

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 25,  
4 2006.

5

6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Acting Chairperson  
7 (Brookland)

8 Mr. Tommy Branin, Vice Chairperson (Three Chopt)

9 Mrs. Bonnie-Leigh Jones (Tuckahoe)

10 Mr. E. Ray Jernigan, C.P.C. (Varina)

11 Mrs. Patricia S. O'Bannon (Tuckahoe) Board of Supervisors  
12 Representative

13 Mr. Randall R. Silber, Director of Planning, Secretary

14

15 Member Absent: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)

16

17 Others Present: Mr. David D. O'Kelly, Jr., Assistant Director of Planning

18 Ms. Leslie A. News, CLA, Principal Planner

19 Mr. James P. Strauss, CLA, County Planner

20 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner

21 Mr. E. J. (Ted) McGarry, III, County Planner

22 Mr. Michael F. Kennedy, County Planner

23 Ms. Christina L. Goggin, AICP, County Planner

24 Mr. Tony Greulich, County Planner

25 Mr. Michael Jennings, Assistant Traffic Engineer

26 Ms. Diana B. Carver, Recording Secretary

27

28 **Mrs. Patricia S. O'Bannon, the Board of Supervisors Representative, abstains on all cases**  
29 **unless otherwise noted.**

30

31 Mr. Vanarsdall - Good morning, everyone. The Planning Commission will come to  
32 order. We welcome everybody and we are glad that you are here. I'll turn the meeting over  
33 to our Secretary and Director of Planning, Mr. Randy Silber.

34

35 Mr. Silber - Thank you, Mr. Vanarsdall. Our Chairman is out ill today, Mr. Archer,  
36 but we do have a quorum. I believe Mrs. O'Bannon is running late, but I believe she will be  
37 here as well. We do have four members of the Commission so we can conduct business. First  
38 on the agenda would be consideration of those items that are up for deferral. I think we only  
39 have one at this point that staff is aware of. Ms. News, if you could tell us about that one  
40 deferral.

41

42 Ms. News - Yes, sir. This case is located on page 28 in your agenda and is located  
43 in the Varina District. This case was deferred from the Planning Commission meeting on  
44 January 12 Rezoning meeting to this meeting. However, it was subsequently determined that  
45 the holidays in that time period did not allow sufficient time to legally advertise the project.

46 So, there continue to be unresolved issues on this project and, therefore, staff is recommending  
47 that this case be deferred to February 22, 2006, POD meeting.

48

49 **PLAN OF DEVELOPMENT & MASTER PLAN**

50 (Deferred from the January 12, 2006 Rezoning PC Meeting)

51

POD-64-05

Antioch Baptist Church  
1384 New Market Road  
(POD-39-96 Revised)

**Engineering Design Associates for Antioch Baptist Church:**

Request for approval of a revised plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a Phase 1, two-story, 546-seat sanctuary and a one-story, 8475 square foot education building, a Phase 2 parking lot and a Phase 3, 2400 square foot education building expansion. The 4.62-acre site is located at 1384 New Market Road along the east line of New Market Road (State Route 5) between Chatsworth Road and Freeless Street on parcels 804-700-1773, 3054 and 3543. The zoning is A-1, Agricultural District. County water and sewer. **(Varina)**

52

53 Mr. Vanarsdall - All right. Is there anyone in the audience in opposition to the deferment  
54 to this case to February 22? This is POD-64-05, Antioch Baptist Church, in the Varina  
55 District. No opposition, Mr. Jernigan.

56

57 Mr. Jernigan - Mr. Chairman, I move for deferral of POD-64-05, Antioch Baptist  
58 Church, to February 22, 2006, by request of the Commission.

59

60 Mr. Branin - Second.

61

62 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All  
63 in favor say aye...all opposed say nay. The motion passes.

64

65 The Planning Commission deferred POD-64-05, Antioch Baptist Church (POD-39-96 Revised)  
66 to its February 22, 2006 meeting.

67

68 Mr. Jernigan - Ms. News, do you have any more?

69

70 Ms. News - That's all that I have.

71

72 Mr. Jernigan - I have one more that I have to add. On page 12, POD-77-05, Byrd  
73 Center Expansion.

74 **PLAN OF DEVELOPMENT (Deferred from the December 14, 2005, Meeting)**

75

POD-77-05  
Byrd Center Expansion –  
Phase 6 and 7  
2800 Charles City Road  
(POD-38-00 Revised)

**Engineering Design Associates for Medalist & Wre-Byrd LLC:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two, one-story, office/warehouses consisting of a 93,000 square foot Phase 6 and a 70,000 square foot Phase 7. The 19.792-acre site is located at 2800 Charles City Road, approximately 600 feet east of Laburnum Avenue on parcel 818-709-1325. The zoning is M-1, Lighting Industrial District. County water and sewer. **(Varina)**

76

77 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of POD-  
78 77-05, Byrd Center Expansion, in the Varina District? No opposition. Mr. Jernigan.

79

80 Mr. Jernigan - Mr. Chairman, I move....

81

82 Mr. Silber - There is a comment in the back of the room.

83

84 Mr. Silber - Ma'am, would you come up.

85

86 Mr. Vanarsdall - Are you in opposition to the deferment?

87

88 Ms. Fisher - My name is Courtney Fisher and I'm with Engineering Design  
89 Associates. I was under the understanding that we had everything resolved on this case. Can  
90 we speak to the planner, Ted?

91

92 Mr. Jernigan - Yes, we had better talk to him, because yesterday it wasn't straight.

93

94 Mr. McGarry - Mr. Jernigan, as of yesterday afternoon, Utilities says they can  
95 recommend approval, so that's why it was left on the agenda to be heard.

96

97 Mr. Jernigan - Okay. Well, when I talked to you earlier it wasn't.

98

99 Mr. McGarry - I know, it wasn't by 4:30 p.m.

100

101 Mr. Jernigan - Well, that's cutting it right at the end. Okay.

102

103 Ms. Fisher - I apologize for the confusion.

104

105 Mr. Jernigan - We will hear the case then. Thank you. I withdraw that deferral, Mr.  
106 Chairman.

107

108 Mr. Vanarsdall - All right. Will the Planning Commission please disregard that.

109

110 **POD-77-05, BYRD CENTER EXPANSION – PHASE 6 AND 7 WAS NOT DEFERRED**  
111 **BUT PLACED BACK ON THE AGENDA TO BE HEARD IN ITS ORIGINAL ORDER.**

112

113 Mr. Silber - Are there any other deferrals from the Planning Commission?

114

115 Mr. Vanarsdall - Ye, I have one, Mr. Secretary, on page six, transfer of approval POD-  
116 56-74, Commonwealth Tents.

117

118 **TRANSFER OF APPROVAL**

119

POD-56-74  
Commonwealth Tents  
(Formerly Bertozzi  
Warehouse)

**John Hodgson for W&H, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from A. Bertozzi, Inc. to W&H, LLC. The 3.076-acre site is located on the east line of Greendale Road between Irisdale Avenue and Greenway Avenue at 5603 Greendale Road on parcel 775-745-7650. The zoning is M-1, Light Industrial District. County water and sewer.  
**(Brookland)**

120

121 Mr. Vanarsdall - First of all, is Mr. John Hodgson in the audience for Commonwealth  
122 Tents (no answer from the audience)? All right. Is there anyone in the audience in opposition  
123 to the deferment of POD-56-74, Commonwealth Tents, in the Brookland District?

124

125 Mr. Silber - This is a transfer of approval plan of development.

126

127 Mr. Vanarsdall - No opposition. I move POD-56-74, Commonwealth Tents, be deferred  
128 to February 22, 2006, at the Planning Commission's request.

129

130 Mr. Branin - Second.

131

132 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.  
133 All in favor say aye...all opposed say nay. The motion passes.

134

135 The Planning Commission deferred the transfer of approval request for POD-56-74,  
136 Commonwealth Tents (Formerly Bertozzi Warehouse) to its February 22, 2006 meeting.

137

138 Mr. Silber - Are there any other deferrals of the requests of the Planning  
139 Commission? Seeing none, we can move on to the Expedited Agenda. These are items that  
140 have been placed on an agenda that these items can be heard without a full public hearing.  
141 These items are plans that have been reviewed by the County Administration. There are no  
142 outstanding issues. The Planning Commission member from the district has no issues with the  
143 plan and the applicant is agreeable to all of the conditions placed on the plan. These are placed  
144 on the Expedited Agenda so they can be heard without testimony. If anyone is in opposition to  
145 these on the Expedited Agenda, they will be pulled off of this agenda and heard in the order  
146 that they are found on the full agenda. I believe we have a number of items to be heard on the

147 Expedited Agenda, Ms. News.

148 Ms. News - Yes, sir, Mr. Secretary. We have seven items on the Expedited Agenda.  
149 The first is found on page 2 of your agenda and is located in the Brookland District. This is  
150 transfer of approval POD-110-83, Mulligan's. There is an addendum item on page 1 of your  
151 addendum which includes a revised caption and a revised condition. The revised caption is just  
152 correcting the POD number and the revised condition has been revised to incorporate required  
153 repairs to the portion of Fountain Avenue that is owned by this property owner, and the owner  
154 has agreed to that condition.

155

156 **TRANSFER OF APPROVAL**

157

POD-110-03 **83**

Mulligan's (Formerly  
Bullwinkles Restaurant)

**Mega Office Furniture for YSJ, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from RIC Capital Adventures, LLC and East Coast Oil Corporation to YSJ, LLC. The 2.871-acre site is located at 8006 W. Broad Street (U.S. Route 250) at the intersection of Fountain Avenue and Enterprise Parkway and W. Broad Street on parcel 764-752-4572. The zoning is M-1, Light Industrial District and B-3- Business District. County water and sewer. **(Brookland)**

158

159 Mr. Vanarsdall - Is there anyone in the audience in opposition to the transfer of approval  
160 request for POD-110-83, Mulligan's? No opposition. I move that POD-110-83, Mulligan's, be  
161 approved with the annotations on the plan and then on the addendum we have a revised  
162 condition, condition No. 1.

163

164 Mr. Jernigan - Second, Mr. Chairman.

165

166 Mr. Vanarsdall - We have a motion by Mr. Vanarsdall and seconded by Mr. Jernigan.  
167 All in favor say aye...all opposed say nay. The motion passes.

168

169 The Planning Commission approved the transfer of approval request for POD-110-83,  
170 Mulligan's (Formerly Bullwinkles Restaurant) from RIC Capital Adventures, LLC and East  
171 Coast Oil Corporation to YSJ, LLC, subject to the standard and added conditions previously  
172 approved and the following added condition:

173

174 1. The site deficiencies, as identified in the inspection report, dated **December 6, 2005**, as  
175 well as deficiencies in the 200-foot portion of the private road, commonly known as  
176 Fountain Avenue owned by this property owner, shall be corrected by **May 30, 2006** or  
177 a bond shall be posted to cover this work.

178

179 Ms. News - Next on page 3 of our agenda, and located in the Brookland District, is  
180 transfer of approval POD-55-75 and POD-46-94, Brookfield Commons. There is an addendum  
181 item on page 2 of your addendum, which includes a revised recommendation and added  
182 condition. There was an outstanding issue regarding paving the site.

183

184 The applicant has agreed to do that repaving and restripping and that is covered in condition  
185 No. 1. Staff can recommend approval.

186

187 **TRANSFER OF APPROVAL (Deferred from the November 16, 2005 Meeting)**

188

POD-55-75 and POD-46-94      **Hirschler Fleischer for Direct Invest Ventures, LLC:**  
Brookfield Commons      Request for transfer of approval as required by Chapter 24,  
Section 24-106 of the Henrico County Code from Chambertin,  
L.P. to Direct Invest – Brookfield Commons LLC; and Direct  
Invest –Brookfield Commons 1, LLC through and including  
Direct Invest – Brookfield Commons 14, LLC. The 6.822-acre  
site is located at 6600 W. Broad Street (U. S. Route 250) at the  
northeast corner of the intersection of W. Broad Street and  
Dickens Road on parcel 768-743-7194. The zoning is O-3,  
Office District. County water and sewer. **(Brookland)**

189

190 Mr. Vanarsdall -      Is there anyone in the audience in opposition to the transfer of approval  
191 request for POD-55-75 and POD-46-94, Brookfield Commons, in the Brookland District? No  
192 opposition. I move that POD-55-75 and POD-46-94, Brookfield Commons, be approved on  
193 the Expedited Agenda and the addendum has an added condition No. 1.

194

195 Mr. Jernigan -      Second.

196

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

199

200 The Planning Commission approved the transfer of approval request for POD-55-75 and POD-  
201 46-94, Brookfield Commons from Chambertin, L.P. to Direct Invest – Brookfield Commons  
202 LLC; and Direct Invest – Brookfield Commons 1, LLC through and including Direct Invest –  
203 Brookfield Commons 14, LLC, subject to the standard and added conditions previously  
204 approved and the following added condition:

205

206 1.      The site shall be re-paved and re-stripped by **May 15, 2006** or a bond shall be posted to  
207      cover this work by that date.

208

209 Ms. News -      Next on page 7 of your agenda, and located in the Fairfield District, is a  
210 transfer of approval for POD-38-97, North Henrico Customer Service Center.

211 **TRANSFER OF APPROVAL**

212

POD-38-97

North Henrico Customer  
Service Center DMV

**Michael Rothermel, Esq. for Matthews Family, II, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Robert B. Ball, Sr. to Matthews Family, II, LLC. The 2.0-acre site is located on the east line of Brook Road (U.S. Route 1) 40 feet southeast of Georgia Avenue at 9015 Brook Road on parcel 784-760-4960. The zoning is B-3, General Business District. County water and sewer. **(Fairfield)**

213

214 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-38-97, North  
215 Henrico Customer Service Center, in the Fairfield District? No opposition. I move that POD-  
216 38-97, North Henrico Customer Service Center DMV, be approved with the annotations on the  
217 plan, on the Expedited Agenda.

218

219 Mr. Branin - Second.

220

221 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.  
222 All in favor say aye...all opposed say nay. The motion passes.

223

224 The Planning Commission approved the transfer of approval request for POD-38-97, North  
225 Henrico Customer Service Center DMV, subject to the standard and added conditions  
226 previously approved.

227

228 Ms. News - Next on page 9 of your agenda, and located in the Varina District, is a  
229 landscape and lighting plan, LP/POD-46-04, Sifen Self Storage. There is an addendum item  
230 on page 2, which indicates that there is a revised plan included in your addendum and a revised  
231 recommendation for approval. There were outstanding issues relating to the transitional buffer  
232 plantings, which have been resolved and shown on that plan and staff can recommend  
233 approval.

234

235 **LANDSCAPE & LIGHTING PLAN**

236

LP/POD-46-04

Sifen Self Storage -  
Laburnum Avenue and  
Creighton Road

**Balzer and Associates for Michael D. Sifen:** 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 6.67-acre site is located on the west side of Laburnum Avenue approximately 550 feet south of the intersection of Laburnum Avenue and Creighton Road on parcel 808-729-7538. The zoning is M-1C, Light Industrial District (Conditional). **(Varina)**

237

238 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape and  
239 lighting plan for LP/POD-46-04, Sifen Self Storage, in the Varina District? No opposition.

240 Mr. Jernigan.

241

242 Mr. Jernigan - Mr. Chairman, with that I'll move for approval of LP/POD-46-04, Sifen  
243 Self Storage, subject to the annotations on the plans and the standard conditions for landscape  
244 and lighting plans and on the Expedited Agenda.

245

246 Mrs. Jones - Second.

247

248 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All  
249 in favor say aye...all opposed say nay. The motion passes.

250

251 The Planning Commission approved the landscape and lighting plan for LP/POD-46-04, Sifen  
252 Self Storage, subject to the annotations on the plans and the standard conditions attached to  
253 these minutes for landscape and lighting plans.

254

255 Ms. News - Next on page 20 of your agenda, located in the Varina District, is  
256 subdivision Shady Oaks Farm (January 2006 Plan). Staff can recommend approval for 16 lots.

257

## 258 **SUBDIVISION**

259

Shady Oaks Farm  
(January 2006 Plan)  
Yarnell Road

**Engineering Design Associates for Elizabeth M. and  
Raymond A., Jr., Powell:** The 25.467-acre site proposed for a  
subdivision of 16 single-family homes is located on the  
southwest side of Yarnell Road, approximately 1,050 feet south  
of the intersection of Willson Road and Yarnell Road, on  
parcel 813-696-8421. The zoning is A-1, Agricultural District.  
Individual well and septic tank/drainfield. **(Varina) 16 Lots**

260

261 Mr. Vanarsdall - Is there anyone in the audience in opposition to Shady Oaks Farm  
262 (January 2006 Plan), in the Varina District? No opposition. Mr. Jernigan.

263

264 Mr. Jernigan - Mr. Chairman, with that I will move for approval of subdivision Shady  
265 Oaks Farm (January 2006 Plan), subject to the annotations on the plans and the standard  
266 conditions for subdivisions not served by public utilities and the following additional conditions  
267 Nos. 11 through 16 and on the Expedited Agenda.

268

269 Mrs. Jones - Second.

270

271 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All  
272 in favor say aye...all opposed say nay. The motion passes.

