed utility and mechanical equipment (including
2374 HVAC units, electric meters, junction and accessory boxes, transformers, and
2375 generators) shall be identified on the landscape plans. All equipment shall be screened
2376 by such measures as determined appropriate by the Director of Planning or the Planning
2377 Commission at the time of plan approval.
- 2378 37. A note in bold lettering shall be provided on the erosion control plan indicating that
2379 sediment basins or traps located within buildable areas or building pads shall be
2380 reclaimed with engineered fill. All materials shall be deposited and compacted in
2381 accordance with the applicable sections of the state building code and geotechnical
2382 guidelines established by the engineer. An engineer's report certifying the suitability of
2383 the fill materials and its compaction shall be submitted for review and approval by the
2384 Director of Planning and Director of Public Works and the Building Official prior to the
2385 issuance of any building permit(s) on the affected sites.
- 2386 38. The unit house numbers shall be visible from the parking areas and drives.

2387 39. The names of streets, drives, courts and parking areas shall be approved by the Richmond
2388 Regional Planning District Commission and such names shall be included on the
2389 construction plans prior to their approval. The standard street name signs shall be ordered
2390 from the County and installed prior to any occupancy permit approval.

2391

2392 **PLAN OF DEVELOPMENT**

2393

POD-6-05
King's Kids Christian
Academy -
2210 Carter Street

**Engineering Design Associates for Church of Greater
Refuge:** 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, 6,060 square foot church
school. The 4.430-acre site is located at 2210 Carter Street at
the northeast corner of Carter Street and Hargrove Avenue on
parcel 801-735-7255. The zoning is R-4, One-Family
Residence District. County water and sewer. **(Fairfield)**

2394

2395 Mr. Vanarsdall - Is anyone in the audience in opposition to POD-6-05, King's Kids
2396 Christian Academy? No opposition. Mr. McGarry.

2397

2398 Mr. McGarry - The architectural plan shows that the building materials would be a brick
2399 wainscoting up to about 30 inches in height with metal panels, beige in color. The applicant
2400 has since told me this morning that they have agreed to make the whole building out of brick,
2401 so the staff's architectural will be annotated accordingly. We can recommend approval
2402 subject to the standard conditions for developments of this type and conditional conditions Nos.
2403 23 to 28. I would be happy to answer any questions.

2404

2405 Mr. Vanarsdall - Are there any questions for Mr. McGarry? No questions. Mr. Archer.

2406

2407 Mr. Archer - The building material would just be annotated on the plan?

2408

2409 Mr. McGarry - Correct. All brick.

2410

2411 Mr. Archer - I am ready, Mr. Chairman. I move approval of POD-6-05, King's Kids
2412 Christian Academy - 2210 Carter Street, subject to the standard conditions for developments of
2413 this type and the additional conditions Nos. 23 through 28 and the new annotation that Mr.
2414 McGarry just mentioned.

2415

2416 Mrs. Ware - Second.

2417

2418 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mrs. Ware. All in favor
2419 say aye. All opposed say no. The motion passes.

2420

2421 The Planning Commission approved POD-6-05, King's Kids Christian Academy - 2210 Carter
2422 Street, subject to the annotations on the plans, the standard conditions for developments of this
2423 type and additional conditions Nos. 23 through 28 shown below:

- 2424 23. The developer shall provide fire hydrants as required by the Department of Public
 2425 Utilities and Division of Fire.
- 2426 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
 2427 form acceptable to the County Attorney prior to final approval of the construction
 2428 plans.
- 2429 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
 2430 approved by the County Engineer prior to final approval of the construction plans by
 2431 the Department of Public Works.
- 2432 26. Insurance Services Office (ISO) calculations must be included with the plans and
 2433 contracts and must be approved by the Department of Public Utilities prior to the
 2434 issuance of a building permit.
- 2435 27. Approval of the construction plans by the Department of Public Works does not
 2436 establish the curb and gutter elevations along the Henrico County maintained right-of-
 2437 way. The elevations will be set by Henrico County.
- 2438 28. The location of all existing and proposed utility and mechanical equipment (including
 2439 HVAC units, electric meters, junction and accessory boxes, transformers, and
 2440 generators) shall be identified on the landscape plans. All equipment shall be screened
 2441 by such measures as determined appropriate by the Director of Planning or the Planning
 2442 Commission at the time of plan approval.

2443

2444 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

2445

POD-9-05 Eudailey & Company Real Estate Office - 9012 Three Chopt Road (POD-87-79 Revised)	Mozingo & Associates for William E. Eudailey, The B Group: Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106, 24-106(3)(a) and 24-106.2 of the Henrico County Code, to construct a two-story, 4,000 square foot office building. The 0.478-acre site is located at 9012 Three Chopt Road on the east line of Three Chopt Road, approximately 400 feet south of the intersection of Three Chopt Road and N. Parham Road on parcel 754-747-5520. The zoning is O-2C, Office District (Conditional). County water and sewer. (Three Chopt)
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2446

2447 Mr. Vanarsdall - In the Three Chopt District. Is there any opposition to Eudailey and
 2448 Company Real Estate Office? Excuse me. Do you just want to ask a question?

2449

2450 Unknown speaker - I have a couple of issues that I want to get clarified.

2451

2452 Mr. Vanarsdall - OK. We will get to you in just a minute. All right, Mr. McGarry.

2453

2454 Mr. McGarry - There are two discussion items. The first has to do with the sidewalk
 2455 and the second the transitional buffer deviation, so you will need two motions, one for plan of
 2456 development approval and the second for transitional buffer deviation. As a matter of
 2457 background, this plan would replace an existing residence which was converted to a branch

2458 bank in 1979 by removing only the building and keeping the access, internal driveways and
2459 parking unchanged. The site was last rezoned in August of last year to an office district, which
2460 will require a Transitional Buffer 10 on two sides. Staff recommends acceptance of the
2461 Transitional Buffer Deviation request for a reduction in the Transitional Buffer 10 along the
2462 eastern and southern property lines for the following reasons:

2463

2464 1. This would allow the existing driveway and existing six-foot board on board fence
2465 located pretty much on the property line to remain. Only the existing building would be
2466 replaced and internal circulation would not have to change.

2467 2. Staff recommends enhanced landscaping in the existing 15-foot landscape strip out front
2468 abutting Three Chopt Road.

2469

2470 Staff feels this recommendation is in keeping with the spirit and the intent of the Ordinance by
2471 providing plant material that would normally be in the buffer but at a more prominent location.

2472

2473 There is one outstanding issue on which staff and the owner did not agree and that is the
2474 provision of the sidewalk on Three Chopt Road. Tuckahoe Middle School and Ridge
2475 Elementary School located one block south of the site, do provide a sidewalk along Three
2476 Chopt Road to Pamela Drive. There is no sidewalk in front of the existing three residences
2477 between this site and Pamela Drive. However, in order to meet the County's policy of
2478 providing a sidewalk on the same side of the road as the school, staff is recommending the
2479 sidewalk.

