

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,  
2 held in the Board Room of the County Administration Building in the Government Center  
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, July 23,  
4 2008.

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

Members Absent: Mr. C. W. Archer, C.P.C. (Fairfield)

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

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

9  
10 Mr. Jernigan - Good morning, ladies and gentlemen. On behalf of the  
11 Planning Commission and the Planning staff, we'd like to welcome you to our July 23,  
12 2008 hearing for Plans of Development.

13  
14 Mr. Vanarsdall - Good morning, Mr. Chairman.

15  
16 Mr. Jernigan - Good morning. With us today is Mr. Glover, our attending  
17 member from the Board of Supervisors that sits with us this year on the Planning  
18 Commission. Good morning, Mr. Glover.

19  
20 Mr. Glover - Good morning.

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22 Mrs. Jones - Good morning.

23  
24 Mr. Jernigan - We also have, with the Richmond Times-Dispatch, this  
25 morning, Melody Martin representing them. With that, I'll turn the meeting over to Mr.  
26 Emerson, our secretary.

27  
28 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda  
29 today is requests for deferrals and withdrawals. Those will be handled by Ms. Leslie  
30 News.

31  
32 Mr. Jernigan - Good morning, Ms. News.

33  
34 Ms. News - Good morning, Mr. Chairman, members of the Commission.  
35 There are three items on our list of deferrals and withdrawals, and there has been an  
36 additional item added, which I'll get to at the end.

37  
38 The first item is found on page 14 of your agenda, and is located in the Brookland  
39 District. This is POD-53-08, B&S Tree Service. The applicant has requested a deferral  
40 to the August 14, 2008 meeting.

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42 **PLAN OF DEVELOPMENT**

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POD-53-08 **Balzer & Associates, Inc. for Richard S. Bonds:**  
B&S Tree Service – Request for approval of a plan of development, as required  
Old Staples Mill Road by Chapter 24, Section 24-106 of the Henrico County  
Code, to construct a one-story, 4,707 square foot  
office/warehouse building. The 1.47-acre portion of the  
2.78-acre site is located on the east line of Old Staples Mill  
Road, approximately 425 feet south of Hungary Road, on  
parcel 770-758-0073. The zoning is M-1, Light Industrial  
District. County water and sewer. **(Brookland)**

44  
45 Mr. Jernigan - Is there any opposition to deferral of POD-53-08, B&S Tree  
46 Service? There is no opposition.

47  
48 Mr. Vanarsdall - I move that POD-53-08, B&S Tree Service, be deferred to  
49 the August 14, 2008 meeting at the applicant's request.

50  
51 Mrs. Jones - Second.

52  
53 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in  
54 favor say aye. All opposed say no. The ayes have it; the motion passes.

55  
56 At the request of the applicant, the Planning Commission deferred POD-53-08, B&S  
57 Tree Service to its August 14, 2008 meeting.

59 Ms. News - The next item is found on page 15 of your agenda and is  
60 located in the Fairfield District. This is SUB-16-08, Thacker Place (July 2008 Plan) for  
61 four lots. The applicant is requesting a deferral to the September 24, 2008 meeting.

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63 **SUBDIVISION**

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SUB-16-08 **Balzer & Associates, Inc. for Elderhomes**  
Thacker Place **Corporation:** The 2.02-acre site proposed for a  
(July 2008 Plan) subdivision of 4 single-family homes is located on Chuck  
Bayard Road and Chuck Road, approximately 170 feet from the intersection of  
Road Chuck Road and Bayard Road on parcel 814-725-2886.  
The zoning is R-3C, One-Family Residence District  
(Conditional) and ASO, Airport Safety Overlay District.  
County water and sewer. **(Fairfield) 4 Lots**

65  
66 Mr. Jernigan - Is there any opposition to deferral of SUB-16-08, Thacker  
67 Place (July 2008 Plan)? There is no opposition.

68  
69 Mr. Vanarsdall - I move SUB-16-08, Thacker place (July 2008 Plan), be  
70 deferred to September 24, 2008, per the application's request.

71  
72 Mrs. Jones - Second.

73  
74 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in  
75 favor say aye. All opposed say no. The ayes have it; the motion passes.

76  
77 At the request of the applicant, the Planning Commission deferred SUB-16-08, Thacker  
78 place (July 2008 Plan), to its September 24, 2008 meeting.

79  
80 Mr. Jernigan - Ms. News, the first one. August the 14<sup>th</sup>?