273

274 The Planning Commission granted conditional approval to subdivision Shady Oaks Farm  
275 (January 2006 Plan) subject to the standard conditions attached to the minutes for subdivisions  
276 not served by public utilities, the annotations on the plans and the following additional  
277 conditions:



- 278 11. Prior to requesting recordation, the developer shall furnish a letter from Dominion  
 279 Virginia Power stating that this proposed development does not conflict with its facilities.  
 280 12. Each lot shall contain at least 43,560 square feet.  
 281 13. Prior to requesting recordation, the developer shall furnish a letter from Colonial Pipeline  
 282 stating that this proposed development does not conflict with its facilities.  
 283 14. A plan shall be submitted prior to recordation of the plat showing the buildable area for  
 284 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.  
 285 Buildable area is that area within which a dwelling unit may legally be located considering  
 286 the front yard, side yard, and rear yard setback requirements of Chapter 24, of the  
 287 Henrico County Code.  
 288 15. Any necessary offsite drainage easements must be obtained prior to approval of the  
 289 construction plan by the Department of Public Works.  
 290 16. Any future building lot containing a BMP, sediment basin or trap and located within the  
 291 buildable area for a principal structure or accessory structure, may be developed with  
 292 engineered fill. All material shall be deposited and compacted in accordance with the  
 293 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
 294 professional engineer. A detailed engineering report shall be submitted for the review  
 295 and approval by the Building Official prior to the issuance of a building permit on the  
 296 affected lot. A copy of the report and recommendations shall be furnished to the  
 297 Directors of Planning and Public Works.  
 298

299 Ms. News - Next on page 21 of your agenda, and located in the Fairfield District, is  
 300 POD-78-05, Cole Run – Zero Lot Line Development. There is an addendum item on page 4  
 301 of your addendum, which adds a condition addressing the provision of windows on the zero lot  
 302 line side of the property. Staff can recommend approval.  
 303

304 **PLAN OF DEVELOPMENT**

305 **POD-78-05** **Hulcher and Associates for RMA/Hunton, LC and Cole**  
**Cole Run – Zero Lot Line - Boulevard Development, LLC:** Request for approval of a  
 Cole Boulevard at I-295 and Brook Road plan of development, as required by Chapter 24, Section 24-  
 106 of the Henrico County Code, to construct 13 zero lot line  
 detached single-family dwellings. The 2.77-acre site is located  
 approximately 600 feet east of the intersection of Berrymeade  
 Hills Terrace and Cole Boulevard on parcel 783-764-5602.  
 The zoning is R-5AC, General Residence District  
 (Conditional). County water and sewer. **(Fairfield)**

306  
 307 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-78-05, Cole Run –  
 308 Zero Lot Line, in the Fairfield District. No opposition.  
 309

310 Mr. Branin - Mr. Chairman, I move for approval of POD-78-05, Cole Run – Zero Lot  
 311 Line, on the Expedited Agenda, subject to the standard conditions for this type of  
 312 development, including item No. 36.  
 313

314 Ms. News - And the additional conditions.  
315  
316 Mr. Jernigan - Second.  
317  
318 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All  
319 in favor say aye...all opposed say nay. The motion passes.  
320  
321 Mr. Silber - And that includes the additional conditions listed in the agenda and  
322 including condition No. 36 in the addendum.  
323  
324 Mr. Jernigan - Twenty-four through 35 and No. 36 added.  
325  
326 Mr. Silber - Right.  
327  
328 The Planning Commission approved POD-78-05, Cole Run – Zero Lot Line, subject to the  
329 standard conditions attached to these minutes, the annotations on the plans and the following  
330 additional conditions:  
331  
332 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
333 the County in a form acceptable to the County Attorney prior to any occupancy permits  
334 being issued. The easement plats and any other required information shall be submitted  
335 to the County Real Property Agent at least sixty (60) days prior to requesting  
336 occupancy permits.  
337 25. The developer shall provide fire hydrants as required by the Department of Public  
338 Utilities and Division of Fire.  
339 26. Prior to issuance of a certificate of occupancy for any building in this development, the  
340 engineer of record shall certify that the site has been graded in accordance with the  
341 approved grading plans.  
342 27. A standard concrete sidewalk shall be provided along the north side of Cole Boulevard.  
343 28. A 10-foot planting strip to preclude ingress or egress along the building side of the sewer  
344 easement along the property line abutting I-295 shall be shown on the approved plans. The  
345 details shall be included with the required landscape plans for review and approval.  
346 29. A 10-foot planting strip along the proposed Everson Terrace shall be shown on the  
347 approved plans. The details shall be included with the required landscape plan for review  
348 and approval.  
349 30. A 10-foot planting strip easement along the west side of the development that abuts the  
350 Berrymeade Hills subdivision shall be shown on the approved plans. The details shall be  
351 included with the required landscape plans for review and approval.  
352 31. The proffers approved as a part of zoning case C-5C-05 shall be incorporated in this  
353 approval.  
354 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
355 a form acceptable to the County Attorney prior to final approval of the construction  
356 plans.  
357 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
358 approved by the County Engineer prior to final approval of the construction plans by

359 the Department of Public Works.  
360 34. Approval of the construction plans by the Department of Public Works does not  
361 establish the curb and gutter elevations along the Henrico County maintained right-of-  
362 way. The elevations will be set by Henrico County.  
363 35. The subdivision plat for Cole Run shall be recorded before any building permits are  
364 issued.  
365 36. Windows on the zero lot line side of the dwelling can only be approved with an  
366 exception granted by the Building Official and the Director of Planning during the  
367 building permit application process.  
368  
369 Ms. News - The final item is on page 23 of your agenda and is located in the Three  
370 Chopt District. This is POD-1-06, Union Bank & Trust @ Hickory Park and it's located in the  
371 Three Chopt District and staff can recommend approval.

372

### 373 **PLAN OF DEVELOPMENT**

374

POD-1-06  
Union Bank & Trust @  
Hickory Park – Hickory  
Park Drive

**Jordan Consulting Engineers, P.C. for HHHunt Corporation and Union Bank & Trust 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, 3,132 square foot bank with drive through facilities. The 1.100-acre site is located at the southwest corner of the intersection of Nuckols Road and Hickory Park Drive on parcel 747-771-2430. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

375

376 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-1-06, Union Bank  
377 & Trust @ Hickory Park, in the Three Chopt District? No opposition. Mr. Branin.

378

379 Mr. Branin - Mr. Chairman, I move for approval of POD-1-06, Union Bank & Trust  
380 @ Hickory Park, on the Expedited Agenda, subject to standard conditions applicable to this  
381 type of development and the annotations on the plans with additional conditions Nos. 24  
382 through 35 shown on the agenda.

383

384 Mrs. Jones - Second.

385

386 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mrs. Jones. All  
387 in favor say aye...all opposed say nay. The motion passes.

388

389 The Planning Commission approved POD-1-06, Union Bank & Trust @ Hickory Park, subject  
390 to the standard conditions attached to these minutes, the annotations on the plans, and the  
391 following additional conditions:

392

393 24. The right-of-way for widening of Nuckols Road as shown on approved plans shall be  
394 dedicated to the County prior to any occupancy permits being issued. The right-of-way

- 395 dedication plat and any other required information shall be submitted to the County  
396 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 397 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
398 the County in a form acceptable to the County Attorney prior to any occupancy permits  
399 being issued. The easement plats and any other required information shall be submitted  
400 to the County Real Property Agent at least sixty (60) days prior to requesting  
401 occupancy permits.
- 402 26. The developer shall provide fire hydrants as required by the Department of Public  
403 Utilities and Division of Fire.
- 404 27. A standard concrete sidewalk shall be provided along the south side of Nuckols Road  
405 and the east side of Hickory Park Drive.
- 406 28. The proffers approved as a part of zoning case C-13C-02 shall be incorporated in this  
407 approval.
- 408 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
409 a form acceptable to the County Attorney prior to final approval of the construction  
410 plans.
- 411 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
412 approved by the County Engineer prior to final approval of the construction plans by  
413 the Department of Public Works.
- 414 31. In the event of any traffic backup which blocks the public right-of-way as a result of  
415 congestion caused by the drive-up teller facilities, the owner/occupant shall close the  
416 drive-up teller facilities until a solution can be designed to prevent traffic backup.
- 417 32. Insurance Services Office (ISO) calculations must be included with the plans and  
418 contracts and must be approved by the Department of Public Utilities prior to the  
419 issuance of a building permit.
- 420 33. Approval of the construction plans by the Department of Public Works does not  
421 establish the curb and gutter elevations along the Virginia Department of Transportation  
422 maintained right-of-way. The elevations will be set by the contractor and approved by  
423 the Virginia Department of Transportation.
- 424 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
425 Department of Planning and approved prior to issuance of a certificate of occupancy for  
426 this development.
- 427 35. The location of all existing and proposed utility and mechanical equipment (including  
428 HVAC units, electric meters, junction and accessory boxes, transformers, and  
429 generators) shall be identified on the landscape plans. All equipment shall be screened  
430 by such measures as determined appropriate by the Director of Planning or the  
431 Planning Commission at the time of plan approval.

432  
433 Mr. Silber - That concludes items that are on the Expedited Agenda. Next on the  
434 agenda, back on page 1, would be the Extensions of Conditional Approval. These are  
435 subdivisions that have been previously approved by the Planning Commission as conditional  
436 subdivisions and they have come up for renewal. Most of these can be handled  
437 administratively and are only listed for Planning Commission Information. There is one that  
438 we have noted on the addendum that does require Planning Commission action. This would be  
439 Malvern Hill Manor. This has been extended four times and the state law indicates that you

440 can extend for a period of five years, so at this point, staff can not administratively approve  
 441 this but this would require Planning Commission approval on Malvern Hill Manor.

442 **FOR INFORMATIONAL PURPOSES ONLY**

443

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended Recommended</b>
<b>Arbil Acres (January 2005 Plan)</b>	<b>Brookland</b>	<b>50</b>	<b>50</b>	<b>0</b>	<b>1 Year 1/24/07</b>
<b>Henley (October 2003 Plan)</b>	<b>Three Chopt</b>	<b>80</b>	<b>30</b>	<b>1</b>	<b>1 Year 1/24/07</b>
<b>Kingsland Green (January 2005 Plan)</b>	<b>Varina</b>	<b>61</b>	<b>61</b>	<b>0</b>	<b>1 Year 1/24/07</b>
<b>Roundabout Estates (January 2005 Plan)</b>	<b>Varina</b>	<b>61</b>	<b>61</b>	<b>0</b>	<b>1 Year 1/24/07</b>
<b>Scandia Farms (January 2005 Plan)</b>	<b>Varina</b>	<b>14</b>	<b>14</b>	<b>0</b>	<b>1 Year 1/24/07</b>
<b>Westin (January 2005 Plan)</b>	<b>Three Chopt</b>	<b>34</b>	<b>34</b>	<b>0</b>	<b>1 Year 1/24/07</b>

444

445

446 **FOR PLANNING COMMISSION APPROVAL**

447

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended Recommended</b>
<b>Malvern Hill Manor (January 2001 Plan)</b>	<b>Varina</b>	<b>121</b>	<b>121</b>	<b>4</b>	<b>1 Year 1/24/07</b>

448

449

450 Mr. Vanarsdall - Mr. Jernigan, do you want to take that?

451

452 Mr. Jernigan - Yes. I'm ready. Mr. Chairman, with that I will move for extension of  
 453 Malvern Hill Manor (January 2001 Plan) for one year.

454

455 Mr. Branin - Second.

456

457 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All  
 458 in favor say aye...all opposed say nay. The motion passes.

459

460 The Planning Commission voted to approve subdivision extension of conditional approval for  
 461 12 months, January 24, 2007, for Malvern Hill Manor (January 2001 Plan).

462

463 Mr. Silber - Moving on to your....

464

465 Mrs. O'Bannon - Mr. Chairman, if I can interrupt, I apologize for being late this morning.  
466 Inside my house is being painted and the painters didn't get there until about 8:45 a.m. and I  
467 had some instructions I had to give them. I apologize and it won't happen again.

468

469 Mr. Vanarsdall - No problem, Mrs. O'Bannon. I've had that same thing happen. Mr.  
470 Secretary, before we get started and for the benefit of the public, there comes a time when we  
471 have to honor each other and so this morning we want to honor Tommy Branin, and I'm not  
472 going to tell you his age, but today is his birthday. So, let's give him a hand (the audience  
473 applauds). Somebody asked, I think it was Mrs. Jones, said is this a milestone? I guess it  
474 depends on where you are if it is a milestone or not. I'll let it go at that, Tommy.

475

476 Mr. Silber - Happy birthday, Mr. Branin.

477

478 Mr. Branin - Thank you, Mr. Silber.

479

480 Mr. Silber The first item for consideration, given the deferrals and expedited items,  
481 would be on page 4 of your agenda.

482

483 **TRANSFER OF APPROVAL**

484

POD-44-01  
Silver Retail Building  
9851 Brook Road

**John W. Steele for Cedar – Virginia Commons, LLC:**  
Request for transfer of approval of a portion of a plan of  
development as required by Chapter 24, Section 24-106 of the  
Henrico County Code from Virginia Center Ventures, LLC to  
Cedar – Virginia Commons, LLC. The 0.607-acre site is  
located at 9851 Brook Road (U.S. Route 1) on parcel 783-768-  
8646. The zoning is M-1, Light Industrial District. County  
water and sewer. **(Fairfield)**

485

486 Mr. Vanarsdall - Is there anyone in the audience in opposition to this transfer of approval  
487 request for POD-44-01, Silver Retail Building, in the Fairfield District? No opposition. I  
488 move that we approve the transfer of approval and all of the conditions for developments of  
489 this type and the annotations. I don't see anything in the addendum.

490

491 Mr. Silber - That's correct.

492

493 Mr. Branin - Second.

494

495 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.  
496 All in favor say aye...all opposed say nay. The motion passes.

497

498 The Planning Commission approved the transfer approval request for POD-44-01, Silver Retail  
499 Building, 9851 Brook Road, subject to the standard and additional conditions previously

500 approved for developments of this type from Virginia Center Ventures, LLC to Cedar –  
501 Virginia Commons, LLC.

502 Mr. Jernigan - Mr. Silber, I notice that both of these approvals are POD-44-01 but they  
503 are two different people.

504

505 Mr. Silber - Yes, sir. They are in the same POD. They are being transferred to a  
506 different company or partnership and they are a slightly different piece of the POD. As you  
507 can see the last one was for six-tenths of an acre site at 9851 Brook Road and the next one is  
508 for nine-tenths of an acre site at 9853 Brook Road. They both came under the same POD.

509

510 Mrs. O'Bannon - This is similar to, for instance, a shopping center that has two or three  
511 different owners. Would that be a good way to describe it?

512

513 Mr. Silber It may be, Mrs. O'Bannon. Yes, that could be a shopping center that  
514 was approved under one POD and it may have different owners. In this case, they are  
515 transferring it to different owners.

516

517 Mrs. O'Bannon - You keep it under the same POD because it was originally like one  
518 shopping center?

519

520 Mr. Silber - Yes.

521

522 Mr. Jernigan - I was just noticing that they all had the same numbers. When you pull it  
523 up in the computer it pulls everything up on both pages.

524

#### 525 **TRANSFER OF APPROVAL**

526

POD-44-01  
Silver Finance Office  
9853 Brook Road

**John W. Steele for Greengate Central Park Limited Partnership:** Request for transfer of approval of a portion of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code from Virginia Center Ventures, LLC to Greengate Central Park Limited Partnership. The 0.947-acre site is located at 9853 Brook Road (U.S. Route 1) on parcel 783-768-8646. The zoning is M-1, Light Industrial District. County water and sewer. **(Fairfield)**

527

528 Mr. Vanarsdall - Is there anyone in the audience in opposition to the transfer of approval  
529 for POD-44-01, Silber Finance Office, 9853 Brook Road, in the Fairfield District? No  
530 opposition.

531

532 Mr. Branin - I move that we approved transfer of approval POD-44-01, Silver Finance  
533 Office, 9853 Brook Road.

534

535 Mr. Jernigan - Second.

536

537 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All  
538 in favor say aye...all opposed say nay. The motion passes.

539

540 The Planning Commission approved the transfer approval request for POD-44-01, Silver  
541 Finance Building, 9853 Brook Road, subject to the standard and additional conditions  
542 previously approved for developments of this type from Virginia Center Ventures, LLC to  
543 Greengate Central Park Limited Partnership.

544

545 **LANDSCAPE & LIGHTING PLAN**

546

LP/POD-27-05

River Road Church Baptist  
Parking Addition – 8 N.  
Ridge Road

**William H. Spell, LLC for River Road Church Baptist,  
Trustees:** 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 0.66-acre site is located on  
the west line of N. Ridge Road, approximately 600 feet north  
of River Road on parcel 757-734-4720 and part of 757-734-  
4606. The zoning is R-1, One-Family Residence District.  
**(Tuckahoe)**

547

548 Mr. Vanarsdall - Is there anyone in the audience in opposition for the landscape and  
549 lighting plan for LP/POD-27-05, River Road Church Baptist Parking Addition? No  
550 opposition. Mrs. Jones.

551

552 Mr. Silber - I believe we do have opposition. It's just that they are meeting out there  
553 in the hallway.

554

555 Mrs. Jones - We have quite a few folks filtering in. We will have to ask that question  
556 again, I guess.

557

558 Mr. Vanarsdall - All right. I'll restate that. We didn't have any opposition in the Board  
559 Room until right now. Mr. Strauss.