2480

2481 Staff can recommend approval subject to the conditions for developments of this type, the
2482 annotations on the plans and Conditions Nos. 23 to 33, and the sidewalk reference as an
2483 annotation on the plan.

2484

2485 I would be happy to answer any questions.

2486

2487 Mr. Vanarsdall - Any questions for Mr. McGarry? No questions. Mr. Marshall, do you
2488 want to hear from the applicant? Come on down to the mike and give us your name.

2489

2490 Mr. Gilman - Yes, sir. I am Donald Gilman. I am the property owner of 9006 Three
2491 Chopt Road, which is the property right adjacent to 9012.

2492

2493 Mrs. Ware - Can you point it out there for us?

2494

2495 Mr. Gilman - That would be this property right here. We have been there since 1959,
2496 so we have been through the bank deal and everything and there were a few problems that
2497 existed to us from the bank, and I am concerned that these could be worse, or I wanted to be
2498 sure that they had been addressed, one being that we certainly aren't opposed to any general
2499 night time lighting, but the bank, we had problems with flood lights from the bank, which
2500 would shine directly into our property. I don't exactly know why, but it was very
2501 objectionable. Of course, the bank was initially a residence, a single-story house and I
2502 understand that this is going to be a two-story structure, and I just wanted to be sure that we -

2503 we wondered what would happen if we did get into a problem like that, if we'd have any
2504 recourse of objectionable lighting. The other problem is the traffic issue. You can't really see
2505 it on this drawing, but the way Three Chopt is developed there, there is a median strip which
2506 prevents you from making a left turn into this commercial building if you are eastbound on
2507 Three Chopt or if you are heading towards town. I am not sure what direction that you would
2508 call that. OK. There we go. In other words, if you were heading down in the picture, which
2509 would be towards town on Three Chopt, and because of this median, it used to be a no u-turn
2510 sign there, but I am pretty sure that has not been there for some time, but at the bank, the
2511 traffic flow of the bank, which was quite a bit of traffic was very often to avoid making an
2512 illegal u-turn, which they really couldn't make. It was not enough room. They would cut
2513 through our driveway, which is a u-shaped drive way, that gave them great access to turn off
2514 the road through our driveway back out onto the road westbound, where they could turn in,
2515 and we suffered quite a bit of damage to the property, and the only way we could stop it was if
2516 we had a car parked in that part of the driveway, which we didn't always have, and I kind of
2517 suspect maybe when there is a real estate office there wouldn't be as much traffic at the bank,
2518 but I just wanted to be sure to that as the adjoining property owner that the Planning
2519 Commission was thinking about these issues. I apologize for not having brought them up
2520 before now, but for some reason this meeting really stuck, and it is the first one that I have
2521 been to.

2522

2523 Mr. Silber - Mr. Gilman, I appreciate your coming out today and I appreciate your
2524 comments. Let me try to address both of them. We do have the Assistant Traffic Engineer
2525 here that can address the traffic aspects, as well. If I heard your first comment correctly, you
2526 have some concerns about lighting on site and the impact that might have on your home. They
2527 will be required to submit a lighting plan that will be reviewed by our staff and we certainly
2528 can notify you and allow for your participation in that process, if you would like. We do want
2529 to make sure that lighting does not impact your property. Secondly, you are correct that there
2530 is a raised median that does stop just past this driveway access, and I believe this will generate
2531 less traffic than the bank. I believe it will be an improvement over the situation. We certainly
2532 do not want to encourage anyone to be turning around on your property and heading in the
2533 opposite direction, but I think we may want to hear from the Assistant Traffic Engineer relative
2534 to what he thinks may be appropriate, because the end of that median is just very close where
2535 the access is. I don't know if there is anything to be done to improve that situation or not. I
2536 think probably not.

2537

2538 Mr. Gilman - As far as I would be concerned, if it was shortened so they could turn
2539 left, it would improve my situation but that might not be best for the overall traffic flow,
2540 although, if you are very familiar with that area, it is a bad place. There is a rise in Three
2541 Chopt Road just east of that, which you really cannot see over, so having vehicles making a u-
2542 turn around there, which takes some time. It is very tight. That is why they go through our
2543 driveway. Sometimes they actually have to back up and go again, and some of the, you cannot
2544 see traffic coming over that knoll. There have been many accidents there because of people
2545 trying to make a u-turn there. I guess our recourse will be to try to keep a vehicle parked in
2546 our driveway, which would prevent them from being able to cut through there.

2547

2548 Mr. Vanarsdall - All right. We appreciate you letting us know about it.
2549

2550 Mr. Silber - Mr. Marshall, do you want to hear from the Traffic Engineer? Mr.
2551 Jennings, can you shed some light on that situation?
2552

2553 Mr. Jennings - I will look into why the no u-turn sign is no longer there. I thought the
2554 u-turn sign was there, because he is correct. The u-turn sign should be there because of the
2555 lack of sight distance to be able to make a u-turn there. As far as the median, I can look at
2556 possibly extending the median beyond his driveway, and he is also correct in his traffic
2557 generation from this site is going to be about 50 vehicles a day, a lot less traffic generation than
2558 a bank, but we still don't want to allow those u-turns to be on Three Chopt and at the end of
2559 his driveway, so I will look at coming up with a solution to that.
2560

2561 Mr. Jernigan - Mike, can I ask you something? Lengthening it out, that is going to
2562 throw it into the next neighbor's driveway because it is the same configuration.
2563

2564 Mr. Marshall - You could carry it up to Pamela, though. He could carry it to that cross
2565 street.
2566

2567 Mr. Jernigan - Oh, yes, if you wanted to extend it that far.
2568

2569 Mr. Jennings - I will have to look at the cross section to see if that is possible to do that,
2570 but we definitely want to restrict the new u-turns, because we don't want to cause them to
2571 make u-turns in his driveway either.
2572

2573 Mr. Jernigan - But as he said, is there a possibility of shortening that island and giving
2574 them a left-turn into the property itself?
2575

2576 Mr. Jennings - I can look at that, the length, how far it is from Parham Road and discuss
2577 it with the Director of Public Works.
2578

2579 Mr. Marshall - That might create some traffic problems.
2580

2581 Mr. Jennings - Yes, I am thinking, with the left-turn lane there, that median is that
2582 length for a purpose, with the left-turn lane onto Parham Road. I need to look into that.
2583

2584 Mr. Vanarsdall - Thank you, Mike. Mr. Marshall.
2585

2586 Mr. Marshall - I don't think we need to hear from the applicant. I don't have any
2587 problems with the sidewalk, not having the sidewalk.
2588

2589 Mr. Vanarsdall - You don't feel slighted, do you, Mike?
2590

2591 Mr. Jennings - Not at all.
2592

2593 Mr. Marshall - Currently, I think there are four residents there. This would be the only
2594 spot on Parham Road all the way to Pamela Drive with any portion of that having a sidewalk,
2595 and there wasn't any required on the big park on the corner. I am comfortable not requiring it
2596 for that little piece, making it the only piece, so I am going to not require that. I don't think it
2597 is a condition. I think it is an annotation on the plan.