81  
82 Ms. News - That's the Zoning meeting.

83  
84 Mr. Jernigan - Ma'am?

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86 Ms. News - The Zoning meeting.

87  
88 Mr. Jernigan - Okay, I understand. I'm sorry.

89  
90 Mr. Vanarsdall - Night meeting.

91  
92 Mr. Jernigan - Yes. Go ahead.

93  
94 Ms. News - The next item is found on page 32 of your agenda, and is  
95 located in the Tuckahoe District. This is POD-68-07, The Shire @ Pump and Church.  
96 The applicant has requested a deferral to the September 24, 2008 meeting.

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**PLAN OF DEVELOPMENT & MASTER PLAN**  
*(Deferred from the June 25, 2008 Meeting)*

POD-68-07  
The Shire @ Pump and  
Church – Church Road  
and Pump Road

**Kimley Horn for Kevin McFadden and The Rebkee Company:** Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a master plan for a future one-story retail building (Building 6) totaling 12,900 square feet. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District (Conditional), RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. **(Tuckahoe)**

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Mr. Jernigan - Is there any opposition to deferral of POD-68-07, The Shire @ Pump and Church? There is no opposition, Mrs. Jones.

Mrs. Jones - I move deferral of POD-68-07, The Shire @ Pump and Church, to September 24, 2008, by request of the applicant.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred POD-68-07, The Shire @ Pump and Church to its September 24, 2008 meeting.

Ms. News - The final item is on page 29 of your agenda, and is located in the Varina District. This is POD-52-08, Audubon North, previously POD-34-08. The applicant is requesting a deferral to the September 24, 2008 meeting.

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## PLAN OF DEVELOPMENT

POD-52-08  
Audubon North –  
Oakleys Lane and I-64  
(POD-34-08 Rev.)

**Resource International, Ltd. for The Tetra Companies, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,000 square foot office building. The 9.46-acre site is located on the southwest corner at the intersection of Oakleys Lane and I-64 on part of parcel 817-717-4199. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

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Mrs. Jones - This is 52-08, you say?

Mr. Jernigan - 52-08.

Ms. News - Yes, sir.

Mr. Vanarsdall - Okay.

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Mr. Jernigan - Is there any opposition to the deferral of POD-52-08 Audubon North (POD-34-08 Rev.)? There is no opposition. With that, I will move for deferral of POD-52-08 Audubon North (POD-34-08 Rev.), to September 24, 2008, by request of the applicant.

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Mr. Vanarsdall - Second.

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

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At the request of the applicant, the Planning Commission deferred POD-52-08 Audubon North (POD-34-08 Rev.) to its September 24, 2008 meeting.

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Ms. News - Those are all the requests that staff is aware of.

Mr. Jernigan - Thank you.

Mr. Emerson - Mr. Chairman, if there are no other requests for deferrals from the Commission, the next items on your agenda are the expedited items. Those will be presented by Ms. Leslie News.

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Ms. News - Yes, sir. We have five requests for expedited items. One item has been removed, as it has been deferred. The first item is on page three of your agenda, and is located in the Three Chopt District. This is a transfer of approval for POD-13-84, Baymont Inn & Suites, formerly Comfort Inn. Staff recommends approval.

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**TRANSFER OF APPROVAL**

POD-13-84  
Baymont Inn & Suites  
(Formerly Comfort Inn) –  
7201 W. Broad Street

**CAS Associates Inc. and Hospitality Consultants, Inc. for Charles Burton Reid, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Charles Burton Reid, LLC to Shiva P, LLC. The 2.5-acre site is located approximately 1,600 feet north of Glenside Drive on W. Broad Street (U. S. Route 250) on parcel 766-747-2181. The zoning is M-1, Light Industrial District. County water and sewer. **(Three Chopt)**

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Mr. Jernigan - Is there any opposition to approval of POD-13-84, Baymont Inn & Suites (Formerly Comfort Inn)?

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Mr. Branin - Mr. Chairman, I'd like to move that transfer of approval POD-13-84, Baymont Inn & Suites (Formerly Comfort Inn) be approved on the expedited agenda.

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Mrs. Jones - Second.

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

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The Planning Commission approved the transfer of approval request for POD-13-84, Baymont Inn & Suites (Formerly Comfort Inn), from Charles Burton Reid, LLC to Shiva P, LLC., subject to the standard and added conditions previously approved.