560

561 Mr. Strauss - Thank you, Mr. Chairman. The applicant met with the neighbors most  
562 affected by this parking lot addition and there were two issues that needed to be resolved.  
563 First, the neighbors requested that the proposed wood screen, fence be raised in height from  
564 six feet to seven feet. The church has agreed to do that as a part of their revised landscape  
565 plan.

566

567 Second. The neighbors asked if the proposed light poles were really necessary for this new  
568 parking lot addition. And, if they were not, could they be eliminated? Since the church does  
569 intend to use the new parking lot addition for some activity which may extend into the  
570 nighttime hours, the church would like to keep the proposed light poles on this plan. The  
571 church is willing to have the type of lights that have the bulb under the cap. It's kind of a gas  
572 light fixture to match the existing light poles. That in affect does act as a shield.

573



574 The most recent conversations we've just been having, have nothing to do with the proposed  
575 lights in the parking lot but with the lights on the building. It appears we have some  
576 disagreement with respect to what can be done with respect to the lights on the building itself.  
577 Apparently, there is a part of the building that has lights on at night for security reasons. I'll  
578 probably have to let the church and/or Bill Spell speak to that issue.

579 The plan that we handed out this morning does address the other issues which we have  
580 resolved. We did also talk about having the two light poles on a circuit so that they could be  
581 turned off when they are not needed. In that way, we don't have to have the lights on  
582 automatically when it gets dark. The church can actually have a circuit to turn them off and  
583 turn them on only when they need them. So, those parts of the plan we are in agreement with.  
584 We've got a landscape plan that everyone is happy with, with a seven-foot fence. We do have  
585 some questions about the building lighting, so I'm going to turn that part of it over to Bill Spell  
586 and the church. And, I do want to say, that there is a part of the building that is already up  
587 that has some lights on it that the neighbors are not really agreeable to. So, with that  
588 knowledge, I am recommending approval of the plan. We will have to talk about the building  
589 lights.

590

591 Mr. Silber - Mr. Strauss, obviously the building lights are not a part of this plan.  
592 The plan has not been advertised. To what extent are we able to discuss this? I'm willing to  
593 discuss this and see if we can have some resolution but it's really not something that's a part of  
594 the plan that's before the Planning Commission.

595

596 Mr. Strauss - That was mentioned in the hallway just a minute ago. We don't know at  
597 this point, since this part of the discussion just occurred, we are not even sure if we know what  
598 the wattage of those lights are. We thought we would explore the issue a little bit and then we  
599 would have to make a decision on what we want to do. Do we want to approve landscape plan  
600 - only today, or approve the part of the lighting, which we can deal with, or just have the  
601 church speak to what they can do.

602

603 Mr. Silber - Does the Commission understand that what's before you is a landscape  
604 and lighting plan for this parking lot addition that seems to have been resolved. Those issues  
605 have been resolved and now there is an issue dealing with lighting off of this piece of property.  
606 If the Commission is comfortable in hearing these issues, that's fine with me, and we will just  
607 need to decide how to move after that discussion today.

608

609 Mr. Vanarsdall - Thank you.

610

611 Mrs. Jones - I just want to ask a question. Mr. Strauss, on the plan I see six, green,  
612 arborvitae that are at the Brockenbrough's boundary. Is that not seven?

613

614 Mr. Strauss - Maybe I should let Bill Spell answer that, since he prepared the plan.  
615 Why don't I let him tell you.

616

617 Mrs. Jones - That will be fine. I have a couple of other little details, like that, just so  
618 we understand the plan we are talking about. Good morning, Mr. Spell.

619

620 Mr. Vanarsdall - Good morning, Bill.

621

622 Mr. Spell - Good morning. My name is Bill Spell and I am the landscape architect.  
623 I'm not really sure what I should be talking about at this point.

624

625 Mrs. Jones - Would you answer a few questions, or you are welcome to make a  
626 statement, I have a few things I need to ask you.

627

628 Mr. Spell - Go ahead and ask your questions.

629

630 Mrs. Jones - Just a few little details here. At the Brockenbrough's boundary line are  
631 those seven arborvitae?

632

633 Mr. Spell - That's correct.

634

635 Mrs. Jones - They are marked as six so we will change that?

636

637 Mr. Spell - That's correct. We will correct that on the final plan.

638

639 Mrs. Jones - And, obviously, the six-foot, wooden fence is now seven.

640

641 Mr. Spell - It's seven feet. It will be updated.

642

643 Mrs. Jones - And you will have a six-foot, solid fence topped by a one-foot lattice. Is  
644 that correct?

645

646 Mr. Spell - In meeting with the adjacent property owners, they would like to keep  
647 the lattice section the same height, it's just one foot nine inches and then add a foot to the solid  
648 part of the fence.

649

650 Mrs. Jones - Which will bring us to a total height of...

651

652 Mr. Spell - Seven feet.

653

654 Mrs. Jones - Seven feet.

655

656 Mr. Vanarsdall - The top is a trim or decoration?

657

658 Mr. Spell - Yes.

659

660 Mrs. Jones - Can you tell me what kind of finish has been decided on this? Will it be  
661 stained or will it be natural.

662

663 Mr. Spell - We have not decided on what kind of finish it will be.

664

665 Mr. Vanarsdall -

Have you decided to stain it or you just don't know the color?

666

667 Mr. Spell -

I don't think we have decided anything on the finish at this point.

668 Mrs. Jones - On the Sanderson's border, here, there are quite a few arborvitae as  
669 well. Is that a dogwood right there in the middle of the....

670

671 Mr. Spell - I don't know if that dogwood is still there. There is a magnolia. It's  
672 pretty close to the property line and the Sanderson's would like to keep the magnolia and we  
673 have agreed to bring the fence down to it so that it basically breaks. There is a gap in the  
674 fence. The fence would be aligned so that if the tree did die, at some point we could fill in that  
675 panel. So, it's maybe going to have a three or four foot gap in the fence.

676

677 Mr. Silber - It looks like, maybe in clarification, that does look like, I think Mrs.  
678 Jones is correct, it looks like there is a magnolia tree there but there is also on the plan it  
679 appears to be an existing dogwood.

680

681 Mrs. Jones - Is that another gap in the fence?

682

683 Mr. Spell - No, that would not be affected by the fence.

684

685 Mrs. Jones - This has been an interesting project because I really do believe that it is a  
686 beautifully designed parking area but we are just trying to make everything suitable to  
687 everybody and that's always difficult. I do think the condition to raise the height of the fence  
688 will help with glare and with just a visual line from the residences. The separate circuit for  
689 lighting, is that becoming a part of this discussion now? Is that going to be a condition on the  
690 plan?

691

692 Mr. Spell - Yes. It had to be constructed that way. I think there is a separate meter  
693 and it sits on a separate circuit. So, it would be controllable outside the other fixtures that are  
694 in the parking lot.

695

696 Mrs. Jones - And what kind of conditions for the activation of that circuit are going to  
697 be on, coming along with this lighting plan?

698

699 Mr. Spell - The church has explained to me that they would only put those lights on  
700 when there were evening services such as Christmas Eve and.... I can't even think of any other  
701 time.

702

703 Man from Aud. - Evening concerts.

704

705 Mr. Spell - Evening concerts.

706

707 Mrs. Jones - All right. Is there anything that is left unresolved, with the neighbors,  
708 that you are aware of?

709

710 Mr. Spell - I believe the only thing is this new issue that has come up with the  
711 building lights....

712

713 Mrs. Jones - But, with the landscape plan.  
714 Mr. Spell - With the current plan before you, I think we have resolved everything.  
715  
716 Mrs. Jones - Okay.  
717  
718 Mr. Jernigan - I have a question.  
719  
720 Mr. Spell - Yes, sir.  
721  
722 Mr. Jernigan - You figure you are only going to turn these lights on, on Christmas night  
723 and evening concerts. I mean, on Wednesday nights will this parking lot be used?  
724  
725 Mr. Spell - I don't think I can answer that.  
726  
727 Mrs. Jones - The applicant might be.  
728  
729 Mr. Jernigan - I mean, normally churches have a lot of functions on Wednesday night.  
730  
731 Mr. Davis - My name is George Davis and I am the church administrator. Presently,  
732 we are not in need of that parking lot on Wednesday night because the functions we have on  
733 Wednesday night dinners and so forth are not drawing a large enough crowd to warrant that.  
734 But, we would hope that down the road that that might be the case and we would be using it on  
735 Wednesday nights and we would turn it off at the end of the program, on Wednesday nights.  
736 But right now are large attendance gatherings are the Christmas Eve service and concerts on  
737 Sunday.  
738  
739 Mrs. Jones - Mr. Davis, I just wanted to thank you as well as the neighbors, for the  
740 efforts that you have made throughout the pass few, many months, that we have been working  
741 on this plan. I appreciate you trying to be responsive to the neighborhood as well as I  
742 appreciate the neighbors realizing that you do have the right to use this property and that  
743 parking lot is a perfectly logical reason and that accompanies with it lighting and traffic and I  
744 think you all have made good faith efforts. Thank you very much for doing that.  
745  
746 Mr. Silber - Let me ask Mr. Davis. If the remaining issue relates to lighting that's on  
747 the church, do you have anything that you can propose at this point as to how that might be  
748 addressed?  
749  
750 Mr. Davis - Again, as we were talking in the hall, the first thing we could do is look  
751 at the wattage of the present bulbs that are in those lights and see if there is some way we can  
752 drop those down to use less intense bulbs in the existing fixtures. That would be our first cut  
753 at trying to reduce the illumination presently there.  
754  
755 Mr. Silber - The questions that I would have, Mrs. Jones, I guess of those that are  
756 here today that maybe have concerns is whether they are comfortable with this plan being acted  
757 on and approve and they work with the church to resolve this lighting on the existing church or

758 whether they want to have that somehow associated with this plan before you.

759

760 Mrs. Jones - Do we have a consensus that something will happen? There will be  
761 something that can be done to reduce the glare or we just don't know that at this point?

762

763 Mr. Davis - In all honesty, we just don't know. The first thing we would look at is  
764 changing the wattage of the bulbs that are there. If that can be done without having to replace  
765 all of the fixtures and significant cost could be entailed if we have to do that, we would have to  
766 go back and look at that, but if it's just changing the wattage of the bulbs that's something that  
767 could be very easily done.

768

769 Mrs. Jones - Mr. Secretary, I'm not sure if we can add that to this plan, unless we  
770 would like to bring the lighting plan back at the next meeting.

771

772 Mr. Silber - If I understood, I saw the nodding of the heads as I asked that question,  
773 sounds like the adjacent neighbors are comfortable with working with the church independent  
774 of this plan. If they are comfortable with that, I would recommend that this plan go on  
775 through. We can act on this, so these final improvements can be made, and the neighborhood  
776 just work with the church in resolving the lighting on the church.

777

778 Mr. Vanarsdall - I think that is a good point, Mr. Silber. So, let me ask. Are the  
779 neighbors comfortable with what he proposed? Are you okay with it?

780

781 Lady in Aud. - I am.

782

783 Mr. Vanarsdall - So, we can go ahead and approve the landscape and lighting today.

784

785 Man in Aud. - I think, as the church has said (unintelligible).

786

787 Mr. Silber - Sir, can we have you come down and identify yourself and speak into the  
788 microphone.

789

790 Mr. Vanarsdall - This is being recorded and we would like to get your statement for the  
791 records.

792

793 Mr. Sanderson - My name is Jim Sanderson and I live at the adjacent property to the  
794 north of the parking lot.

795

796 Mr. Vanarsdall - You live the closest to it, don't you?

797

798 Mr. Sanderson - Yes. The church has agreed that they will work with us on the lighting  
799 and I think they have been doing that all along. Our only concern was some lights being on all  
800 night long and that was a nuisance to us. But, if they agree to address that issue, which they  
801 said they would do that, then that's acceptable to us.

802

803 Mrs. Jones - Mr. Sanderson, I do think we need to be clear here that the church has  
804 an obligation to protect its property and they have had those lights on all through the night as a  
805 result of vandalism and a few.... to other churches that they were trying to prevent happening  
806 to theirs. We've been through this before. There is a chance that even if they drop the  
807 wattage on the bulb that the bulb obviously will be visible and that it may be on all through the  
808 evening in an effort to keep the property secure.

809

810 Mr. Sanderson - We went through that issue just a few moments ago and we understand  
811 that. But, the light bulbs are not actually visible because they are up under a covering but it's  
812 the glare and I don't know whether you can address that in terms of illumination or whether it  
813 requires replacing the light fixtures. There are light fixtures that would reduce the  
814 illumination.

815

816 Mrs. Jones - If we can make a good faith effort on the part of the church, and I'm  
817 getting a nod that they will make that good faith effort, and you all understand the constraints  
818 that they have as far as security, I think we can work this all out.

819

820 Mr. Sanderson - I think we have a meeting of the minds.

821

822 Mrs. Jones - Thank you.

823

824 Mr. Vanarsdall - Thank you, Mr. Sanderson. Yes, Mr. Strauss.

825

826 Mr. Strauss - In summary, we are going to have at least one additional written  
827 condition that states, "The new parking lot lighting will be on a circuit that the church can turn  
828 off when not in use," something to that effect.

829

830 Mr. Vanarsdall - A timer.

831

832 Mr. Strauss - Right. Well, not a timer but something that can physically intervene,  
833 well a timer might work too.

834

835 Mrs. Jones - Mr. Strauss, in my motion should I refer to that as condition Nos. 1 and  
836 2, the fence and this?

837

838 Mr. Strauss - After the standard conditions I think it might be.... It will be the next  
839 condition after the standard conditions. It's just an additional condition.

840

841 Mr. Silber - I'm not aware that there is a condition.

842

843 Mr. Strauss - The standard conditions for landscape and lighting. I think it numbers  
844 up to four or five.

845

846 Mr. Silber - So, this would just one additional condition.

847

848 Mrs. Jones - Two. There are two additional conditions.  
849

850 Mr. Strauss - The other one being working with the church or....  
851 Mrs. Jones - No. The fence and if....  
852

853 Mr. Strauss - The fence is an annotation on the plan.  
854

855 Mrs. Jones - All right.  
856

857 Mr. Silber - Mr. Strauss, I understood, just to make sure we are clear. I understood  
858 that this would be a separate circuit that would be controlled manually by the church. And  
859 they will only turn that on when there is a need.  
860

861 Mr. Strauss - Exactly. We don't want it coming on when it gets dark and then staying  
862 on all night.  
863

864 Mr. Silber - Correct.  
865

866 Mr. Strauss - The church should be able to intervene and turn it on physically.  
867

868 Mr. Silber - So, it may not necessarily be on a timer, it would be manually  
869 controlled.  
870

871 Mr. Strauss - Right.  
872

873 Mr. Silber - Okay.  
874

875 Mr. Vanarsdall - And I know that you all know that after today that the staff and Mrs.  
876 Jones and any of us will help you with that lighting. Mr. Strauss will be available any time  
877 you want to get with him. I know Bill Spell is an expert in a lot of things, but I don't know  
878 about lighting.  
879

880 Mr. Spell - I'm not good at counting.  
881

882 Mr. Vanarsdall - Are there any other questions, Mrs. Jones?  
883

884 Mrs. Jones - No, I'm fine.  
885

886 Mr. Vanarsdall - All right, we are ready for a motion.  
887

888 Mrs. Jones - I would like to move that LP/POD-27-05, River Road Church Baptist –  
889 Parking Lot Addition, at 8 N. Ridge Road, be approved as the revised plan, January 25, 2006,  
890 with standard conditions for landscape and lighting plans and additional condition for a  
891 separate circuit for the new parking lot lighting and the annotations on the plan.  
892



893 Mr. Branin - Second.

894

895 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Branin. All  
896 in favor say aye...all opposed say nay. The motion passes.

897

898 Mrs. O'Bannon - Mr. Chairman, I did want to mention that, just to let the folks know, as a  
899 member of the Board of Supervisors I don't vote. I abstain from all votes. But, I also just  
900 wanted to let everybody know and I should have said this right up front. I am a member of  
901 this church and I do live very close by. So, I would recuse myself anyway.

902

903 Mr. Silber - Thank you for noting that.

904

905 The Planning Commission approved the landscape and lighting plan for LP/POD-27-05, River  
906 Road Church Baptist Parking Addition, subject to the standard conditions attached to these  
907 minutes for landscape and lighting plans, the annotations on the plans and the following  
908 additional condition:

909

910 6. The new parking area lighting approved with this plan will be on a separate circuit and  
911 the parking lot lighting will be turned off when not in use.

912

### 913 **SUBDIVISION**

914

Ligon Estates  
(January 2006 Plan)  
Darbytown Road

**Balzer & Associates, Inc. for McClure Family Realty, LLC  
and Windswept Development:** The 56.11-acre site proposed  
for a subdivision of 29 single-family homes is located along the  
north line of Darbytown Road approximately 800 feet east of  
Carter's Mill Road on parcel 845-689-5462. The zoning is A-1,  
Agricultural District. Individual well and septic tank/drainfield.  
**(Varina) 29 30 Lots**

915

916 Mr. Vanarsdall - Is there anyone in the audience in opposition to Ligon Estates, in the  
917 Varina District? No opposition. Good morning, Mr. McGarry.