2598

2599 Mr. Silber- Actually, it is Condition No. 30 as well as the annotation.

2600

2601 Mr. Marshall - And as he told you, there will be a landscape and lighting plan that
2602 comes back that you will be able to make sure that the lighting does not affect your property.
2603 This motion is for a transitional buffer deviation to be allowed for POD-9-05.

2604

2605 Mr. Jernigan - Second.

2606

2607 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in
2608 favor say aye. All opposed say no. The motion passes.

2609

2610 The Planning Commission approved the Transitional Buffer Deviation for POD-9-05, Eudailey
2611 and Company Real Estate Office – 9012 Three Chopt Road.

2612

2613 Mr. Marshall - I make a motion to approve POD-9-05, Eudailey and Company Real
2614 Estate Office – 9012 Three Chopt Road, subject to the annotations on the plan, except for the
2615 one with the sidewalk, and conditional conditions Nos. 23 through 29 and 31, 32 and 33.

2616

2617 Mr. Jernigan - Second.

2618

2619 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in
2620 favor say aye. All opposed say no. The motion passes.

2621

2622 The Planning Commission approved POD-9-05, Eudailey and Company Real Estate Office –
2623 9012 Three Chopt Road, subject to the standard conditions attached to these minutes for
2624 developments of this type, the annotations on the plan, and the following additional conditions:

2625

2626 23. The developer shall provide fire hydrants as required by the Department of Public
2627 Utilities and Division of Fire.

2628 24. The proffers approved as a part of zoning case C-34C-04 shall be incorporated in this
2629 approval.

2630 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2631 form acceptable to the County Attorney prior to final approval of the construction
2632 plans.

2633 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
2634 approved by the County Engineer prior to final approval of the construction plans by
2635 the Department of Public Works.

- 2636 27. Insurance Services Office (ISO) calculations must be included with the plans and
 2637 contracts and must be approved by the Department of Public Utilities prior to the
 2638 issuance of a building permit.
- 2639 28. Approval of the construction plans by the Department of Public Works does not
 2640 establish the curb and gutter elevations along the Henrico County maintained right-of-
 2641 way. The elevations will be set by Henrico County.
- 2642 29. The location of all existing and proposed utility and mechanical equipment (including
 2643 HVAC units, electric meters, junction and accessory boxes, transformers, and
 2644 generators) shall be identified on the landscape plans. All equipment shall be screened
 2645 by such measures as determined appropriate by the Director of Planning or the Planning
 2646 Commission at the time of plan approval.
- 2647 30. Details of the enclosure for trash receptacles in the rear of the building, in lieu of an
 2648 enclosed dumpster, shall be included with the construction plans.
- 2649 31. Prior to construction plan approval, provide a rear access isle width acceptable to the
 2650 Fire Chief.
- 2651 32. Prior to construction plan approval, provide 50-10 detention or a waiver from the
 2652 Director of Public Works.

2653
 2654 Mr. Silber - Mr. Gilman, if you would be kind enough to give your name, phone
 2655 number and address to my staff, we will make sure that you are contacted. This lighting plan
 2656 would not come back to the Planning Commission. It would be handled administratively, but
 2657 we will involve you in that process.

2658
 2659 Mr. Gilman - OK. Thank you.

2660
 2661 **PLAN OF DEVELOPMENT**

2662
 POD-10-05
 Independent Insurance
 Agents of Virginia –
 8600 Mayland Drive
 (POD-75-77 Revised)

Koontz-Bryant, P.C. for Independent Insurance Agents of Virginia: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, for a one-story, 5,500 square foot addition to an existing office building. The 1.19-acre site is located on the east side of Mayland Drive, approximately 500 feet west of N. Parham Road on parcel 757-753-6144. The zoning is O-2, Office District. County water and sewer.
(Three Chopt)

2663
 2664 Mr. Vanarsdall - Excuse me. If you all want to have a meeting, go out in the hall. Thank
 2665 you. We are having one up here. Ms. Goggin.

2666
 2667 Mr. Archer - Ms. Goggin, before we continue, Mr. Chairman, being a member of the
 2668 Independent Insurance Agents of Virginia and on the advice of Mr. Secretary, I am going to
 2669 remove myself from this case.

2670
 2671 Mr. Marshall - I am glad someone else has to do that other than me.

2672 Ms. Goggin - Paul Hinson, from Koontz-Bryant, and I were able to get with John
2673 Mason, the gentleman that came up when this case was on Expedited to talk to him about his
2674 concern. On page 32 in your agenda, there is condition number 33 that states: prior to final
2675 construction plan approval, a construction, ingress/egress and maintenance agreement needs to
2676 be recorded and submitted to staff for the northern drive aisle connection to parcel 757-753-
2677 9760. Once he understood that we would not sign the construction plan without the
2678 ingress/egress, construction and maintenance agreement, he seemed OK with the plan and he is
2679 going to work with his owner and with these developers to get this straightened out. Mr.
2680 Mason is here if you would to hear from him that he is okay with the condition, as well as Paul
2681 Hinson from Koontz-Bryant.

2682

2683 Mr. Vanarsdall - Any questions? Thank you, Ms. Goggin.

2684

2685 Mr. Marshall - With that I am going to make a motion to approve POD-10-05,
2686 Independent Insurance Agents of Virginia, subject to the annotations on the plan, standard
2687 conditions for developments of this type and the conditions Nos. 23 through 33.

2688

2689 Mr. Jernigan - Second.

2690

2691 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in
2692 favor say aye. All opposed say no. The motion passes.

2693

2694 **Mr. Archer abstained from voting.**

2695

2696 The Planning Commission approved POD-10-05, Independent Insurance Agents of Virginia –
2697 8600 Mayland Drive (POD-75-77 Revised), subject to the annotations on the plans, the
2698 standard conditions for developments of this type and the following additional conditions:

2699

2700 23. The right-of-way for widening of Mayland Drive as shown on approved plans shall be
2701 dedicated to the County prior to any occupancy permits being issued. The right-of-way
2702 dedication plat and any other required information shall be submitted to the County Real
2703 Property Agent at least sixty (60) days prior to requesting occupancy permits.

2704 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2705 the County in a form acceptable to the County Attorney prior to any occupancy permits
2706 being issued. The easement plats and any other required information shall be submitted
2707 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2708 permits.

2709 25. The developer shall provide fire hydrants as required by the Department of Public
2710 Utilities and Division of Fire.

2711 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2712 form acceptable to the County Attorney prior to final approval of the construction
2713 plans.

2714 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
2715 approved by the County Engineer prior to final approval of the construction plans by
2716 the Department of Public Works.

- 2717 28. Insurance Services Office (ISO) calculations must be included with the plans and
 2718 contracts and must be approved by the Department of Public Utilities prior to the
 2719 issuance of a building permit.
- 2720 29. Approval of the construction plans by the Department of Public Works does not
 2721 establish the curb and gutter elevations along the Henrico County maintained right-of-
 2722 way. The elevations will be set by Henrico County.
- 2723 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 2724 Department of Planning and approved prior to issuance of a certificate of occupancy for
 2725 this development.
- 2726 31. The location of all existing and proposed utility and mechanical equipment (including
 2727 HVAC units, electric meters, junction and accessory boxes, transformers, and
 2728 generators) shall be identified on the landscape plans. All equipment shall be screened
 2729 by such measures as determined appropriate by the Director of Planning or the Planning
 2730 Commission at the time of plan approval.
- 2731 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the
 2732 drainage plans.
- 2733 33. Prior to final construction plan approval, a construction, ingress/egress and maintenance
 2734 agreement shall be recorded and submitted to staff for the northern drive aisle
 2735 connection to parcel 757-753-9760.

2736
 2737 **ALTERNATIVE FENCE HEIGHT**
 2738 **(Deferred from the December 15, 2004, Meeting)**
 2739

POD-78-04 The Village @ Willow Run Wistar Road	Foster & Miller, P.C. for Verizon Virginia Inc. and Wilton Development Corporation: Request for approval of an alternative fence height and lighting plan, as required by Chapter 24, Sections 24-95(1)(6), 24-106 and 24-106.2 of the Henrico County Code. The 17.3-acre site is located on the north line of Wistar Road, approximately 413 feet east of Shrader Road on parcels 767-751-0480 and 5291, 767-752- 3012, 5942 and 7623 and part of 766-752-5952. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. (Brookland)
--	---

- 2740
- 2741 Mr. Vanarsdall - All right, Mr. McGarry.
 2742
- 2743 Mr. McGarry - A revised plan has been received and is now being handed out. The plan
 2744 was deferred from last month's meeting because the rezoning proffers required an entrance
 2745 wall and the fence to be approved by the Commission. The walls and the fence do meet the
 2746 zoning proffers, staff feels, so approval is recommended.
 2747
- 2748 The lighting cannot be recommended because of some concerns by the Police Department in
 2749 terms of its coverage, so we are going to exclude that from your approval. The lighting
 2750 approval was not required by the Commission to begin with. Staff is trying to keep everything
 2751 together, so the staff is perfectly willing to do a staff review on the lighting plan. The staff can

2752 recommend approval of this revised entrance, wall and fence plan, as requested.

2753

2754 I'd be happy to answer any questions.

2755

2756 Mr. Vanarsdall - Any questions of Mr. McGarry?

2757

2758 Mr. Jernigan - Do we have to waive the time limits on this?

2759

2760 Mr. McGarry - No, sir. No time limits.

2761

2762 Mr. Vanarsdall - I moved that Alternative Fence Height for POD-78-04, The Village @
2763 Willow Run, Wistar Road, be approved, as recommended by staff. This does not include the
2764 lighting plan. Staff will handle the lighting plan.

2765

2766 Mr. Marshall - Second.

2767

2768 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Marshall. All in favor
2769 say aye. All opposed say no. The motion passes.

2770

2771 The Planning Commission approved Alternate Fence Height for POD-78-04, The Village @
2772 Willow Run-Wistar Road as recommended by staff.

2773

2774 **SUBDIVISION**

2775

Kingsland Green
(January 2005 Plan)
8950 Buffin Road

Engineering Design Associates for Ruth and John Yahley and Centex Homes: The 82.465-acre site proposed for a subdivision of 61 single-family homes is located at 8950 Buffin Road at the northwest corner of Buffin Road and Kingsland Road on parcel 821-678-7061. The zoning is A-1, Agricultural District. County water and sewer. **(Varina) 61 Lots**

2776

2777 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case in the Varina
2778 District? No opposition. Mr. McGarry.

2779

2780 Mr. McGarry - There are no site issues with the development. The County staff does
2781 endeavor to get sidewalks abutting major roads within the County, but particularly when curb
2782 and gutter is provided. The staff recommends approval of the plan subject to the annotations
2783 on the plan, the standard conditions for sidewalks, for subdivisions served by Public Utilities
2784 and the conditions Nos. 12 and 13, plus 14 on your addendum which reads, "The applicant is
2785 requested to provide standard County sidewalks in locations where curb and gutter is being
2786 required by the Director of Public Works. Those two locations will be along portions of Buffin
2787 Road and Kingsland Road. I will be happy to answer any questions.

2788

2789 Mr. Vanarsdall - Any questions of Mr. McGarry?

2790 Mr. Jernigan - Mr. McGarry, would you take the map and show the rest of the
2791 Commission exactly where they have to put sidewalk? What it is, they are not having to
2792 extend it. It is only a small portion of his property that they want in sidewalks.

2793

2794 Mr. Marshall - I was surprised to hear that Kingsland and Buffin are major roads now.

2795

2796 Mr. Jernigan - Actually what they are doing is probably only, go ahead and show them.

2797

2798 Mr. McGarry - It involves the two lots on either side of the entrance road off Kingsland,
2799 plus the lot to the side of this entrance right off Buffin, plus the three lots that front Buffin,
2800 which is to the north of the entrance road.

2801

2802 Mr. Jernigan - There is no existing sidewalk. That is the reason I wanted to show it,
2803 where they just want it on those two small portions that have the curb and gutter, so I am going
2804 to knock that sidewalk off and approve that as it is. That is what we discussed at our break.

2805

2806 Mr. Vanarsdall - All right. We will entertain a motion.

2807

2808 Mr. McGarry - Which one are you going to knock off?

2809

2810 Mr. Jernigan - This was the one I told you putting it on a small portion of it is a
2811 sidewalk to nowhere.

2812

2813 Mr. Marshall - You need somewhere to walk to, to be able to use a sidewalk.

2814

2815 Mr. Jernigan - So, anyway, I am going to approve it without the sidewalk on the
2816 Kingsland Green case. That is what we discussed at the break. Because they are just using
2817 that small portion, and so with that Mr. Chairman, I will for approval of Kingsland Green
2818 Subdivision, subject to the annotations on the plans, the standard conditions for subdivisions
2819 served by Public Utilities and Nos. 12 and 13, on which the sidewalk was not on there.

2820

2821 Mr. Archer - Second.

2822

2823 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
2824 say aye. All opposed say no. The motion passes.

2825

2826 The Planning Commission approved Subdivision Kingsland Green (January 2005 Plan) 8950
2827 Buffin Road, subject to the annotations on the plans, the standard conditions for subdivisions
2828 served by Public Utilities and the following additional conditions:

2829

2830 12. The detailed plant list and specifications for the landscaping to be provided within the
2831 25-foot-wide planting strip easement along Buffin Road and Kingsland Road shall be
2832 submitted to the Department of Planning for review and approval prior to recordation of
2833 the plat.