918

919 Mr. McGarry - Good morning, Mr. Chairman and members of the Commission.  
920 Staff has looked at the development of this parcel and its impact on the greater area with an  
921 eye toward to the future redevelopment potential. There is a large parcel of land to the north,  
922 it's not even abutting this parcel, it's over 200 acres under various ownerships within one  
923 family. Based on that finding, staff is going to recommend an extension of "Road C" to the  
924 northwest to the abutting property owned by Royal so that it could have some development  
925 potential to access the 200 acres to the north. We are also recommends extending "Road B" to  
926 the east to provide a stub to the Adkins' parcel. That also has some potential for additional lots  
927 should there be better access to that parcel. Extension of the "Road C" to the northwest would  
928 allow for an additional lot, so the number of lots recommended for this subdivision will  
929 increase from 29 to 30. So, the number of lots of 30 has to be included in your motion.

930

931 The applicant is not in full agreement with staff's recommendation of these stub roads. So, I  
932 will let them speak to that. Staff can recommend approval of this plan for 30 lots with the two  
933 recommended stub roads plus the standard conditions for subdivisions of this type and  
934 additional conditions Nos. 11 through 13. I'll be happy to answer any questions.

935

936 Mr. Vanarsdall - Are there any questions by Commission members for Mr. McGarry?  
937 Okay. Thank you, Mr. McGarry.

938

939 Mrs. O'Bannon - I just have a quick question. It talks about Civil War earthworks. Are  
940 there maps that they have used? Do they think there may be? I'm just curious.

941

942 Mr. McGarry - This was in the core area for a particular battle and it's assumed  
943 that, and since it is a fully wooded site, there still may be earthworks that are just not mapped  
944 and they request permission to go on there if any are found during the construction.

945

946 Mrs. O'Bannon - Thank you.

947

948 Mr. Jernigan - Mr. McGarry, I talked to the applicant before the meeting today, and I  
949 do concur with you on running the stub road to the Royal parcel. But, I think on the Adkins  
950 property, with the property that's next to it that has a lot of road frontage, which the Adkins  
951 property have road frontage, I think I would rather see those two lots be used there and not  
952 have the stub road coming into Adkins. What may happen, if we stub off to Royal, we are at  
953 30 homes right now, the magic number is 50, and if we stub up there and then stub over here  
954 (referring to rendering) we may be going over our number and I would rather see road  
955 frontage used on the Adkins property.

956

957 Mr. Silber - Mr. Jernigan, I understand where you are coming from. I think your  
958 point is well taken. I think by providing stub roads however is an opportunity for  
959 interconnectivity of parcels and this doesn't in any way conclude the possibility of a second  
960 point of access by way of these stubs to another public road. So, even though the stub is being  
961 recommended on the applicant's piece toward the east by staff, if that were extended at some  
962 future it would be fairly easy to provide another secondary point of access out to Darbytown  
963 Road.

964

965 Mr. Jernigan - Well, the reason that they wanted to do it there was so that they didn't  
966 have to access off of Darbytown because they felt that running the road up there would chop  
967 the lots up too much. So, at that point you are using, the stub road would become the entrance  
968 road and you wouldn't have frontage, you wouldn't have a second point of access onto  
969 Darbytown. That's the reason, looking at the map I have here of the adjoining properties, the  
970 rest of them do join Darbytown.

971

972 Mr. Vanarsdall - Can you show me on the map, Mr. McGarry, where Mr. Jernigan is  
973 referring to?

974

975 Mr. McGarry - First thing I would like to say is that the map that is on your screen,

976 north is not at the top, to help you with your orientation there, north is to your right. The two  
977 stub roads that staff is recommending is on "Road C" up here in the back of the subdivision  
978 that would connect to the Royal property shown on my cursor here. The stub that Mr.  
979 Jernigan feels is unnecessary would be back at the first stub, the first cul-de-sac on your right  
980 as you enter the subdivision going to the bottom of your map to the Adkins property.

981

982 Mr. Silber - Mr. McGarry, do you have a larger map that shows a larger vicinity  
983 than this?

984

985 Mr. McGarry - On this map here, the yellow area is the current subject  
986 subdivision parcel. The area in orange to the north is the large parcel that the staff is  
987 endeavoring to get the potential to go, for a (growth?) in interconnectivity to that large area.

988

989 Mr. Jernigan - See it shows you on this bigger map. They want to put a stub over here  
990 too and this has got all road frontage, right here. So, I'm all right going back into the Royal  
991 property because that goes back into the Simons' property and I just don't want to have that 50  
992 number abused.

993

994 Mr. Silber - Mr. Jernigan, I think, obviously, this is your decision and the  
995 Commission's decision. I just think, always trying to tell you the professional position. I  
996 understand that the property to the east, that we refer to as the Adkins property, I realize it has  
997 frontage on Darbytown Road and I realize the parcel next to that has frontage on Darbytown  
998 Road but in order to... If those parcels wanted to develop in the future, they will have to bring  
999 a public road in off of Darbytown Road or they may seek to divide their property and seek a  
1000 variance for no road frontage. And when we are setting up a situation for people to seek a  
1001 variance for no road frontage, we are creating problems in the future with easements serving  
1002 properties for which later become a real challenge in the land development process. So,  
1003 wherever possible I think you have to be thinking out some distance in the future to understand  
1004 how these parcels in the future be subdivided and that stub road to the east I would envision  
1005 maybe just continuing it across the Adkins piece and across the back of the adjacent piece and  
1006 some day may tie over to Charles City Road.

1007

1008 Mrs. O'Bannon - And if I can add something, having dealt with sort of in completed  
1009 projects, you know once that does start to happen. When you put stub roads in if it never does  
1010 develop the way they think it's going to develop and say that eastern property, they could then  
1011 go back and make it a cul-de-sac. That's something that we have done too. So, it's not  
1012 precluding that effort by doing that but it does give you an opportunity and that's what I feel  
1013 good planning is about. That you are planning it a little bit ahead of the curve. I think that's  
1014 what you are getting at, Mr. Silber.

1015

1016 Mr. Silber Yes, ma'am.

1017

1018 Mrs. O'Bannon - And that's part of the problem we have had in developing a lot of the  
1019 west end is that we were thinking.... I know Varina is coming up, beginning to expand and all.  
1020 So, just think about it a little bit more into the future. That's all I'm saying. We've had this

1021 problem and then we got exactly what Mr. Silber is talking about.

1022

1023 Mr. Jernigan - Well, let's hear from Mr. Jennings. He's here. I'd like to ask him.

1024

1025 Mr. Jennings - Good morning, Planning Commission members. I am Michael  
1026 Jennings, assistant traffic engineer.

1027 Mr. Jernigan - Good morning, Mike. I'll explain to you, but I guess you can see what's  
1028 going on here. What concerns me is that if we have 30 houses in the subdivision that we have  
1029 now and they are going up into the Royal property I'm fine with because you can get at least  
1030 20 homes in there. But, what concerns me is the stub coming off to the east. If we use that as  
1031 a stub road and don't have frontage off of Darbytown then that's going to increase that number  
1032 of units in there over 50.

1033

1034 Mr. Jennings - Yes, sir. I guess it depends on how it is developed. You could  
1035 use that stub road connector over to the adjacent property to the east and still have another  
1036 connection to Darbytown. But, if you don't have that connection to Darbytown, you are right,  
1037 you would possibly go over the 50-lot rule.

1038

1039 Mr. Jernigan - What do you want me to say?

1040

1041 Mr. Branin - This whole case depends on you, Mike.

1042

1043 Mr. Jennings - Thank you, Mr. Branin. I can see it working either way, it just  
1044 depends on how these adjacent properties develop. Mrs. O'Bannon has a good point that you  
1045 could put the stub road there and if it works out for the future to tie in and get another point of  
1046 access out on to Darbytown, that would work efficiently and if it works out that the other  
1047 adjacent property does not develop or develop in a way that the stub road is not needed than  
1048 we would just have the stub road there and you can cul-de-sac it or leave it there, depending on  
1049 the depth of it. To the north, to the Royal property, it looks like they have a little bit of  
1050 frontage but not much. It looks like that property, beyond the Royal property to the north, but  
1051 also ties into Charles City, if all of that is developed together also. So, traffic wise, I could see  
1052 it working either way to supply the stub roads, and it would help distribute the traffic a little  
1053 better. But, this lot, as you know, the parcel does work on its own as of 29 lots or 30 lots on  
1054 one point of access. But, we don't want to landlock any parcels either.

1055

1056 Mr. Jernigan - No. And I'm all for the Royal stub. I wouldn't want to see the Adkins  
1057 property and the property next to it developed and use just the stub road coming in and eat up  
1058 capacity and then the Royal property would be restricted on how many units they can put in  
1059 there.

1060

1061 Mr. Jennings - Well, if it's just the Adkins property developed and a stub road  
1062 might be nice to not put another point of access on at Darbytown, but if several properties are  
1063 joined together or built together, then you would need another access onto Darbytown Road  
1064 and you could still utilize the stub road if necessary.

1065

1066 Mr. Silber - I think the Adkins piece is maybe, what, three acres, four acres, so you  
1067 are not going to have....

1068

1069 Mr. Jernigan - I think it's five.

1070

1071 Mr. Jennings - So, yes, if just that piece is developed you will probably get only  
1072 three or four lots. You could use if off of the cul-de-sac.

1073

1074 Mr. Silber - I think, Mr. Jernigan, we really don't know which way this is likely to  
1075 develop in the future. We might come in first to extend these. I think you aware of this, but  
1076 we are not just trying to create subdivisions to have 50 lots and the next one have 50 lots and  
1077 the next one have 50. We are trying to interconnect all of these and before you go over 50 you  
1078 try to then achieve a second point of access in some direction. So, it's a challenge, we are  
1079 looking out into the future and it is hard to envision who might come in individually as  
1080 property owners to develop their property but I think it's just trying to maximize stub streets to  
1081 be able to allow for future land development in a most organized fashion.

1082

1083 Mrs. Jones - Mr. Jernigan, I'm not sure I understand why it isn't better to provide for  
1084 the stub streets with the eventually that they will never be used as opposed to not put the stub  
1085 streets in and then have a problem. We lose nothing by putting the stub streets in except their  
1086 modification of the plan which seems to me would not be difficult to do. Is the applicant  
1087 willing?

1088

1089 Mr. Silber - I think it might be appropriate to hear from the applicant.

1090

1091 Mr. Jernigan - Let's hear from the applicant.

1092

1093 Mr. Palmore - Good morning, Mr. Commissioner, Planning Commission. My name is  
1094 Cameron Palmore from Balzer & Associates and I am representing the applicant. This  
1095 particular stub road, to the Adkins property, I can see everybody's point, I understand both  
1096 sides of the argument. The applicant does not really desire to provide a stub to the Adkins  
1097 property because it does have frontage onto Darbytown. I think a lot of the discussion,  
1098 originally, was looking at the Adkins parcel by itself that it would maybe not be able to  
1099 develop to its fullest and best use if it just had, or coming off a stub road. But, it seems to me  
1100 that it would make better sense that all those parcels be developed all together, and another  
1101 point of connection through to Darbytown would be necessary in the future with all those other  
1102 parcels anyway. We are willing to provide the stub road to the Royal property to get back to  
1103 the, I believe it's the Simons' property, that certainly makes good planning sense. To provide  
1104 the stub road to the Adkins property, I don't really see the overall benefit of it, but like I said I  
1105 do see both sides of the argument. I don't think we are completely unwilling to do it, but it's  
1106 just not my client's desire.

1107

1108 Mr. Jernigan - You've got enough room?

1109

1110 Mr. Plamore - Yes.

1111  
1112 Mr. Jernigan - Okay. All right. I'm going to go ahead and approve both stubs.  
1113  
1114 Mr. Vanarsdall - Are there any more questions? If not, entertain a motion, Mr. Jernigan.  
1115  
1116 Mr. Jernigan - Mr. McGarry, can take care, I guess, would be item/condition No. 14,  
1117 well, will change, excuse me because we don't have that in there. I guess we will make that  
1118 condition No. 14 that there will be two stub roads.  
1119  
1120 Mr. McGarry - Yes, sir.  
1121  
1122 Mr. Jernigan - All right. With that, Mr. Chairman, I will move for approval of  
1123 subdivision Ligon Estates, oh, excuse me, one other thing I want to clear up. Where the  
1124 property comes up next to the Banning property, for the minutes, we don't want to have Mr.  
1125 Banning landlocked there so I want to add it into the minutes that the driveway that is currently  
1126 being used by the Banning's, that comes off of Hairwood, would be under adverse possession,  
1127 which means that they would still be able to use it after this property.... We don't want a  
1128 landowner come in there and chop his driveway off. So, I think that driveway has been used  
1129 long enough to fall under adverse possession.  
1130  
1131 Mr. Silber - This driveway, Mr. Jernigan, I guess I'm not clear where it is. It runs  
1132 through this property?  
1133  
1134 Mr. Jernigan - Well, if you look at the way the property runs up to, next to the Banning  
1135 property headed to where it goes up to Hairwood, it actually goes off of the little chart here.  
1136 But, it's right up here. They are using a common driveway, the Bannings are. They have to  
1137 come across that lot, No. #12.  
1138  
1139 Mr. McGarry - I'll give you another picture.  
1140  
1141 Mr. Silber - So, that would serve an existing house on Lot 12?  
1142  
1143 Mr. Jernigan - See where the Banning property is?  
1144  
1145 Mr. Silber - Yes.  
1146  
1147 Mr. Jernigan - Okay, well that lot runs all the way up and separates Hairwood from the  
1148 Banning's property. They are using an existing driveway there now. So, I want for the  
1149 minutes to reflect that that's adverse possession that the Bannings have coming across that  
1150 piece of property.  
1151  
1152 Mr. Silber - Okay, I see your point.  
1153  
1154 Mr. Jernigan - Thank you. Are we clear now?  
1155

1156 Mr. Vanarsdall - Yes. We need a motion on it.

1157

1158 Mr. Jernigan - I'm going to finish the motion now. I will make a motion to approve  
1159 subdivision Ligon Estates (January 2006 Plan) with the change to 30-lots and adding condition  
1160 No. 14 on the two stub roads and also adverse possession on the driveway coming across the  
1161 property subject to conditions for subdivision not served by public utilities and the following  
1162 additional conditions Nos. 11 through 13 and No. 14 added.

1163 Mr. Branin - Second.

1164

1165 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All  
1166 in favor say aye...all opposed say nay. The motion passes.

1167

1168 The Planning Commission granted conditional approval to subdivision Ligon Estates (January  
1169 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions not  
1170 served by public utilities and the following additional conditions:

1171

1172 11. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
1173 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
1174 floodplain as a "Variable Width Drainage & Utilities Easement."

1175 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
1176 foot-wide planting strip easement along Darbytown Road shall be submitted to the  
1177 Department of Planning for review and approval prior to recordation of the plat.

1178 13. If Civil War Era earthworks are found on the site, the developer shall provide the Henrico  
1179 Recreation & Parks Department the opportunity to document, photograph and map the  
1180 earthworks.

1181 14. Extend Road B to the east property line abutting the Adkins parcel No. 845-688-9387 and  
1182 extend Road C to the northwest to the property line abutting the Royal parcel No. 844-690-  
1183 6607.

1184 15. Ligon Estates, Lot 12, shall provide continued access to the Banning parcel No. 845-690-  
1185 4249.

1186

#### 1187 **SUBDIVISION**

1188

Old Springfield Farm  
(January 2006 Plan)  
4133 Old Springfield Road

**Balzer & Associates, Inc. for Virginia Craft Homes, Inc.,  
Steven A. Serafim and Dilnessaw Biten:** The 7.5325-acre site  
proposed for a subdivision of 15 single-family homes is located  
on the south line of Old Springfield Road approximately 430  
feet east of Springfield Court on parcels 762-771-2433 and  
762-771-7035 (part). The zoning is R-2AC, One-Family  
Residence District (Conditional). County water and sewer.  
**(Brookland) 15 Lots**

1189

1190 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Old  
1191 Springfield Farm, in the Brookland District? No opposition. Good morning, Ms. Goggin.

1192

1193 Ms. Goggin - A revised annotated plan was just handed out to you. The revised plan  
1194 addresses staff's concern about the location of the entrance road's cul-de-sac in relation to the  
1195 adjacent lots in the neighboring subdivision. The original plan only provided 15 feet of  
1196 separation from the new cul-de-sac to the property line. The revised plan provides 36 feet  
1197 from the edge of the cul-de-sac to the property line. Staff has requested and the developer has  
1198 agreed to provide some landscaping in the area between the cul-de-sac and the neighboring lots  
1199 to soften the visual impact of the cul-de-sac as well as trying to alleviate headlights shining into  
1200 the rear of their homes.

1201

1202 The revised plan was submitted after the deadline for new information and will require a time  
1203 limit waiver by the Commission. Staff can recommend approval subject to the annotations on  
1204 the revised plan, the standard conditions for conditional subdivisions served by public utilities,  
1205 conditions Nos. 12 through 15 in the agenda. Cameron Palmore, the project's engineer, and  
1206 Randy Gibson, the developer, are here if you have any questions of them and I will be happy  
1207 to answer any questions the Commission may have.

1208

1209 Mr. Vanarsdall - Are there any questions of Ms. Goggin by Commission members?  
1210 Where you have "Staff recommends the 25 plantings along Old Springfield Road. An  
1211 annotation will take care of it being done, right?"