2834 13. Prior to requesting recordation, the developer shall furnish a letter from Dominion
2835 Virginia Power stating that this proposed development does not conflict with its
2836 facilities.

2837

2838 **SUBDIVISION**

2839

Roundabout Estates
(January 2005 Plan)
9421 Varina Road

Engineering Design Associates for Ralph & Judith Allen:
The 88.14-acre site proposed for a subdivision of 61 single-family homes is located at 9421 Varina Road, approximately 2,000 feet south of Kingsland Road on parcels 817-674-9022 and 816-674-7114. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 61 Lots**

2840

2841 Mr. Vanarsdall - Is there anyone in the audience in opposition or on behalf of Roundabout
2842 Estates? No opposition. Mr. McGarry.

2843

2844 Mr. McGarry - Like the previous case, there are no site issues and staff is recommending
2845 a sidewalk along Varina Road where there is curb and gutter. This is condition No. 14 on
2846 your addendum. I'd be happy to answer any questions.

2847

2848 Mr. Vanarsdall - Any questions for Mr. McGarry by Commission members? Do you
2849 want to hear from the applicant, Mr. Jernigan?

2850

2851 Mr. Jernigan - Now on this case, this is a little bit different. The distance across there is
2852 shorter, plus all of those lots all the way on Varina Road are improved. Most of this property
2853 has been unimproved, so we do have a chance. Those properties improved along Varina Road,
2854 we can have sidewalks put in with that development. So, on this case I do want the 4-foot
2855 sidewalk along Varina Road and I spoke to Courtney and she is willing to accept it that way,
2856 and if the developer so feels he does not want to do it, then they will have to come back for a
2857 change.

2858

2859 Mr. McGarry - For reconsideration.

2860

2861 Mr. Jernigan - With that, I will move for approval of Roundabout Estates Subdivision
2862 (January 2005 Plan), subject to the annotations on the plans, the standard conditions for
2863 subdivisions not served by Public Utilities and the conditions Nos. 11, 12 and 13, with the
2864 addition of annotation of 4-foot sidewalks.

2865

2866 Mrs. Ware - Second.

2867

2868 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mrs. Ware. All in favor
2869 say aye. All opposed say no. The motion passes.

2870

2871 Mr. Marshall abstained from voting on this case.

2872

2873 The Planning Commission approved Roundabout Estates (January 2005 Plan) 9421 Varina
2874 Road, subject to the annotations on the plans, the standard conditions for subdivisions not
2875 served by Public Utilities and the following additional conditions, plus the annotation of 4-foot
2876 sidewalks:

2877

2878 11. The detailed plant list and specifications for the landscaping to be provided within the
2879 25-foot-wide planting strip easement along Varina Road and I-295 shall be submitted to
2880 the Department of Planning for review and approval prior to recordation of the plat.

2881 12. Each lot shall contain at least one acre.

2882 13. Prior to requesting recordation, the developer shall furnish a letter from Dominion
2883 Virginia Power stating that this proposed development does not conflict with its
2884 facilities.

2885

2886 **SUBDIVISION**

2887

Westin
(January 2005 Plan)
- Axe Handle Lane

Youngblood, Tyler & Associates, P.C. for HHHunt Corporation: The 49.91-acre site proposed for a subdivision of 34 single-family homes is located at the northern terminus of Axe Handle Lane on parcel 732-774-7514. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Three Chopt) 34 Lots**

2888

2889 Mr. Vanarsdall - Anyone in opposition to Westin in the Three Chopt District? No
2890 opposition. Mr. Wilhite.

2891

2892 Mr. Wilhite - Thank you. On January 1 this land was impacted by the Goochland-
2893 Henrico boundary adjustment. Originally, roughly half or more of this property was in
2894 Goochland County until January 1. It is now currently all in Henrico. Staff has completed its
2895 review at this time and we can recommend approval of this subdivision.

2896

2897 Mr. Vanarsdall - Any questions of Mr. Wilhite from Commission members? No questions.

2899

2900 Mr. Marshall - Mr. Chairman, I move approval of Westin Subdivision (January 2005
2901 Plan) – Axe Handle Lane, subject to standard conditions for subdivisions not served by Public
2902 Utilities and additional conditions Nos. 11 and 12.

2903

2904 Mr. Jernigan - Second.

2905

2906 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in
2907 favor say aye. All opposed say no. The motion passes.

2908

2909 The Planning Commission approved Subdivision Westin (January 2005 Plan) – Axe Handle
2910 Lane, subject to the standard conditions for subdivisions not served by Public Utilities and the
2911 following additional conditions:

- 2912 11. Any future building lot containing a BMP, sediment basin or trap and located within the
 2913 buildable area for a principal structure or accessory structure, may be developed with
 2914 engineered fill. All material shall be deposited and compacted in accordance with the
 2915 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
 2916 professional engineer. A detailed engineering report shall be submitted for the review and
 2917 approval by the Building Official prior to the issuance of a building permit on the affected
 2918 lot. A copy of the report and recommendations shall be furnished to the Directors of
 2919 Planning and Public Works.
- 2920 12. The status of the existing "old roads" shown on the subdivision plat shall be resolved to
 2921 the satisfaction of the County Attorney and the Director of Planning prior to the
 2922 recordation of a plat containing any impacted lots.

2923

2924 **SUBDIVISION (Deferred from the December 15, 2004, Meeting)**

2925

Morgan Pointe
 (October 2004 Plan)

Foster & Miller, P.C. for Andronikos and Evangelia Moudilos and Winterfield Road Development, LLC: The 29.683-acre site proposed for a subdivision of 20, single-family homes is located on the west line of Pouncey Tract Road, approximately 2,975 feet north of the intersection of Nuckols Road and Pouncey Tract Road on parcel 734-776-1774. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. **(Three Chopt) 20 Lots**

2926

2927 Mr. Vanarsdall - Is anyone in the audience in opposition to Morgan Pointe in the Three
 2928 Chopt District? No opposition. Mr. Strauss.

2929

2930 Mr. Strauss - Thank you, Mr. Chairman. I will try and be expeditious myself. All
 2931 agencies are recommending approval of this subdivision. Staff has nothing to add at this point.
 2932 Staff is recommending conditional approval subject to the annotated plan and standard
 2933 conditions. Thank you.

2934

2935 Mr. Vanarsdall - Any questions for Mr. Strauss?

2936

2937 Mr. Marshall - I move approval of Subdivision Morgan Pointe (October 2004 Plan)
 2938 subject to the standard conditions for subdivisions served by public water and not public sewer,
 2939 and conditional conditions Nos. 5 Amended and 11 through 15.

2940

2941 Mr. Jernigan - Second.

2942

2943 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in
 2944 favor say aye. All opposed say no. The motion passes.