1212

1213 Mrs. Goggin - Yes, sir.

1214

1215 Mr. Vanarsdall - I want to make sure.

1216

1217 Mr. Silber - The type of landscaping would be determined when?

1218

1219 Ms. Goggin - At time of landscape plan, but we have talked about it. It is not  
1220 necessarily, it doesn't have to meet the buffer standards but something that would soften the  
1221 visual impact but be high enough to block headlights going into the rear of people's homes.

1222

1223 Mr. Silber - So, a separate landscape plan would be submitted at the time of  
1224 construction plan?

1225

1226 Ms. Goggin - Usually after construction plan, prior to recordation of the plat, and,  
1227 installation definitely prior to issuance of all the CO's.

1228

1229 Mr. Vanarsdall - I see that Randy Gibson, the applicant, is in the audience. Do you agree  
1230 to this Randy?

1231

1232 Mr. Gibson - Yes.

1233

1234 Mr. Vanarsdall - Okay. Thank you. Are there any more questions? If not, I will move  
1235 approval of Old Springfield Farm with the annotations on the plans, the conditions subject to  
1236 the standard conditions of subdivisions served by public utilities and the following conditions  
1237 Nos. 12 through 15.



1238

1239 Mr. Jernigan - Second.

1240

1241 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.

1242 All in favor say aye...all opposed say nay.

1243 Mr. Vanarsdall - I want to waive the time limit on this revised staff plan because Ms.  
1244 Goggin didn't get it until about 4:30 p.m. yesterday afternoon, right?  
1245  
1246 Ms. Goggin - Yes, sir.  
1247  
1248 Mr. Vanarsdall - I think you did good to get it here.  
1249  
1250 Ms. Goggin - Well, I appreciate them working with me until the last minute.  
1251  
1252 Mr. Vanarsdall - I do too. Thank you. I move that the staff plan of Old Springfield Farm  
1253 dated January, what?  
1254  
1255 Ms. Goggin - The stamp says January 24, it's hard to read.  
1256  
1257 Mr. Vanarsdall - January 24, 2006.  
1258  
1259 Mr. Silber - Okay.  
1260  
1261 Mr. Jernigan - Second.  
1262  
1263 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.  
1264 All in favor say aye...all opposed say nay. The motion passes.  
1265  
1266 The Planning Commission granted conditional approval to subdivision Old Springfield Farm  
1267 (January 2006 Plan) subject to the standard conditions attached to these minutes for  
1268 subdivisions served by public utilities, the annotations on the plan, the following additional  
1269 conditions and the approval to waive the time limit on the revised plan.  
1270  
1271 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
1272 foot-wide planting strip easement along Old Springfield Road shall be submitted to the  
1273 Department of Planning for review and approval prior to recordation of the plat.  
1274 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
1275 construction plan by the Department of Public Works.  
1276 14. The proffers approved as part of zoning case C-48C-05 shall be incorporated in this  
1277 approval.  
1278 15. Any future building lot containing a BMP, sediment basin or trap and located within the  
1279 buildable area for a principal structure or accessory structure, may be developed with  
1280 engineered fill. All material shall be deposited and compacted in accordance with the  
1281 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
1282 professional engineer. A detailed engineering report shall be submitted for the review  
1283 and approval by the Building Official prior to the issuance of a building permit on the  
1284 affected lot. A copy of the report and recommendations shall be furnished to the  
1285 Directors of Planning and Public Works.

1286 **PLAN OF DEVELOPMENT (Deferred from the December 14, 2005, Meeting)**

1287

POD-77-05  
Byrd Center Expansion –  
Phase 6 and 7  
2800 Charles City Road  
(POD-38-00 Revised)

**Engineering Design Associates for Medalist & Wre-Byrd LLC:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two, one-story, office/warehouses consisting of a 93,000 square foot Phase 6 and a 70,000 square foot Phase 7. The 19.792-acre site is located at 2800 Charles City Road, approximately 600 feet east of Laburnum Avenue on parcel 818-709-1325. The zoning is M-1, Lighting Industrial District. County water and sewer. **(Varina)**

1288

1289 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-77-05, Byrd Center  
1290 Expansion – Phase 6 and 7, in the Varina District? No opposition. Mr. McGarry.

1291

1292 Mr. McGarry - Revised sewer profiles were received as of, I think, Monday or  
1293 Tuesday and as of late yesterday afternoon DPU told me that they could now recommend  
1294 approval. So, all issues were with utilities and were underground. So, your surface layout  
1295 does not change from the plans in your packet. With DPU's recommendation of approval,  
1296 staff can now recommend approval subject to the annotations on the plans, the standard  
1297 conditions for developments of this type and the following conditions Nos. 24 through 31. I'll  
1298 be happy to answer any questions.

1299

1300 Mr. Vanarsdall - Are there any questions of Mr. McGarry by the Planning Commission?  
1301 No questions. Mr. Jernigan.

1302

1303 Mr. Jernigan - Okay. With that, Mr. Chairman, I will move for approval of POD-77-  
1304 05, Byrd Center Expansion – Phase 6 and 7, subject to the standard conditions for  
1305 developments of this type and the following additional conditions Nos. 24 through 31 and  
1306 staff's approval as of 4:30 p.m. yesterday afternoon.

1307

1308 Mrs. Jones - Second.

1309

1310 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All  
1311 in favor say aye...all opposed say nay. The motion passes.

1312

1313 The Planning Commission approved POD-77-05, Byrd Center Expansion – Phase 6 and 7,  
1314 subject to the standard condition attached to these minutes for developments of this type, the  
1315 annotations on the plans and the following additional conditions:

1316

1317 24. The developer shall provide fire hydrants as required by the Department of Public  
1318 Utilities and Division of Fire.

1319 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1320 a form acceptable to the County Attorney prior to final approval of the construction  
1321 plans.

- 1322 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 1323 approved by the County Engineer prior to final approval of the construction plans by  
 1324 the Department of Public Works.
- 1325 27. Insurance Services Office (ISO) calculations must be included with the plans and  
 1326 contracts and must be approved by the Department of Public Utilities prior to the  
 1327 issuance of a building permit.
- 1328 28. Approval of the construction plans by the Department of Public Works does not  
 1329 establish the curb and gutter elevations along the Henrico County maintained right-of-  
 1330 way. The elevations will be set by Henrico County.
- 1331 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 1332 Department of Planning and approved prior to issuance of a certificate of occupancy for  
 1333 this development.
- 1334 30. The certification of building permits, occupancy permits and change of occupancy  
 1335 permits for individual units shall be based on the number of parking spaces required for  
 1336 the proposed uses and the amount of parking available according to approved plans.
- 1337 31. Provide dumpster pads and enclosures for the 15 dumpsters in the parking spaces  
 1338 located at the rear of the existing Byrd Center buildings. Include the enclosure details  
 1339 in the construction plans. All enclosure materials shall be masonry except for the gates.

1340  
 1341 **SUBDIVISION (Deferred from the December 14, 2005, Meeting)**

1342

Hoke Brady Farms  
 (October 2005 Plan)  
 Kingland Road

**Engineering Design Associates for Charlie H. Purks, Sr. and D. P. Purks Trust and G & G Limited:** The 126.30-acre site proposed for a subdivision of 43 single-family homes is located on the north line of Kingsland Road between Varina Road and the U.S. Park Service property on parcel 812-674-1758 The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 43 Lots**

1343

1344 Mr. Vanarsdall - Is there anyone in the audience in opposition to Hoke Brady Farms, in  
 1345 the Varina District? No opposition. Mr. McGarry.

1346

1347 Mr. McGarry - An additional 25-foot planting strip easement has been annotated  
 1348 to be added to the plan for three lots in there. These lots are those that have a Virginia Power  
 1349 easement crossing them and it's open visible from Kingsland Road. So, to help screen those  
 1350 rear yards from Kingsland Road, staff has annotated that request, at the request of the  
 1351 applicant, to add this 25-foot planting strip along three of those lots.

1352

1353 In addition, we have a 40-foot planting strip easement along the National Battlefield Park  
 1354 property, and we also have the requirement shown in condition No. 17 and that is for lots 14  
 1355 through 16 be constructed with the dwellings facing Hoke Brady Road, which is National  
 1356 Battlefield Park's property. Condition No. 17 has been revised on your addendum to request a  
 1357 double-facing front of a house. In other words, the house will have a house facing the  
 1358 National Park property and it will also face the internal road.

1359 Finally, the staff has recommended a hard-surface walking trail within the 10-foot common  
1360 area that would connect this subdivision to the National Park property abutting the house  
1361 currently owned by Mr. Broaddus. That house is not a part of the subdivision. With that,  
1362 staff can recommend approval subject to the standard conditions for subdivisions not served by  
1363 public utilities and the following additional conditions Nos. 11 through 16 and the revised No.  
1364 17 on the addendum.

1365

1366 Mr. Vanarsdall - Are there any questions of Mr. McGarry by Commission members?

1367

1368 Mr. Jernigan - Mr. McGarry, did you receive the new plans from EDA showing the  
1369 buffer area on the other side of the power lines?

1370

1371 Mr. McGarry - Yes, sir. And rather than substitute that drawing, I just annotated  
1372 the staff plan that you have for the three lots that were affected.

1373

1374 Mr. Jernigan - That gives them good cover. They checked with Virginia Power and  
1375 they have, they need to go ahead and build that. Now, also I talked with Mr. Godsey this  
1376 morning, well I discussed it the other day, but they want to add landscaping on each corner  
1377 with an entrance sign on each corner into the subdivision. So, there will be additional  
1378 landscaping that will be on each corner of the entrance. Now this case has been going on for a  
1379 while and I thought I had everything straight. It's going to be straight by the time we leave  
1380 here. But, to adjust condition No. 17, we had those houses facing Hoke Brady Road because  
1381 when I first talked to the National Park Service they didn't want to look at the backyards.  
1382 Then I called the other day and told them this was coming up and that we had turned the  
1383 houses around and they don't want to look at the front yards. So, they don't want to see either  
1384 side of it.

1385

1386 Mr. McGarry - They don't want the houses, do they?

1387

1388 Mr. Jernigan - Right. And with Mr. Silber's concern about having a front entrance on  
1389 both sides, I just can't do that. So, what I want to do is, we are going to turn these houses  
1390 back around for them to face internally. And, in that way people will be able to have a back  
1391 porch.

1392

1393 Mr. McGarry - So, there is no need for No. 17 at all then? We are going to let it  
1394 be a traditional layout of houses fronting a public street.

1395

1396 Mr. Jernigan - We can delete No. 17. Now, on item No. 15, the Park Service owns a  
1397 small area on the right of Hoke Brady Road, which abuts up to, here. And, they don't want a  
1398 walking access through there, through the park. They feel it's a liability situation for the  
1399 government. And, really I don't know that, well, we've got walking trails but I don't know  
1400 that I want to put a walking trail between two houses. That's a little bit intrusive. Sir?

1401

1402 Mr. Vanarsdall - I said, I wouldn't. If I want to walk I'd just go through the bushes.

1403

1404 Mrs. Jones - That's the problem.  
1405

1406 Mr. Vanarsdall - I've done that before.  
1407

1408 Mrs. O'Bannon - I have some neighbors that will do that.  
1409

1410 Mr. Jernigan - I want to delete No. 15 also about having a walking trail going over to  
1411 Hoke Brady Road. Now, we have a 40-foot buffer, the applicant was willing to give us 40 feet  
1412 rather than 25 to hide the homes on Hoke Brady, which we can't hide everything, but that is a  
1413 natural landscape buffer.  
1414

1415 Mrs. Jones - May I ask a question?  
1416

1417 Mr. Vanarsdall - So, what do you want to do with, oh, I'm sorry.  
1418

1419 Mrs. Jones - Well, I may be addressing what you are asking about. My thought is if  
1420 you don't provide, I mean, one of the great benefits is to be in this setting here. If you don't  
1421 provide a connection between these subdivisions and the park one will be made wherever it  
1422 happens to hit. Wouldn't it be better to specify so that there is a controlled access as opposed  
1423 to let people kind of make their way through, however they decide to do it.  
1424

1425 Mrs. O'Bannon - I hate to point that out too, but I've seen it happen before and people  
1426 will, literally there was a legal case where people for about 10 or 15 years, and maybe even 20  
1427 years, had done that, cut through a side yard to get to a location such as this. And, new people  
1428 brought the house and put up a fence on either side of it to keep people from doing that. It  
1429 became a court case and the court made them take the fence down because they said it was  
1430 after 20 years, I think it was....  
1431

1432 Mr. McGarry - It had an easement to it.  
1433

1434 Mrs. O'Bannon - ...had an easement. There was....  
1435

1436 Mr. McGarry - Prescriptive easement is probably the term.  
1437

1438 Mrs. O'Bannon - Maybe that's the term? So, I mean, those are just some of the types of  
1439 things that come up. You know, you can't predict the future but that does....  
1440

1441 Mr. Jernigan - I thought about that too, but I just hate having a walking trial between  
1442 two people's houses because that is intrusive, that's just like somebody walking through your  
1443 yard whenever they want to.  
1444

1445 Mrs. O'Bannon - Well, if I can, by having mediating a case that was like that, we had the  
1446 fence built about six feet, well, not six feet, but a few feet apart and the two people on either  
1447 side of the property put up their fence and it was maintained and it was a walkway and, I could  
1448 go through it, yes, it worked out, I mean, yes it is, it is intrusive but when you have, I don't

1449 know, what you call it, an attractive nuisance, you know, a nice park like that area, like that  
1450 behind it, people are going to try to get there. I mean that's probably the only way I can put  
1451 it. People are just that way. They are going to try to get in there from the neighborhood.

1452

1453 Mr. Jernigan - The Park Service don't want you in there. I mean, they explained to me  
1454 that they don't want people coming in through that way.

1455

1456 Mrs. O'Bannon - But they will. It is a "Catch 22." And I agree, I don't know how to  
1457 answer the question but, you know, those are some thoughts that I have. I see the staff over  
1458 there laughing. They probably have cases too that they are thinking about.

1459

1460 Mrs. Jones - There are many things a homeowner can do to provide some separation  
1461 between himself and a more public space with landscaping and those kind of things. I would  
1462 suggest that one of the things that people will love about this location is the fact that they are in  
1463 that kind of proximity.

1464

1465 Mr. Jernigan - Over at the vicinity where the trail comes through it will probably be  
1466 right.

1467

1468 Mr. Branin - And if the Park Service is against having the trail coming in to them then  
1469 you know you are welcoming people into somewhere that the park is going to try to keep out,  
1470 by that trail.

1471

1472 Mr. Silber - Mr. Jernigan, has the Park Service made comments that they don't want  
1473 any pedestrian connection?

1474

1475 Mr. Jernigan - Yes, they don't want it because they say it's walking.... They have an  
1476 easement on the side of Hoke Brady and they said they don't want it because it is a liability  
1477 issue, which I think is... Well, that's not what I am really worried about. I tell you what I am  
1478 going to do, I'm going to approve it the way I told the developer I was going to do it, and then  
1479 I'll will work on it between now and the time of finals. But, as of today, I want to delete No.  
1480 15 and I want to delete No. 17.

1481

1482 Mr. McGarry - We have a citizen to make a comment.

1483

1484 Mr. Jernigan - Okay. Hi, Nelda.

1485

1486 Mrs. Snyder - Good morning. I'm Nelda Snyder and I live very close by. I have three  
1487 things I want to bring up. I agree with Mr. Jernigan that the houses should face the interior of  
1488 the subdivision and actually people who live along Hoke Brady Road and the Park Service  
1489 agree with that too.

1490

1491 Mr. Jernigan - Now.

1492

1493 Mrs. Snyder - Now they do, yes. But, one thing that might be a solution to any

1494 problems, like Mr. Silber said, you shouldn't have the back of a house showing, if we could  
1495 reinforce that 40-foot buffer, there's no guarantee that that's going to be enough, thick enough,  
1496 to hide the backs of the houses. So, if they developer would agree to reinforce wherever  
1497 necessary with bushy shrubs I think that will solve a great deal of the problem. You wouldn't  
1498 see the backyard though.

1499

1500 Another thing, the Broaddus house is just sitting there like a sore thumb. It's not going to  
1501 match this subdivision. It is for sale. I wonder if the developer would have any interest in  
1502 buying it and including it in his subdivision? It seems like it would make things work out  
1503 better.

1504

1505 The walking trail, you know, the Park Service, our tax dollars pay for that. That's publicly  
1506 paid for land, whether it's national, state or whatever, this is national, but that's open to the  
1507 public and as much as they don't want people tracking here and there, most of their problem is  
1508 with loitering with relic hunters or speeders on the park road. The best works that have to be  
1509 protected are on the opposite side of Hoke Brady so that wouldn't be a problem with going  
1510 through on that side as far as a trail or for people walking from the end of the trail onto the  
1511 road. It probably wouldn't be good to take bicycles through but, you know, I think the Park  
1512 Service has to be open to the public because they are a public entity.

1513

1514 I don't think a walking trail is important. There must be a way to put it along that topside or  
1515 along two of these very long lots where they maybe couldn't be so, intrusive. Does the staff  
1516 have a good suggestion, since you all have dealt with this?

1517

1518 Mr. Silber - I think, Mrs. Snyder, my comment would be that...I understand where  
1519 Mr. Jernigan is coming from, I think he has a good point. I think it really depends on how  
1520 that pathway through there is designed. You can design something that can be an irritant to the  
1521 adjacent property owners or you can design it so that it would hardly be noticed. I think these  
1522 lots are very large. All of these exceed an acre in size, some of these exceed two acres, so you  
1523 are not talking about a path that would be right up on someone's house, first of all.