2945

2946 The Planning Commission approved Subdivision Morgan Pointe (October 2004 Plan), subject
 2947 to the standard conditions for subdivisions served by public water and not public sewer and the
 2948 following additional conditions:

- 2949 5. **AMENDED** – This approval is of the conditional plat only. Final approval of the plat
 2950 shall not be granted until such time as the Virginia Department of Health has granted
 2951 approval for sewage disposal on all lots or until a final plat is prepared that
 2952 conspicuously indicates all lot(s) not receiving Virginia Department of Health approval
 2953 for sewage disposal, and which states that there shall be no construction on lots without
 2954 such approval. Details of approved sewage disposal systems and reserved area for such
 2955 systems shall be included with the final construction plan prior to construction plan
 2956 approval.
- 2957 11. The detailed plant list and specifications for the landscaping to be provided within the 25-
 2958 foot-wide planting strip easement along the west side of Pouncey Tract Road shall be
 2959 submitted to the Department of Planning for review and approval prior to recordation of
 2960 the plat.
- 2961 12. Any necessary offsite drainage easements must be obtained prior to approval of the
 2962 construction plan by the Department of Public Works. .
- 2963 13. Any future building lot containing a BMP, sediment basin or trap and located within the
 2964 buildable area for a principal structure or accessory structure, may be developed with
 2965 engineered fill. All material shall be deposited and compacted in accordance with the
 2966 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
 2967 professional engineer. A detailed engineering report shall be submitted for the review
 2968 and approval by the Building Official prior to the issuance of a building permit on the
 2969 affected lot. A copy of the report and recommendations shall be furnished to the
 2970 Directors of Planning and Public Works.
- 2971 14. A plan shall be submitted prior to recordation of the plat showing the buildable area for
 2972 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.
 2973 Buildable area is that area within which a dwelling unit may legally be located
 2974 considering the front yard, side yard, and rear yard setback requirements of Chapter 24,
 2975 of the Henrico County Code.
- 2976 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
 2977 the maintenance of the common area by a homeowners association shall be submitted to
 2978 the Department of Planning for review. Such covenants and restrictions shall be in
 2979 form and substance satisfactory to the County Attorney and shall be recorded prior to
 2980 recordation of the subdivision plat.

2981
 2982 **SUBDIVISION**

2983
 Arbil Acres
 (January 2005 Plan) -
 Mill Road

**Foster & Miller, P.C. for William E. Elmore, Sr., and
 Arbill Investments, L.C.:** The 68.78-acre site proposed for a
 subdivision of 50 single-family homes is located
 approximately 1,500 feet east of Chickahominy Branch Drive
 along the north line of Mill Road on parcels 767-777-9367
 and 768-774-4492. The zoning is R-1AC, One-Family
 Residence District (Conditional). County water and sewer.
(Brookland) 50 Lots

2984

2985 Mr. Vanarsdall - Mr. Wilhite. Is anyone in the audience in opposition to this case? None.

2987

2988 Mr. Wilhite - We had a subdivision just approved in September on this property. It was
2989 for A-1 and 43 lots. Since this time, the property has been rezoned to R-1A, hence the revised
2990 subdivision plan for 50 lots and shown to be on public water and sewer. We just handed out a
2991 copy of the original staff plan with some annotations deleted, referring to the existing dwellings
2992 that is on this property. On your addendum on page 6, staff is recommending approval with
2993 the deletion of Conditions No. 14 and 18 on your addendum. Also included in your packet is a
2994 revised copy of the entrance feature that was shown at the time of rezoning. Staff can
2995 recommend approval of the plan with the revised annotations and conditions.

2996

2997 Mr. Vanarsdall - Mr. Wilhite, I haven't seen this. Is the entrance going to be 18 feet over
2998 on each side? Is that what it is now?

2999

3000 Mr. Wilhite - The County has an 80-foot right-of-way. The exact dimensions of the
3001 road and the islands in the medians are going to be worked out at the time of construction plan
3002 approval to accommodate the landscaping.

3003

3004 Mr. Silber - Mr. Vanarsdall, Kevin is right in that it is being shown now as an 80-
3005 foot right-of-way. That may very likely be reduced. We may not need the full 24 feet of
3006 ingress and 24 feet of egress. That likely will go down to 18 feet on each side and the median,
3007 likewise, can be reduced in size. All this can take place so as to allow the necessary plantings
3008 and signage that they place within that allocated 80 feet, so that all worked out.

3009

3010 Mr. Vanarsdall - What assurance do I have that it is not coming back?

3011

3012 Mr. Silber - You have my assurance it is not coming back. If you have a concern
3013 with that, we can make an annotation on the plan that...

3014

3015 Mr. Vanarsdall - I'd like to make an annotation on the plan that it will be 18 in and 18 out
3016 and I don't know what the median strip in the middle would work out to.

3017

3018 Mr. Silber - I think that could be reduced to 14 feet.

3019

3020 Mr. Vanarsdall - Phil, do you want to come forward? You don't have to go over the case.
3021 Just tell me what...

3022

3023 Mr. Parker - For the record my name is Philip Parker, Attack Properties. Randy is
3024 correct. We would reduce the boulevard portion of the roadway. The entrance lane would be
3025 18 feet in width and the exit lane 18 feet in width. The median would be reduced to 14 feet so
3026 that we can accommodate the landscaping on the shoulders of the road. The County
3027 Department of Public Works Maintenance Agreement would be necessary. We are obligated to
3028 do so.

3029 Mr. Vanarsdall - OK. Thank you. Any questions for Mr. Wilhite from the Commission

3030 members?

3031

3032 Mrs. Ware - Mr. Wilhite, you are removing No. 18 that has to do with the existing
3033 dwelling.

3034

3035 Mr. Wilhite - Yes. The intention is that the utilities would be stubbed to the property
3036 line, but there would be no requirement for hook up to the existing dwelling at this point.

3037

3038 Mrs. Ware - That would be up to the owner of the existing dwelling?

3039

3040 Mr. Wilhite - Yes.

3041

3042 Mr. Vanarsdall - All right. Thank you, Kevin. I move that Arbil Acres (January 2005
3043 Plan) – Mill Road, be approved with standard conditions for subdivisions served by public
3044 utilities, the annotations on the plan and I would like for the annotations on the plan to be what
3045 we talked about, 18 for the road and 14 in the middle, and conditions Nos. 12, 13, 14 deleted,
3046 15, 16, 17, and 18 deleted, and 19.

3047

3048 Mr. Marshall - Second.

3049

3050 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Marshall. All in favor
3051 say aye. All opposed say no. The motion passes.

3052

3053 The Planning Commission approved Subdivision Arbil Acres (January 2005 Plan) – Mill Road,
3054 subject to the annotations on the plan, the standard conditions for subdivisions served by public
3055 utilities and the following additional conditions:

3056

3057 12. Each lot shall contain at least 21,500 square feet, exclusive of the flood plain areas.

3058 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
3059 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
3060 floodplain as a "Variable Width Drainage & Utilities Easement."

3061 14. The proffers approved as part of zoning case C-62C-04 shall be incorporated in this
3062 approval.

3063 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
3064 maintenance of the common area by a homeowners association shall be submitted to the
3065 Department of Planning for review. Such covenants and restrictions shall be in form and
3066 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
3067 the subdivision plat.

3068 16. Any future building lot containing a BMP, sediment basin or trap and located within the
3069 buildable area for a principal structure or accessory structure, may be developed with
3070 engineered fill. All material shall be deposited and compacted in accordance with the
3071 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
3072 professional engineer. A detailed engineering report shall be submitted for the review and
3073 approval by the Building Official prior to the issuance of a building permit on the affected
3074 lot. A copy of the report and recommendations shall be furnished to the Directors of

3075 Directors of Planning and Public Works.
3076 17. The cul-de-sac at the end of the proposed street shall be designed large enough to
3077 accommodate any size Henrico County school bus.

3078

3079 **SUBDIVISION**

3080

Old Washington Place,
Section 2
(January 2005 Plan) Old
Washington Highway

Michael E. Doczi & Associates, PLLC for Alva F. Kinsey and Attack Properties: The 7.142-acre site proposed for a subdivision of 13 single-family homes is located on the west side of Old Washington Highway, approximately 200 feet north of Haley's Hollow Road on parcels 771-769-3917 (part), 4349 and 5669. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Brookland) 13 Lots**

3081

3082 Mr. Vanarsdall - Is anyone in the audience in opposition? No opposition. Ms. Goggin.

3083

3084 Ms. Goggin - A revised annotated plan is being handed out to you now, and on Page 7 of
3085 the Hand Out Addendum, it shows that conditions 13 and 16 are deleted. Staff has completed its
3086 review of the proposed subdivision and can recommend conditional approval subject to the
3087 annotations on the revised plan, the standard conditions for developments of this type, and
3088 conditions Nos. 12, 14, 15 and 17, as listed in the agenda. Philip Parker is here to represent the
3089 developer if you have any questions for him, and I would be happy to answer any questions the
3090 Commission may have.

3091

3092 Mr. Vanarsdall - Any questions for Ms. Goggin? I move that Old Washington Place, Section
3093 2, be approved, with the annotations on the plans, standard conditions for subdivisions served by
3094 public utilities and the following conditions, and on the Addendum we have two deleted, Condition
3095 12, delete 13, Condition 14, 15, delete 16, and 17.

3096

3097 Mr. Marshall - Second.

3098

3099 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Marshall. All in favor
3100 say aye. All opposed say no. The motion passes.

3101

3102 The Planning Commission approved Subdivision Old Washington Place, Section 2 (January 2005
3103 Plan) Old Washington Highway, subject to the annotations on the plans, the standard conditions
3104 for subdivisions served by public utilities and the following additional conditions:

3105

3106 12. The plan must be redesigned to provide at least the 80-foot minimum lot width required
3107 and as regulated by Chapter 24, of the Henrico County Code.

3108 13. Any necessary offsite drainage easements must be obtained prior to approval of the
3109 construction plan by the Department of Public Works.

3110 14. Any future building lot containing a BMP, sediment basin or trap and located within the
3111 buildable area for a principal structure or accessory structure, may be developed with
3112 engineered fill. All material shall be deposited and compacted in accordance with the

3113 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
3114 professional engineer. A detailed engineering report shall be submitted for the review and
3115 approval by the Building Official prior to the issuance of a building permit on the affected
3116 lot. A copy of the report and recommendations shall be furnished to the Directors of
3117 Planning and Public Works.

3118 15. Prior to final subdivision approval, legal status for the abandoned roadbed must be
3119 provided to the satisfaction of the County Attorney and the Director of Planning. The
3120 existing private road shall be held in reserved unless all parties having legal interest give
3121 consent for road to be removed or provide a quit claim deed.

3122
3123 Mr. Silber - That completes the plans on the agenda. The next item would be a public
3124 hearing to consider an amendment to the Brook Road Commercial Area by modifying the Land
3125 Development Guide to expand the Special Strategy Area, and Mr. Marlles is here to present the
3126 staff's position on this, and the crowds that are here will probably want to speak to the public
3127 hearing.

3128
3129 **PUBLIC HEARING: Comprehensive Plan Amendment for the Brook Road Commercial**
3130 **Area**

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3132 Mr. Vanarsdall - Before John starts, I don't know if you have had the pleasure of having
3133 appraised some redevelopment property, but it certainly is going well, John.

3134
3135 Mr. Marlles - Thank you, Mr. Chairman. By my reckoning I have seven minutes. Good
3136 morning, Mr. Chairman, and members of the Commission. This morning's public hearing is to
3137 consider a proposed amendment to the County's Comprehensive Plan that would expand the
3138 existing redevelopment corridor along Brook Road and would also incorporate design guidelines
3139 for new development. This amendment was one of the major recommendations of the Brook
3140 Road Enhancement Study that was undertaken by the County and a consultant several years ago.
3141 The proposed amendment consists of three components. The first part of the amendment would
3142 involve a revision to Map A of Henrico 2010 Development Guide. This amendment would
3143 simply expand the redevelopment corridor to include the area between Parham Road and Azalea
3144 Avenue along Brook Road. The second part of the amendment would incorporate both strategies
3145 and design guidelines based on the Brook Road Enhancement Study and would cover such areas
3146 as organization, business recruitment, sidewalks, landscaping and buffers. The third part of the
3147 amendment would revise the index of Special Strategy Areas by type, by including a description
3148 of the expanded redevelopment corridor. A work session to review the proposed amendments
3149 was conducted with the Planning Commission on December 15, 2004, and I do have copies of the
3150 draft amendment that was reviewed at that point, if anybody either in the audience or on the
3151 Commission would like to review that. The Brook Road Business Association has been briefed
3152 on the proposed amendment, actually on several occasions. Notices of the Planning
3153 Commission's work session that was held on December 15 and today's public hearing have been
3154 sent to the Brook Road Business Association and the North Chamberlayne Civic League, which is
3155 the residential neighborhood group that covers this area. With that, I'd be happy to answer any
3156 questions. Staff is recommending that the Commission approve a motion recommending
3157 approval of the expansion of the existing RC-4 Redevelopment Corridor on Brook Road and

3158 forwarding the proposed amendment to the Board for review and consideration. Thank you.

3159

3160 Mr. Marshall - You've got five minutes for rebuttal.

3161

3162 Mr. Vanarsdall - This is a public hearing. Would anyone in the audience like to speak? No
3163 one in the audience wants to speak. Thank you, John. Nice having you with us. We'll buy you
3164 lunch if you stay around.

3165

3166 Mr. Silber - Members of the Commission, we will need to have a recommendation on
3167 your behalf to the Board of Supervisors for this proposed amendment.