1524

1525 Second of all, we have a lot of communities in Henrico that have paths through them. Raintree  
1526 comes to mind where the path system runs all through the community. It runs along the back  
1527 of houses in many circumstances. In fact, that is a community that people desire to move to  
1528 because of the ability to move around in a pedestrian fashion.

1529

1530 So, I think having one path go between two houses really is not a concern of mine, but I think  
1531 it is going to depend on how it is designed. I think it's important to design it. I know that the  
1532 Broaddus property is there. I don't know if this is the right place for it, or if it should be  
1533 between two other lots. I don't know if this is the right place for it, but I think it can be  
1534 designed right. But, I understand where Mr. Jernigan is coming from.

1535

1536 Mr. Vanarsdall - What is proposed inside that 40-foot buffer?

1537

1538 Mr. Jernigan - It's natural landscape.



1539

1540 Mr. Vanarsdall - And they are going to leave it natural, and a lot of it is evergreen?

1541

1542 Mr. Jernigan - Yes.

1543 Mrs. O'Bannon - The word natural, though, implies that you will never like you can't take  
1544 anything down either and you can't add anything, doesn't it? I mean, you can't add anything  
1545 and you can only remove things like if they die or if they fall down. Is that the way it's  
1546 worded?

1547

1548 Mr. Jernigan - I don't, excuse me, it doesn't say natural landscape buffer, it says 40-  
1549 foot planting strip easement.

1550

1551 Mr. Silber - Make note of condition No. 12. Number 12 does say "a detailed plant  
1552 list and specifications for the landscaping to be provided within the 40-foot-wide planting strip  
1553 easement along the National Battlefield Park. So, we have worded a condition here that will  
1554 require them to come back and provide supplemental landscaping.

1555

1556 Mr. Jernigan - The developer has told me, and I spoke to him again this morning, he  
1557 will do in there whatever we need to do to get it straight.

1558

1559 Mr. Vanarsdall - That's the key to what's she's saying, it's what's inside of the 40 feet.

1560

1561 Mr. Jernigan - Right. We can add additional planting to it.

1562

1563 Mr. Vanarsdall - And you said that you would work on this 15 and that's what Mr. Silber  
1564 is saying. It could be done in a different way.

1565

1566 Mr. Jernigan - Yes, but what I am going to do right now until we figure out where we  
1567 are going to put it, I'm going to take it off. I'm going to delete No. 15 and delete No. 17 and  
1568 then I'll work on that between now and the time of finals.

1569

1570 Mr. Vanarsdall - Are there any more questions?

1571

1572 Mr. Jernigan - Do you want to say anything? All right. With that, Mr. Chairman, I  
1573 will move for approval of subdivision Hoke Brady Farms (October 2005 Plan) with the  
1574 standard conditions for subdivision not served by public utilities, and the following additional  
1575 conditions Nos. 11 through 14, No. 15 deleted and keep No. 16 and No. 17 deleted.

1576

1577 Mr. Branin - Second.

1578

1579 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All  
1580 in favor say aye...all opposed say nay. The motion passes.

1581

1582 The Planning Commission granted conditional approval subject to the standard conditions  
1583 attached to these minutes for subdivisions not served by public utilities, the annotations on the

1584 plans and the following additional conditions:

1585

1586 11. Prior to requesting recordation, the developer shall furnish a letter from Dominion  
1587 Virginia Power stating that this proposed development does not conflict with its facilities.

- 1588 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
 1589 foot-wide planting strip easement along Hoke Brady and Kingsland Roads shall be  
 1590 submitted to the Department of Planning for review and approval prior to recordation of  
 1591 the plat.
- 1592 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for  
 1593 the maintenance of the common area by a homeowners association shall be submitted to  
 1594 the Department of Planning for review. Such covenants and restrictions shall be in form  
 1595 and substance satisfactory to the County Attorney and shall be recorded prior to  
 1596 recordation of the subdivision plat.
- 1597 14. Walking trails shall be improved with a hard surface or packed gravel. Show details in  
 1598 the subdivision construction plans.
- 1599 15. If a cemetery is found on the site, the developer shall provide the Henrico Recreation &  
 1600 Parks Department the opportunity to document, photograph and map the cemetery.

1601

1602 **SUBDIVISION**

1603

Saint Claire Ridge  
 Townhomes –  
 (January 2006 Plan)  
 Mechanicsville Turnpike

**Engineering Design Associates for Russell R., Jr. & J. H. Thompson, Josephine and I.B. McGhee, Joann Turner and V. M. Little and Loftis Real Estate & Development:**  
 Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 54, two-story townhomes. The 4.85-acre site is located on Mechanicsville Turnpike on part of parcels 800-730-7438 and 3223. The zoning is R-5, General Residence District. County water and sewer. **54 Lots (Fairfield)**

1604

1605 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Saint Claire  
 1606 Ridge Townhomes (January 2006 Plan) in the Fairfield District? No opposition. Ms. Goggin,  
 1607 I believe Mr. Archer told me that....

1608

1609 Ms. Goggin - He's not here, but Mr. Branin said he would fill in for him. A revised  
 1610 annotated plan is in your handout addendum. The applicant has submitted the necessary 50/10  
 1611 calculations and information to Public Works Design Division as well as a waiver request to  
 1612 address storm water runoff and an alternative method other than onsite storage. So, Public  
 1613 Works can now recommend approval. The revised plan also provides the 30-foot rear yard  
 1614 setback, townhouse setbacks, from the individual property lines.

1615

1616 This project, if approved by the Commission today, will be back in front of the Commission as  
 1617 a POD or staff will go into additional details concerning the development. Until then, staff has  
 1618 requested that the applicant pursue vacating Elkridge Lane from 20<sup>th</sup> Street to Mechanicsville  
 1619 Turnpike and has drafted a condition which is No. 19 on page 3 in the handout addendum  
 1620 requiring the applicant to the best of his ability to pursue vacation of Elkridge Lane prior to  
 1621 plat recordation.

1622 Staff included condition No. 16 in the agenda which requires the project to comply with the  
1623 proffers of a rezoning case for an adjacent development but not this one, thus, the condition  
1624 will need to be deleted. Staff can recommend approval subject to the annotations on the  
1625 revised plan, the standard conditions for residential townhouse for sale subdivisions, conditions  
1626 Nos. 13 through 18, deleting No. 16 in the agenda adding condition No. 19 in the handout  
1627 addendum. Rob and Jason, Loftis, the developers, and Courtney Fisher is here representing  
1628 the engineer and they will be happy to answer any questions you may have of them and I'll be  
1629 happy to answer any questions the Commission may have of me.

1630

1631 Mr. Vanarsdall - All right, you said Nos. 13 through 18 and of course we added No. 19  
1632 on the addendum. What did you say to do to No. 16?

1633

1634 Ms. Goggin - It's got to go away. It doesn't apply to this parcel.

1635

1636 Mr. Vanarsdall - It doesn't apply at all?

1637

1638 Mr. Silber - Just delete it.

1639

1640 Mr. Vanarsdall - I know you said to delete it but I just wondered why. Now, do you  
1641 know what I was referring to that Mr. Archer was under the weather but he said that they had  
1642 talked about some, he called it additional plantings on this, did this come about?

1643

1644 Ms. Goggin - From our conversation yesterday, that applied more to the next case,  
1645 which is in the condo project.

1646

1647 Mr. Branin - Yes, that is the next case. He briefed me on them as well, that's the  
1648 condominium one, which is the next case.

1649

1650 Mr. Vanarsdall - Okay. Are there any questions of Ms. Goggin by Commission  
1651 members?

1652

1653 Mr. Silber - Ms. Goggin, there was some question at some point, it looks like this has  
1654 been revised now as to the setback being met on the southern property line.

1655

1656 Ms. Goggin - Yes, sir. The....

1657

1658 Mr. Silber - All setbacks have been addressed then?

1659

1660 Ms. Goggin - All setbacks have been addressed, yes.

1661

1662 Mr. Vanarsdall - Do you want to go ahead and make a motion on this?

1663

1664 Mr. Branin - Yes, no problem. Mr. Chairman, I move for approval of Saint Claire  
1665 Ridge Townhouse subdivision subject to the annotations on the revised plan, the standard  
1666 conditions for residential townhouses for sale subdivisions, conditions Nos. 13 through 18,

1667 deleting No. 16 in the addendum and condition No. 19 in the handout addendum.

1668 Mr. Jernigan - Second.

1669

1670 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All  
1671 in favor say aye...all opposed say nay. The motion passes.

1672

1673 The Planning Commission granted conditional approval subject to the standard conditions  
1674 attached to these minutes for subdivisions served by public utilities, the annotations on the  
1675 plans and the following additional conditions:

1676

1677 13. The detailed plant list and specifications for the landscaping to be provided within the 20-  
1678 foot-wide common area along Mechanicsville Turnpike shall be submitted to the  
1679 Department of Planning for review and approval prior to recordation of the plat.

1680 14. A County standard sidewalk shall be constructed along the east side of Mechanicsville  
1681 Turnpike.

1682 15. Any necessary offsite drainage easements must be obtained prior to approval of the  
1683 construction plan by the Department of Public Works.

1684 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for  
1685 the maintenance of the common area by a homeowners association shall be submitted to  
1686 the Department of Planning for review. Such covenants and restrictions shall be in form  
1687 and substance satisfactory to the County Attorney and shall be recorded prior to  
1688 recordation of the subdivision plat.

1689 17. Any future building lot containing a BMP, sediment basin or trap and located within the  
1690 buildable area for a principal structure or accessory structure, may be developed with  
1691 engineered fill. All material shall be deposited and compacted in accordance with the  
1692 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
1693 professional engineer. A detailed engineering report shall be submitted for the review  
1694 and approval by the Building Official prior to the issuance of a building permit on the  
1695 affected lot. A copy of the report and recommendations shall be furnished to the  
1696 Directors of Planning and Public Works.

1697

#### 1698 **PLAN OF DEVELOPMENT**

1699

POD-76-05  
St. Claire Ridge  
Condominiums – Elkridge  
Lane and 20<sup>th</sup> Street

**Engineering Design Associates for Joann Turner and V. M. Little and Loftis Real Estate & Development:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 37, two-story detached condominiums. The 6.981-acre site is located at the north intersection of Elkridge Lane and 20<sup>th</sup> Street, adjoining the northwest property line of the Oak Hill Subdivision on parcel 800-730-7438 (part). The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Fairfield)**

1700

1701 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-76-05, St. Claire

1702 Ridge Condominiums, in the Fairfield District? No opposition. Ms. Goggin.

1703 Ms. Goggin - There is a revised annotated plan in your handout addendum. This case  
1704 is the sister case to the townhouse subdivision that was just heard by the Commission and this  
1705 is the case in which the proffers do apply. The revised plan provides the necessary 18 x 18  
1706 foot sized driveways to meet the parking requirement for the project and as previously  
1707 mentioned, the applicant has submitted, and Public Works approve, a wavier request to address  
1708 50/10 stormwater detention in an alternative method other than onsite storage so Public Works  
1709 can now recommend approval. What the approval of this waiver means is that the wet pond  
1710 that was shown in this central area, at the time of rezoning, is not required and it can be left  
1711 open space and not impacted by water or any kind of drainage facilities.

1712

1713 Staff has requested and the developer has agreed to replace the existing chain-link fence around  
1714 the project with a more decorative fence such as a mock-iron or picket fence with landscaping.  
1715 Staff can recommend approval of this POD subject to the annotations on the revised plans, the  
1716 standard conditions for developments of this type, and conditions Nos. 24 through 39 in the  
1717 agenda and, again, Rob and Jason, Loftis, the developers as well as Courtney Fisher are here  
1718 to answer any questions you may have of them, and I'm here to.

1719

1720 Mr. Vanarsdall - Are there any questions of Ms. Goggin by Commission members?

1721

1722 Mr. Branin - I've got one. Christina, what's the means they are going to use to handle  
1723 the stormwater?

1724

1725 Ms. Goggin - From my understanding of the waiver approval, Public Works is  
1726 allowing the development to work against the natural drainage divides and to put the  
1727 stormwater into the storm sewer system in Mechanicsville Turnpike.

1728

1729 Mr. Branin - And Public Works has decided that the stormwater has....

1730

1731 Ms. Goggin - I have signed waivers.

1732

1733 Mr. Branin - That's fine. Can I hear from the applicant?

1734

1735 Ms. Goggin - Yes, sir.

1736

1737 Mr. Vanarsdall - Would the applicant come down, please. Good morning.

1738

1739 Mr. Walters - I'm Rob Loftis.

1740

1741 Mr. Branin - Mr. Loftis, I spoke to Mr. Archer prior to the meeting and his main  
1742 concern with this was now that that open area is there, that green area, keeping in the  
1743 community in mind, keeping the residents in mind, he wanted to make sure that you all are  
1744 making some preparations to put some sort of an amenity in there that would be warm and  
1745 friendly to that area. Can you comment on any plans that you have?

1746 Mr. Loftis - Yes, we do plan on using that area for a recreational open-space area.  
1747 We would envision probably a small ball field. It would still have a perimeter of street trees  
1748 around the island as the proposed zoning proffer exhibit shows. We also plan on supplementing  
1749 that with park benches and perhaps some picnic tables and so forth to encourage the area to be  
1750 used as sort of a small pocket park, if you will.

1751

1752 Mr. Branin - Okay. And what would be the next set of plan that would be able to  
1753 show this?

1754

1755 Ms. Goggin - We can put notes on the PODs for signature but the specific details will  
1756 be on the landscape plan.

1757

1758 Mr. Branin - Okay. I just needed to make sure that Mr. Archer got his park there.

1759

1760 Ms. Goggin - We can make sure that there are notes on the plans that say, "Amenities  
1761 are to be provided on the landscape plan," or something like that.

1762

1763 Mr. Branin - Thank you.

1764

1765 Mr. Vanarsdall - Are there any other questions by the Commission? All right, we are  
1766 ready for a motion, Mr. Branin.

1767

1768 Mr. Branin - Thank you. Mr. Chairman, I move for approval of POD-76-05, St.  
1769 Claire Ridge Condominiums, subject to the annotations on the revised plans, the standard  
1770 conditions for developments of this, added conditions Nos. 24 through 39 in the agenda and as  
1771 well as the understanding that the open area would be used with public amenities.

1772

1773 Mr. Jernigan - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All  
1774 in favor say aye...all opposed say nay.

1775

1776 The Planning Commission approved POD-76-05, St. Claire Ridge Condominiums, subject to  
1777 the standard conditions attached to these minutes for developments of this type, the annotations  
1778 on the plans and the following additional conditions:

1779

1780 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1781 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1782 being issued. The easement plats and any other required information shall be submitted  
1783 to the County Real Property Agent at least sixty (60) days prior to requesting  
1784 occupancy permits.

1785 25. The developer shall provide fire hydrants as required by the Department of Public  
1786 Utilities and Division of Fire.

1787 26. Prior to issuance of a certificate of occupancy for any building in this development, the  
1788 engineer of record shall certify that the site has been graded in accordance with the  
1789 approved grading plans.



- 1790 27. The proffers approved as a part of zoning case C-58C-04 shall be incorporated in this  
1791 approval.
- 1792 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1793 a form acceptable to the County Attorney prior to final approval of the construction  
1794 plans.
- 1795 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1796 approved by the County Engineer prior to final approval of the construction plans by  
1797 the Department of Public Works.
- 1798 30. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
1799 County standard and specifications. The developer shall post a defect bond for all  
1800 pavement with the Department of Planning - the exact type, amount and implementation  
1801 shall be determined by the Director of Planning, to protect the interest of the members  
1802 of the Homeowners Association. The bond shall become effective as of the date that  
1803 the Homeowners Association assumes responsibility for the common areas. Prior to the  
1804 issuance of the last Certificate of Occupancy, a professional engineer must certify that  
1805 the roads have been designed and constructed in accordance with County standards.
- 1806 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
1807 drainage plans.
- 1808 32. Insurance Services Office (ISO) calculations must be included with the plans and  
1809 contracts and must be approved by the Department of Public Utilities prior to the  
1810 issuance of a building permit.
- 1811 33. Approval of the construction plans by the Department of Public Works does not  
1812 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1813 way. The elevations will be set by Henrico County.
- 1814 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1815 Department of Planning and approved prior to issuance of a certificate of occupancy for  
1816 this development.
- 1817 35. A note in bold lettering shall be provided on the erosion control plan indicating that  
1818 sediment basins or traps located within buildable areas or building pads shall be  
1819 reclaimed with engineered fill. All materials shall be deposited and compacted in  
1820 accordance with the applicable sections of the state building code and geotechnical  
1821 guidelines established by the engineer. An engineer's report certifying the suitability of  
1822 the fill materials and its compaction shall be submitted for review and approval by the  
1823 Director of Planning and Director of Public Works and the Building Official prior to  
1824 the issuance of any building permit(s) on the affected sites.
- 1825 36. A 20-foot planting strip to preclude ingress or egress adjacent to Elkridge Lane,  
1826 Binford Lane and Hobson Lane shall be shown on the approved plans. The details  
1827 shall be included with the required landscape plans for review and approval.
- 1828 37. The unit house numbers shall be visible from the parking areas and drives.
- 1829 38. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
1830 Regional Planning District Commission and such names shall be included on the  
1831 construction plans prior to their approval. The standard street name signs shall be  
1832 ordered from the County and installed prior to any occupancy permit approval.
- 1833

1834 39. The developer shall maintain a cumulative record of the amount of brick utilized on the  
1835 front elevations and garage count and provide such record to the County with each  
1836 building permit submission and issued building permit revision request to confirm  
1837 conformance with the proffered conditions.