3168

3169 Mr. Vanarsdall - Mr. Archer.

3170

3171 Mr. Archer - Mr. Chairman, I move approval of Mr. Marllles' recommendation.

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3173 Mrs. Ware - Second.

3174

3175 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mrs. Ware. All in favor
3176 say aye. All opposed say no. The ayes have it. The motion is approved.

3177

3178 Mr. Silber - Next on the Agenda would be the approval of the minutes. If you recall, it
3179 was one long day in December, on December 15. We had a daytime meeting and an evening
3180 meeting. There are two sets of minutes.

3181

3182 Mr. Vanarsdall - Mr. Archer read them.

3183

3184 Mr. Archer - I just read what I said. I want to add one correction to the day minutes,
3185 and it was at the end of line 1085. It should be expressing instead of expression. That was about
3186 the lady that said we might find her dead on the back porch. Remember that?

3187

3188 Mr. Silber - Yes, I remember that.

3189

3190 Mr. Archer - And in the evening minutes on page 35, line 1365, it should be effect
3191 instead of affect, and page 67 on line 2710, it should be allay and not delay.

3192

3193 Mr. Silber - I assumed that you all do. He is the one who has caught a few mistakes.
3194 Mr. Archer, I appreciate that. Are there any others?

3195

3196 Mr. Vanarsdall - All right. We need a motion and a second.

3197

3198 Mr. Jernigan - So moved.

3199 Mr. Marshall - Second.

3200

3201 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All in
3202 favor say aye. All opposed say no. The minutes are approved with the corrections noted.

3203

3204 Mr. Silber - Next on the agenda would be a Discussion Item from the Director of
3205 Planning. I just wanted to remind you that there is a work session tomorrow. The Board of
3206 Supervisors is having a work session. You have been invited, as well, and you should have
3207 received a notice by now.

3208

3209 Mr. Vanarsdall - I didn't receive anything.

3210

3211 Mr. Silber - You haven't received a notice from the County Manager's office?

3212

3213 Mr. Jernigan - Regina called everybody.

3214

3215 Mr. Silber - OK. You were to be notified by the Manager's office, but I guess you have
3216 been so notified.

3217

3218 Mr. Vanarsdall - Mr. Secretary, do you have anything else?

3219

3220 Mr. Silber - I wanted to give you an agenda and remind you. Breakfast is at 8:30 a.m.
3221 and the work session begins at 9:00, and we hope to be completed by 2:00 p.m. We will start
3222 out with the Cash Proffer Program Staff Updates. We will then have discussion on the proposed
3223 Utility Policy by the Department of Public Utilities and we will finish up with a continued
3224 discussion on the A-1 Zoning Ordinance Amendment. We briefed the Board last night in a work
3225 session on the A-1 Ordinance Amendment. They had many questions and suggestions, and the
3226 Manager said he'd like to continue that discussion tomorrow afternoon to try to get some further
3227 guidance as to what the Board may want to do. I will share with you that it was the view of
3228 several Board members that they would like to see that Ordinance Amendment remanded back to
3229 the Planning Commission and that they thought that it may be more appropriate to get this
3230 amendment out into the community by holding community meetings with various groups to
3231 further explain the Ordinance Amendment to try to educate the people more on what is being
3232 proposed, and the Board may ask that it be done with a different recommendation brought back to
3233 the Board. If you recall, the Planning Commission took action to delay this amendment until we
3234 complete the Comprehensive Plan and looking at possible ways of evaluating the Comprehensive
3235 Plan process and looking at other ordinance amendments that may be appropriate, but at this
3236 point the Commission may be requested to take a look at this in advance of that process.

3238

3239 Mr. Jernigan - You want us to meet where there is no security?

3240

3241 Mr. Silber - Mr. Jernigan, staff will be with you. So there is your security. That
3242 completes my part.

3243

3244 Mr. Marshall -It is just a recommendation that we have more meetings than we already had,
3245 right? So we could bring it back and vote on an acreage and send it to them.

3246

3247 Mr. Jernigan - Randy, I know things that Jim and I, he asked someone on the staff and I

3248 don't know who, but we wanted to find out the percentage of the land that first of all is owned by
3249 the County that is actually also in wetlands to see actually what buildable is left that is zoned A-1.
3250

3251 Mr. Silber - We have put that map together. We don't have the acreage, but we have
3252 done a map, Mr. Jernigan, and provided that to Mr. Donati last night. It was a map that shows,
3253 when you remove all of the developed land, you remove the wetlands, the floodplains and
3254 environmental characteristics that it can't be built on, we took out areas that have plan approval,
3255 POD or conditional subdivision approval, and we took that out. We showed what land is still
3256 available for development. We have a map that shows that.

3257

3258 Mrs. Ware - Will that be presented to us tomorrow?

3259

3260 Mr. Silber - No.

3261

3262 Mr. Jernigan - Well, it should be. We are discussing that and that is a main focus of what
3263 is left out there.

3264

3265 Mr. Silber - We can provide a copy of that. We can bring a copy. It has only been
3266 done for one district. It is a fact that it has not been done for the rest of the County and other
3267 areas of the County that have developable land. It is good for illustrative purposes. It shows
3268 how much land is available. You will be surprised, I think. There is a fair amount of land in
3269 Varina that is available for development. It jumps out at you.

3270

3271 Mr. Jernigan - This is a pretty sensitive issue down my way.

3272

3273 Mr. Vanarsdall - What you are saying is they don't want us to wait.

3274 Mr. Marshall -It sounds like they want us to give them a number and say here it is.

3275 Mr. Silber - You may want to talk to your Board members about this.

3276 Mr. Vanarsdall - We don't want to wait 18 months is what they are saying, and you can
3277 figure that out why they don't.

3278 Mr. Silber - There will be further discussion about this tomorrow.

3279 Mr. Vanarsdall - I have a suggestion. The next time we have 42 cases, could you all send
3280 them to us in a Ukrop's paper bag. Mine almost didn't make it. It was torn up, the dog got half
3281 of it, and anyway, on a serious side, you all go by the place here this morning and pick up the ID
3282 badge with your mug shot on it.

3283 Mr. Marshall -Job well done, Mr. Chairman.

3284 Mr. Vanarsdall - We are now first-class citizens. We can get in any door.

3285 Mr. Jernigan - I had to go upstairs last night and I had the Deputy, and she couldn't even

3286 get on the elevator. Her card didn't work.

3287 Mr. Vanarsdall - And for you men, you can put it in your wallet and you don't have to take
3288 it out. You back up to the thing on the deck and it opens the door.

3289 Mrs. Ware - Motion to adjourn.

3290 Mr. Archer - Second.

3291 On a motion by Mrs. Ware and seconded by Mr. Archer, the Planning Commission to adjourn
3292 its January 26, 2005, meeting at 12:05 p.m.

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Ernest B. Vanarsdall, C.P.C., Chairperson

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Randall R. Silber, Secretary

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