1838

1839 **PLAN OF DEVELOPMENT**

1840

POD-2-06  
Collegiate Upper School  
Parking Lot -  
N. Mooreland Road

**Draper Aden Associates for The Collegiate 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 parking lot addition. The 12.18-acre portion of the 53.12-acre site is located at the southeast corner of N. Mooreland Road and Tarrytown Drive on parcels 747-735-6082, 748-736-1139 and 748-737-1411. The zoning is R-2, One-Family Residence District and R-1, One-Family Residence District. County water and sewer. **(Tuckahoe)**

1841

1842 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-2-06, Collegiate  
1843 Upper School Parking Lot, in the Tuckahoe District? No opposition. Good morning, Mr.  
1844 Wilhite.

1845

1846 Mr. Wilhite - Good morning, thank you, Mr. Chairman. This project does involve the  
1847 construction of additional parking lots, including bus parking and drop off areas on the east  
1848 side of the upper school. This would be replacing the existing playing fields and tennis courts  
1849 that appear on the eastern property line. In fact, the setback to the parking lot would actually  
1850 be greater now than it was with the playing fields, when they were there. The proposed  
1851 disturbance of existing vegetation has been kept to a minimum. There is a storm water basin  
1852 along the parking lot behind the existing Fine Arts Center. That is being removed as well as  
1853 the landscaping around that basin. The rest of the disturbance really involves the removal of  
1854 trees close to the existing Science Building. And also where there is some modification of  
1855 entrances on N. Mooreland Road, there is a grove of trees there that will be removed, but very  
1856 little vegetation is being disturbed along the eastern property line to build these parking lots.

1857

1858 There is modification of the entrance on N. Mooreland Road, the northern entrance; curb and  
1859 gutters are being replaced to increase the radius. The southern entrance, which is the one  
1860 closest to the creek that runs through the property, is actually being moved roughly about 200  
1861 to 220 feet to the south and additional parking constructed along N. Mooreland Road.  
1862 Although, there is roughly 300 parking spaces being constructed at this time, the net gain due  
1863 to loss of parking is probably in the range of 160 to 175 spaces on the site. At this point, the  
1864 school is not proposing any increase in the enrollment so this would be over and above  
1865 whatever parking was required normally by the County. Staff is in a position to recommend  
1866 approval of this plan and I'll be happy to answer any questions that you have.

1867

1868 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members?

1869

1870 Mrs. Jones - Mr. Wilhite, are we adding No. 9 amended to the conditions?  
1871

1872 Mr. Wilhite - That is not on the agenda, but if you would care to see the landscape  
1873 plan, you can add No. 9 and No. 11 for the landscape and lighting plan both to come back to  
1874 the Planning Commission. It could be appropriate in this area.  
1875

1876 Mr. Branin - Mr. Wilhite, will these lots be ....  
1877

1878 Mr. Vanarsdall - You would be on the safe side to do that.  
1879

1880 Mrs. Jones - I'm sorry, Mr. Branin.  
1881

1882 Mr. Branin - Will these lots be lit?  
1883

1884 Mr. Wilhite - At this point, the lighting plan has not been submitted to the County. It  
1885 is our understanding that there would be lighting in the parking lot, yes.  
1886

1887 Mr. Branin- Is the applicant here?  
1888

1889 Mr. Wilhite - Yes. Lance Koth from the engineering agency is here.  
1890

1891 Mrs. Jones - I would like to hear from him.  
1892

1893 Mr. Vanarsdall - All right. Good morning.  
1894

1895 Mr. Koth - Good morning, I'm Lance Koth and I'm with Draper Aden Associates.  
1896 For your question, there is lighting proposed in the parking lot. Higgins & Gerstenmaier is  
1897 preparing the landscape and lighting plan that will be submitted. It is rather consistent with  
1898 what's out there now. There is a lighting scheme that Higgins & Gerstenmaier has helped  
1899 develop over the years. And, what they are proposing with this parking lot, it is consistent  
1900 with that.  
1901

1902 Mrs. Jones - The traffic flow, obviously, has been one of the big motives for getting  
1903 this rearranged. Do you anticipate that this will be the end of the traffic configurations? This  
1904 will do it for a good long while.  
1905

1906 Mr. Koth - I would love to stand here and say that we are going to solve every  
1907 problem on site. I can't promise that. This is a big improvement over what we have. The  
1908 effect that this has is, we have created a circular traffic pattern that has a... you enter at the  
1909 north end of the site and you circle into the drop-off area and then you continue on and exit  
1910 farther south onto Mooreland. We have increased the cue length of cars. I forget the number,  
1911 but it's something in the 30 to 40 range. I brought it all internally up to that point. The cue  
1912 also has moved down Mooreland, so in a worse case kind of scenario if things backed up  
1913 we've actually added cue length inside the site, added cue length before it would get anywhere  
1914 near River Road. In the dimension that Kevin had to the entrance there, they are relatively

1915 minor adjustments that we are making to the entrance. Right now, the radius of the return on  
1916 the curbing, as you go into where the entrance would be, is a tight radius. We are making that  
1917 radius bigger so that anybody turning right into there can go in without slowing down to 0 to 5  
1918 miles an hour. They are going to be able to swing in at a normal kind of curve so they won't  
1919 have traffic slowing down too much behind them. The left turn would be farther north than  
1920 the exist will be, so that you won't have the exit and the entry at the same location, which all  
1921 that left turn coming in to drop off won't be encumbered by the people coming out.

1922

1923 We have made a lot of improvements. That really was the driving force behind the whole  
1924 thing is to create this circular traffic pattern that works more efficiently and brings everything  
1925 into the site. It is a great improvement.

1926

1927 Mrs. Jones - Refresh my memory again, buses will be routed differently than traffic  
1928 or with the....

1929

1930 Mr. Koth - Buses take a similar pattern. There are a couple of options as far as the  
1931 drop-off area for buses. There are two long drop-off areas in the rear of the school. One is  
1932 generally intended to be for buses and the buses can even park there on occasion and if they  
1933 are waiting for someone and the cars can get out without going through this area. The other  
1934 long drop-off area is for cars. So, the entry is in the same location but when they get to the  
1935 rear it's actually two separate areas for car drop-off, pick-up and bus drop-off, pick-up.

1936

1937 Mr. Branin - Collegiate has buses?

1938

1939 Mr. Koth - Yes. They have for activities....

1940

1941 Mrs. Jones - Yes.

1942

1943 Mr. Silber - For athletes.

1944

1945 Mr. Branin - So, it's not a daily routine, like a public school where you have  
1946 numerous buses coming in.

1947

1948 Mr. Koth - No, you will have.... The fields are in Goochland now. They actually do  
1949 busing back and forth to the fields after school and then if you have a visiting team that would  
1950 come in, they would also have people coming in on buses.

1951

1952 Mrs. Jones - I need to also make sure that the stream and the drainage, this has all  
1953 been taking care of, I would hope to neighbor's content. It is a big problem.

1954

1955 Mr. Koth - Again, I would like to say that we have solved all of the problems that  
1956 are in the area, but we are unfortunate not a big enough part of that watershed to solve all the  
1957 problems. But, what we have done, and it's historically, and I haven't been involved for the  
1958 past 15 or 20 years, but I think, historically, drainage has been one of the biggest issues. What  
1959 we have accommodated here is the area behind the school that's basically surface flow and

1960 there was a little bit that was picked up in a storm system that flow to the ditch or creek behind  
1961 the school, between the school, and there is a row of houses behind it. We have collected all  
1962 of that drainage and we have an underground storage system that we are detaining the 50/10  
1963 Detention and we are releasing that farther down stream than it was released. It was released  
1964 kind of, it really wasn't a point source, it was really along the whole back of those fields and  
1965 we have collected it and detained it and we are releasing it down stream of that.

1966

1967 So, we are making an improvement, again, it's going to...12 acres or something like that out of  
1968 a couple of 100. We are not going to solve all of the problems but we are definitely making  
1969 improvements.

1970

1971 Mrs. Jones - Thank you. One other thing, you may not wish to speak to this someone  
1972 else might need to, but the service area. The service area is one of those things that can't be  
1973 finalized until all of the construction is finished, until the final plans are devised for the rest of  
1974 the property, but it is, it needs to be addressed at some point. Can you just comment on that  
1975 maybe?

1976

1977 Mr. Koth - And it's in the works of trying to figure out exactly what the  
1978 configuration of that's going to be. There are several things that, our priority in this one was  
1979 to get the traffic taking care of to address the drainage and that kind of thing. There are things  
1980 like some mechanical equipment that's in a location that they would like to relocate it. It is  
1981 getting old and they would like to move it. They have the service needs and the storage needs  
1982 and things like this that they need to address. None of those issues have really been addressed  
1983 in this because they don't know what direction that they are going to take. But, you are  
1984 correct. Originally, that service area was going to be a part of this plan but because we don't  
1985 know exactly what we need in that area it has been excluded from this.

1986

1987 Mrs. Jones - Well, I certainly do understand that and I realize that we can't solve it  
1988 today but I do want to at least put it in everyone's mind that that will be something that I sure  
1989 would like to see configured and set at some time when you come back.

1990

1991 Mr. Koth - I'm confident that you will see that in the not to distant future, is my  
1992 guess.

1993

1994 Mr. Branin - Is there someone here from Collegiate School?

1995

1996 Mr. Koth - Dr. Sedivy is here, yes.

1997

1998 Mr. Sedivy - My name is Robert Sedivy and I am vice president for finance at  
1999 Collegiate.

2000

2001 Mr. Vanarsdall - Good morning.

2002

2003 Mr. Branin - Good morning, sir. And also, Bonnie, the reason I'm so concerned  
2004 about lights is I've just recently had a project that will be deferred again this month that, what

2005 we are hearing on our project is car alarms, lights, meaning the overhead lights, and traffic  
2006 lights so I just want to make sure you guys address those concerns.

2007 Mrs. Jones - We intend to have those come back to the Commission.

2008

2009 Mr. Sedivy - We understood that the Commission and the staff prefer to take up  
2010 landscape and lighting separately.

2011

2012 Mr. Branin - I mean, because this is an established neighborhood that, you know, a  
2013 playing field is one thing a parking lot is a whole different animal. Thank you.

2014

2015 Mr. Vanarsdall - Thank you. All right. Are there any more questions? If not, Mrs.  
2016 Jones.

2017

2018 Mrs. Jones - I make a motion that POD-2-06, Collegiate Upper School Parking Lot on  
2019 N. Mooreland Road, be approved subject to the annotations on the plans, standard conditions  
2020 for developments of this type, and the following additional conditions, No. 9 and 11 amended,  
2021 Nos. 23 through 28.

2022

2023 Mr. Branin - Second.

2024

2025 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Branin. All  
2026 in favor say aye...all opposed say nay. The motion passes.

2027

2028 The Planning Commission approved POD-2-06, Collegiate Upper School Parking Lot, subject  
2029 to the standard conditions attached to these minutes for developments of this type, the  
2030 annotations on the plans and the following additional conditions:

2031

2032 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
2033 Planning for review and Planning Commission approval prior to the issuance of any  
2034 occupancy permits.

2035 11. **AMENDED** - Prior to the approval of an electrical permit application and installation  
2036 of the site lighting equipment, a plan including depictions of light spread and intensity  
2037 diagrams, and fixture specifications and mounting height details shall be submitted for  
2038 Department of Planning review and Planning Commission approval.

2039 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
2040 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2041 being issued. The easement plats and any other required information shall be submitted  
2042 to the County Real Property Agent at least sixty (60) days prior to requesting  
2043 occupancy permits.

2044 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
2045 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
2046 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
2047 easement shall be granted to the County prior to the issuance of any occupancy permits.

2048 26. Outside storage shall not be permitted.

2049 27. Deviations from County standards for pavement, curb or curb and gutter design shall be

2050 approved by the County Engineer prior to final approval of the construction plans by  
2051 the Department of Public Works.  
2052 28. The location of all existing and proposed utility and mechanical equipment (including  
2053 HVAC units, electric meters, junction and accessory boxes, transformers, and  
2054 generators) shall be identified on the landscape plans. All equipment shall be screened  
2055 by such measures as determined appropriate by the Director of Planning or the  
2056 Planning Commission at the time of plan approval.

2057

2058 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

2059

2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075	POD-3-06 Gayton Terrace Addition - Gayton Road (POD-24-97 Expired) (POD-92-99 Expired) (POD-77-82 Revised)	<b>E. D. Lewis &amp; Associates, P.C. for Aspen Gayton Terrace, LLC:</b> Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-2, 24-94b and 24-106 of the Henrico County Code, to construct a four-story, 53-foot, 143,295 square foot addition to an existing assisted living/ adult care facility for seniors, for a total of 195 units. The special exception would authorize a building over three stories and 45 feet in height. The 9.874-acre site is located along the east line of Gayton Road at 12401 Gayton Road, approximately 600 feet south of the intersection of Ridgefield Parkway and Gayton Road on parcel 732-750-7894. The zoning is R-6C, General Residence District (Conditional). County water and sewer. <b>(Tuckahoe)</b>
------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2060

2061 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-3-06, Gayton  
2062 Terrace Addition, in the Tuckahoe District? No opposition. Good morning, Tony.

2063

2064 Mr. Greulich - Good morning, Mr. Chairman, Planning Commission members,  
2065 in August of last year the applicant, Aspen Gayton Terrace, LLC, revised the original proffers  
2066 that govern this site, C-95C-96, and they were approved as C-45C-05. The existing structure  
2067 was approved under POD-77-82 and subsequently, two additions, POD-24-97 and POD-92-99,  
2068 have been approved for this site, however, in both cases, they were not built and their  
2069 approvals have since expired. Regarding the current POD before you today, the applicant has  
2070 agreed to all of the comments from the different departments and has sufficiently addressed all  
2071 concerns. Staff also received the revised, architectural elevations that can be found in your  
2072 addendum packet. These elevations depict the additional, architectural features for the existing  
2073 façade as requested. I also received confirmation today that the columns on the new addition  
2074 will be wider as discussed previously.

2075

2076 The applicant is not only required to obtain Planning Commission approval for this POD, but  
2077 also for the height of the building. As a result, two motions will need to be made for this  
2078 POD; one for the POD itself and one for the special exception for height. By code, the  
2079 maximum height allowed in this residential zoning district is three stories and 45 feet, but the  
2080 applicant requires four stories and 53 feet. This height is actually in keeping with the height of  
2081 the existing structure that received a special exception for height as part of the original,

2082 approved POD-77-82. As stated in the report, it is the applicant's responsibility to support the  
2083 request for this special exception and the representatives of the applicant are here to address  
2084 this issue.

2085

2086 Should the Commission approve the applicant's request for the special exception; staff can  
2087 recommend approval of the submitted plan. It is subject to the annotations on the plan, the  
2088 standard conditions for developments of this type, additional conditions 24 through 36 with  
2089 condition nine amended and further, additional conditions 37 and 38 found in your addendum.

2090

2091 Staff and representatives of the applicant are here to answer any questions you may have.  
2092 Thank you.

2093

2094 Mr. Vanarsdall - Are there any questions of Mr. Greulich from Commission members?

2095

2096 Mrs. Jones - I would like to hear from the applicant.

2097

2098 Ms. Koch - Good morning, I'm Penny Koch a legal assistant at Hirschler Fleischer  
2099 here on behalf of Aspen Gayton Terrace, LLC. We are seeking a special exception for height  
2100 for a few reasons. Gayton Terrace has a waiting list for residents and would like to be able to  
2101 offer as many rooms to our senior population as possible. A population which continues to  
2102 grow and the additional height will help them achieve that goal. Also, the owner wants to  
2103 enhance the facility, update the façade from Gayton Road, and have the old and new blend as if  
2104 it has always been this way. The proposed buildings will be the same height as the existing  
2105 buildings. In fact, there is a proffer condition limiting the height of any addition to four stories  
2106 or 65 feet; the intent of which was to match the existing building. While additional height  
2107 can't be guaranteed through zoning, the issue was contemplated in the zoning which was  
2108 completed just last August. We are in agreement with the conditions imposed by staff, but I  
2109 might suggest that you delete the reference in condition No. 28 to the proffers from case C-  
2110 95C-96, as the zoning case last year amended and restated those conditions completely. I just  
2111 noticed this condition yesterday and Tony and I agreed not to make a big paper swap out of  
2112 this but I just thought I would state that for the record. I'll be happy to answer any questions  
2113 that the Commission may have.

2114

2115 Mrs. Jones - Ms. Koch, could you repeat your last comment on the proffers.

2116

2117 Ms. Koch - The condition No. 28 list the proffers from last year, the "05" case as  
2118 well as the proffers from the "96" case....

2119

2120 Mrs. Jones - And delete "96."

2121

2122 Ms. Koch - Correct.

2123

2124 Mrs. Jones - I definitely want "05" to stay in there. I do have several questions if you  
2125 don't mind.

2126



2127 Ms. Koch -

Sure.

2128 Mrs. Jones - I do want to thank your client. They have done a tremendous amount of  
2129 work in getting this façade of the old section to blend beautifully, I think, with the new section.  
2130 We have had a discussion about column width and this should be either 16 or 18 inches; I  
2131 think it needs to be larger than 14.

2132

2133 Ms. Koch - Certainly.

2134

2135 Mrs. Jones - How will that decision be made?

2136

2137 Ms. Koch - We are agreeable to 16 or 18. I have provided you with some elevations  
2138 of both sizes as well as Mr. Greulich. We are agreeable to either one. I think the architects  
2139 thought anything larger than that would be too large scale for that balcony but we are agreeable  
2140 to 16 or 18.

2141

2142 Mrs. Jones - And we should set that today.

2143

2144 Ms. Koch - Sure, whatever your preference.

2145

2146 Mrs. Jones - Oh, this is such a weighty decision, 16 or 18-inch columns. I do want to  
2147 ask a little bit about the other elements here that we had discussed, specifically the gate.

2148

2149 Ms. Koch - Yes, ma'am.

2150

2151 Mrs. Jones - Can you tell me, or perhaps the applicant can, someone else can  
2152 elaborate, the gate is a wonderful finishing element. I think it is thoroughly appropriate. Is  
2153 the motivation behind the gate security first and foremost or is it more of a finishing touch?

2154

2155 Ms. Koch - It's a little of both. We don't want just anybody coming in, any and  
2156 everybody coming in. We would like to have a little, know who is coming in and who is  
2157 coming out through the driveway areas. But, it was also a finishing touch to go along with the  
2158 entrance areas and the gates are going to be at both entrances off Gayton Road. They will be  
2159 located in both areas.

2160

2161 Mrs. Jones - I realize that you all will be submitting a landscape plan at a later date  
2162 for Commission review, I just simply want to touch on the fence at this point, which has  
2163 always been a little bit of a question mark with me. Is the fence's primary purpose, as a  
2164 finishing touch or as a security device?

2165

2166 Ms. Koch - The additional fence that we are providing, is that what you are asking  
2167 about.

2168

2169 Mrs. Jones - Yes, around the property perimeter.

2170 Ms. Koch - Yes, ma'am. Actually, just this morning, since I talked to you  
2171 yesterday, the owner has decided that they would like to complete that fence so it is now going  
2172 to be around all four sides. When I talked to you yesterday, it was going to be about three and  
2173 a half, three and a quarter, and they have agreed now to completely close that off.

2174

2175 Mrs. Jones - I think that's a good decision.

2176

2177 Ms. Koch - I think the primary reason is that there is a neighborhood in back, behind  
2178 the facility, and kids cut through a lot, so they just want to keep that activity out of their  
2179 facility.

2180

2181 Mrs. Jones - I agree. If you are going to do it at three and a half sides, it seems  
2182 perfectly logical to finish it off. I do believe that the new façade is lovely and I do think there  
2183 has been a lot of time and effort put into adding architectural details that will certainly make it  
2184 a very upscale, and very appealing view. Let me see, I appreciate seeing the color of the blend  
2185 of the two buildings. The timeframe, as we discussed yesterday, approximately a year, is that  
2186 still correct?

2187

2188 Ms. Koch - We have to get building permits pulled. I think maybe around April they  
2189 can begin. I think the construction schedule is, at best, they know at this time is about 12 or  
2190 13 months. They intend to do everything at once. It's not being done in phases. That will  
2191 include the enhancements on the existing building facing Gayton Road. So, next summer,  
2192 2007.

2193

2194 Mrs. Jones - And my understanding from talking to you earlier is that all of the  
2195 concerns noted on the plan had been addressed, all the Planning concerns.

2196

2197 Ms. Koch - Yes, ma'am.

2198

2199 Mrs. Jones - Thank you.

2200

2201 Ms. Koch - Thank you.

2202

2203 Mr. Vanarsdall - Thank you, Ms. Koch. Are there any other questions?

2204

2205 Mr. Silber - I think, back on condition No. 28, in removing that one reference to a  
2206 proffer condition, I think we may have some language missing from the condition. I think it  
2207 should read, "The proffers approved as a part of zoning case C-45-C-05 **shall be incorporated**  
2208 in this approval. So we should include the words "shall be incorporated."

2209

2210 Mrs. Jones - Thank you, Mr. Silber.

2211

2212 Mr. Vanarsdall - All right.

2213

2214 Mrs. Jones - I move for approval of POD-3-06, excuse me, should we do the special

2215 exception first?

2216

2217 Mr. Silber - Either way is fine.

2218

2219 Mrs. Jones - All right, let's do that. I'll start again. I approve for the special  
2220 exception associated with POD-3-06, Gayton Terrace Addition on Gayton Road, be approved.

2221

2222 Mr. Jernigan - Second.

2223

2224 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Jernigan. All  
2225 in favor say aye...all opposed say nay. The motion passes.

2226

2227 Mrs. Jones - I move that the plan of development, POD-3-06, Gayton Terrace  
2228 Addition on Gayton Road, be approved with standard conditions for developments of this type  
2229 and the following additional conditions, No. 9 amended, Nos. 24 through 27, condition No. 28  
2230 with the deletion of C-95C-96 so that it would read, "The proffers approved as a part of  
2231 zoning case C-45C-05 shall be incorporated in this approval" and condition No. 29 through 38.

2232

2233 Mr. Vanarsdall - With Nos. 37 and 38 being on the addendum.

2234

2235 Mr. Silber - Right.

2236

2237 Mr. Jernigan - Second.

2238

2239 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Jernigan. All  
2240 in favor say aye...all opposed say nay. The motion passes.

2241

2242 The Planning Commission approved the special exception and plan of development for POD-3-  
2243 06, Gayton Terrace Addition (POD-24-97 Expired) (POD-92-99 Expired) and (POD-77-82  
2244 Revised) subject to the standard conditions attached to these minutes for developments of this  
2245 type, the annotations on the plans and the following additional conditions:

2246

2247 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
2248 Planning for review and Planning Commission approval prior to the issuance of any  
2249 occupancy permits.

2250 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
2251 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2252 being issued. The easement plats and any other required information shall be submitted  
2253 to the County Real Property Agent at least sixty (60) days prior to requesting  
2254 occupancy permits.

2255 25. The developer shall provide fire hydrants as required by the Department of Public  
2256 Utilities and Division of Fire.

2257 26. Employees shall be required to use the parking spaces provided at the rear of the  
2258 building(s) as shown on the approved plans.

2259 27. Outside storage shall not be permitted.

- 2260 28. The proffers approved as a part of zoning cases C-45C-05 shall be incorporated in this  
2261 approval.
- 2262 29. All exterior lighting fixtures shall be designed and arranged so the source of light is not  
2263 visible from the roadways or adjacent residential properties. The lighting shall be low  
2264 intensity, residential in character, and the height or standards shall not exceed 15 feet.
- 2265 30. The developer shall install an adequate restaurant ventilating and exhaust system to  
2266 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
2267 included with the building permit application for review and approval. If, in the  
2268 opinion of the County, the type system provided is not effective, the Commission  
2269 retains the rights to review and direct the type of system to be used.
- 2270 31. Before the final plan is approved, the developer shall submit to the Department of  
2271 Public Works and the Department of Planning a report prepared by a qualified  
2272 professional engineer specifying the proposed treatment of mine shafts and scars.
- 2273 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
2274 a form acceptable to the County Attorney prior to final approval of the construction  
2275 plans.
- 2276 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2277 approved by the County Engineer prior to final approval of the construction plans by  
2278 the Department of Public Works.
- 2279 34. Insurance Services Office (ISO) calculations must be included with the plans and  
2280 contracts and must be approved by the Department of Public Utilities prior to the  
2281 issuance of a building permit.
- 2282 35. Approval of the construction plans by the Department of Public Works does not  
2283 establish the curb and gutter elevations along the Henrico County maintained right-of-  
2284 way. The elevations will be set by Henrico County.
- 2285 36. The location of all existing and proposed utility and mechanical equipment (including  
2286 HVAC units, electric meters, junction and accessory boxes, transformers, and  
2287 generators) shall be identified on the landscape plans. All equipment shall be screened  
2288 by such measures as determined appropriate by the Director of Planning or the  
2289 Planning Commission at the time of plan approval.
- 2290 37. Details for the gates and locking devices at both entrances shall be approved by the  
2291 County Fire Marshall. The owner or the owner's contractor shall contact the County  
2292 Fire Marshall prior to completion of the gates' installation to test and inspect their  
2293 operation. Evidence of the Fire Marshall's approval shall be provided to the Planning  
2294 Department by the owner prior to issuance of occupancy permits.
- 2295 38. Both gates shall remain open between the hours of 7:30 a.m. to 7:30 p.m.

2296  
2297 Mr. Silber - We have come to the end of our agenda but I have one additional item to  
2298 add which is a discussion items but we can take up the minutes first if you would like. This  
2299 would be the December 14, 2005 minutes.

2300  
2301 **APPROVAL OF MINUTES: December 14, 2005 Minutes**

2302  
2303 Mrs. Jones - Point of order.

2304

2305 Mr. Silber -

Yes.

2306 Mrs. Jones - Are the minutes, must the minutes be moved for approval and voted on  
2307 or simply approved? We have had a bit of disagreement about this.  
2308

2309 Mr. Silber - I wasn't aware of that. I think the past practice has been that there is a  
2310 motion and a second to approve. I'm not aware of any discussion on this.  
2311

2312 Mrs. Jones - Okay. Then we will do it that way.  
2313

2314 Mr. Silber - These are verbatim minutes.  
2315

2316 Mrs. Jones - I do have a few things. I simply have a few modifications of the text. I  
2317 wish to say that this is what happens when you have an English teacher on the Planning  
2318 Commission. I'm sorry, but we do have a few spellings and things like that.  
2319

2320 Mr. Silber - All right.  
2321

2322 Mrs. Jones - On page 11, line 3397, the word is "been" as opposed to "be." Page 12,  
2323 line 411, the verb is "taken." Page 12, line 412, "multi-teered" is "multi-tier." Page 12, line  
2324 440, as opposed to "whether" it should be "rather." I apologize again but if we are going to  
2325 do it, I think we should do it. Page 15, line 533, "thank." Page 539, "addressed" ed on the  
2326 end. Page 17, line 607, instead of the word "eternal" access system" I believe "external" was  
2327 meant. I guess it goes into perpetuity. All right. Page 18, line 673, "depend." Page 19, line  
2328 719, the word "their" and then line 725 we are discussing the Liesfield property, but that was  
2329 not Mr. Liesfield, I believe it was Mr. Theobald. Page 20, line 750, "abandoned" on line 750  
2330 and 751, "ed" on the end, as well as page 21, line 782.  
2331

2332 Mrs. O'Bannon - I feel so much better. Last night I kept asking if certain words were  
2333 misspelled.  
2334

2335 Mrs. Jones - I may not have caught it all but we should make it right. On page 27,  
2336 Caribou Coffee Shop because this comes through the minutes quite a few times, is that not  
2337 Caribou?  
2338

2339 Mr. Silber - Staff is indicating that that is the way you spell it.  
2340

2341 Mrs. Jones - If so, that needs to be changed on pages 27, 28 and all throughout that  
2342 discussion about the Caribou Coffee Shop.  
2343

2344 Mr. Silber - Okay.  
2345

2346 Mrs. Jones - On page 29, line 1119, instead of cloth "overhand" I believe it's a  
2347 "overhang." And, then "Caribou" quite a few more times and then on page 46, line 1835,  
2348 "concerns" as opposed to "concerned." And, mercifully, that's all I have marked.

2349 Mrs. O'Bannon - I think it's real important, it is verbatim, and it's obviously important to  
2350 get it right. I do know in the past, I remember talking to other Planning Commissioners I've  
2351 had conversations with, they made the changes like that and they handed it in to somebody  
2352 ahead of time, ahead of the meeting. I remember coming into meeting and... I remember one  
2353 time Chris Archer had done the same kind of thing. He used to mark them up. I don't know  
2354 if he still does it.

2355

2356 Mr. Silber - Yes, you can do that, Mrs. Jones, if you would like. Obviously, many  
2357 of these are, they are good corrections, but typographical, you can give them to Diana Carver  
2358 and then indicate when you make a motion to approve or consider these that the comments  
2359 relative to those types of changes we have provided and move on that.

2360

2361 Mrs. Jones - Typographical changes.

2362

2363 Mr. Silber - But, if it is something really more subjective, that the Commission needs  
2364 to know about, absolutely bring it to the meeting.

2365

2366 Mrs. Jones - Well, I brought that up simply because I know this is difficult, you  
2367 know, the Commission's time is precious and I could do a lot of this behind the scenes, if I  
2368 have permission to do so.

2369

2370 Mr. Silber - You can and thanks for catching these.

2371

2372 Mr. Vanarsdall - Anybody else have any changes to the minutes? If not, we'll entertain a  
2373 motion to approve the minutes as corrected.

2374

2375 Mr. Branin - Motion to approve the minutes with the changes.

2376

2377 Mr. Jernigan - Second.

2378

2379 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All  
2380 in favor say aye...all opposed say nay. The motion passes. Thank you for doing all that  
2381 reading, Mrs. Jones.

2382

2383 Mrs. Jones - My pleasure.

2384

2385 Mr. Branin - And I'm going to go back and double check it and make sure that you  
2386 are right. And if I catch one that you missed....

2387

2388 The Planning Commission approved the December 14, 2005, minutes as corrected.

2389

2390 Mr. Vanarsdall - The Secretary has one more item that we need to address.

2391

2392 **DISCUSSION ITEM: Set Work Session for Briefing on Status of Update to 2026**  
2393 **Comprehensive Plan for February 9, 2006 at 4:45 p.m.**



2394 Mr. Silber - We have one additional item that we have added to your agenda. This is  
2395 a discussion item. We are recommending that you set a work session for a briefing of the  
2396 Update to the 2026 Comprehensive Plan. As you are aware, we have a CIP hearing on  
2397 February 9, 2006, beginning at 5:45 p.m. This is when the County Managers comes and  
2398 presents the CIP to you and you hold a public hearing, take comments and act on that CIP.  
2399 That is going to be a little earlier than we've done in the past. That will be at 5:45 p.m., but  
2400 we would like to do a quick briefing for you on the status of the 2026 Plan and if you are  
2401 willing we will be happy to provide you with a meal. So, we are recommending 4:45 p.m. to  
2402 begin the meal and briefing on the plan.

2403

2404 Mr. Vanarsdall - We will have the 5:45 p.m. in the Boardroom, so where will we have the  
2405 4:45 p.m., up in the Manager's Conference room?

2406

2407 Mr. Silber - Yes, in the Manager's Conference room.

2408

2409 Mr. Vanarsdall - Okay. And do you have an idea what the meal will be?

2410

2411 Mr. Silber - I do not know.

2412

2413 Mrs. O'Bannon - What date is that? I apologize.

2414

2415 Mr. Silber - On Thursday, February 9, 2006.

2416

2417 Mrs. O'Bannon - Okay.

2418

2419 Mr. Vanarsdall - Okay at 4:45 p.m. Anybody have any problem with that?

2420

2421 Mr. Silber - That is listed on your addendum and you can use that to mark on your  
2422 calendar. We do need a motion because this is setting a work session.

2423

2424 Mr. Vanarsdall - All right. We need a motion.

2425

2426 Mrs. Jones - I move that that date and time be set aside for the work session.

2427

2428 Mr. Vanarsdall - We need a second.

2429

2430 Mr. Jernigan - Second.

2431

2432 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Jernigan. All  
2433 in favor say aye...all oppose say nay. The motion passes.

2434

2435 Mr. Branin - And what time is it starting at, 4:45 p.m.?

2436

2437 Mr. Jernigan - Four forty five.

2438

2439 Mr. Vanarsdall - At 4:45 p.m. in the County Manager's Conference Room on the 3<sup>rd</sup>  
2440 floor.  
2441 Mr. Branin - We had it at 5:45 p.m., why did we move it back an hour?  
2442  
2443 Mr. Silber - The CIP meeting is at 5:45 p.m. down here and at 4:45 p.m. is upstairs  
2444 in the County Manager's Conference Room with dinner and a briefing on the Comprehensive  
2445 Plan.  
2446  
2447 Mr. Branin - Okay.  
2448  
2449 Mr. Vanarsdall - Has everybody turned in the (unintelligible)  
2450  
2451 Mr. Silber - We have met with four of the five district representatives, Board  
2452 members and Commission members, the one that we have not met with yet is Three Chopt,  
2453 Mr. Kaechele and Mr. Branin. We have scheduled for the 31<sup>st</sup> of January.  
2454  
2455 Mr. Vanarsdall - It's going pretty well, isn't it?  
2456  
2457 Mr. Silber - It's going very well.  
2458  
2459 Mr. Vanarsdall - Good. All right. With that, I guess we will adjourn.  
2460  
2461 Mr. Jernigan - Second.  
2462  
2463 On a motion by Mr. Vanarsdall and second by Mr. Jernigan, the Planning Commission  
2464 adjourned its January 25, 2006 meeting at 11:08 a.m.  
2465  
2466  
2467  
2468  
2469 

---

Ernest B. Vanarsdall, C.P.C., Acting Chairperson  
2470  
2471  
2472 

---

Randall R. Silber, Secretary  
2473  
2474  
2475