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Ms. News - The next item is found on page 13 of your agenda, and is located in the Brookland District. This is a landscape plan, LP/POD-61-07 for the Faison School for Autism. Staff recommends approval.

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**LANDSCAPE PLAN**

LP/POD-61-07  
Faison School for Autism -  
1701 Byrd Avenue

**Balzer & Associates, Inc. for 1701 Byrd Avenue, LLC:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 2.769-acre site is located at the southwest corner of the intersection of Byrd Avenue and Markel Road on parcel 772-737-4775. The zoning is B-2, Business District. **(Brookland)**

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Mr. Jernigan - Is there any opposition to LP/POD-61-07, Faison School for Autism? There is no opposition.

194 Mr. Vanarsdall - I move LP/POD-61-07, Faison School for Autism, be  
195 approved with the annotations on the plans and standard conditions for landscape  
196 plans.

197  
198 Mrs. Jones - Second.

199  
200 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in  
201 favor say aye. All opposed say no. The ayes have it; the motion passes.

202  
203 The Planning Commission approved the landscape plan for LP/POD-61-07, Faison  
204 School for Autism, subject to the standard conditions attached to these minutes for  
205 landscape plans.

206  
207 Ms. News - The next item is on page 26 of your agenda, and is located  
208 in the Fairfield District. This is POD-49-08, Richmond Petroleum. There's an addendum  
209 item on page 4 of your addendum, which includes a revised recommendation indicating  
210 that the applicant has agreed to provide a predominantly brick building with split-faced  
211 block and EIFS accents. Staff can recommend approval.

212  
213 **PLAN OF DEVELOPMENT**

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POD-49-08 **Carter Design for Richmond Petroleum Marketing, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to renovate an existing gas station and convenience store and construct a one-story, 2,877 square foot convenience store with drive thru restaurant and carwash. The 0.90-acre site is located on the southeast corner at the intersection of Mechanicsville Turnpike (U.S. Route 360) and Bloom Lane on parcel 799-728-4562. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

215  
216 Mr. Jernigan - Is there any opposition to POD-49-08, Richmond Petroleum?  
217 There is no opposition.

218  
219 Mr. Vanarsdall - I recommend approval of POD-49-08, Richmond Petroleum,  
220 with the annotations on the plan, standard conditions for developments of this type, the  
221 following conditions 29 through 37, and staff's recommendation on the addendum.

222  
223 Mrs. Jones - Second.

224  
225 Mr. Jernigan - Motion by Mr. Vanarsdall, second by Mrs. Jones. All in favor  
226 say aye. All opposed say no. The ayes have it; the motion passes.

227

228 The Planning Commission approved POD-49-08, Richmond Petroleum, subject to the  
229 annotations on the plans, the standard conditions attached to these minutes for  
230 developments of this type, and the following additional conditions:

- 231
- 232 29. The entrances and drainage facilities on Mechanicsville Turnpike (U.S. Route 360)  
233 shall be approved by the Virginia Department of Transportation and the County.
- 234 30. A notice of completion form, certifying that the requirements of the Virginia  
235 Department of Transportation entrances permit have been completed, shall be  
236 submitted to the Department of Planning prior to any occupancy permits being  
237 issued.
- 238 31. Outside storage shall not be permitted.
- 239 32. The developer shall install an adequate restaurant ventilating and exhaust  
240 system to minimize smoke, odors, and grease vapors. The plans and  
241 specifications shall be included with the building permit application for review and  
242 approval. If, in the opinion of the County, the type system provided is not  
243 effective, the Commission retains the rights to review and direct the type of  
244 system to be used.
- 245 33. In the event of any traffic backup which blocks the public right-of-way as a result  
246 of congestion caused by the drive-up facilities or car wash, the owner/occupant  
247 shall close the drive-up facilities and/or car wash until a solution can be designed  
248 to prevent traffic backup.
- 249 34. Approval of the construction plans by the Department of Public Works does not  
250 establish the curb and gutter elevations along the Henrico County maintained  
251 right-of-way. The elevations will be set by Henrico County.
- 252 35. Approval of the construction plans by the Department of Public Works does not  
253 establish the curb and gutter elevations along the Virginia Department of  
254 Transportation maintained right-of-way. The elevations will be set by the  
255 contractor and approved by the Virginia Department of Transportation.
- 256 36. The location of all existing and proposed utility and mechanical equipment  
257 (including HVAC units, electric meters, junctions and accessory boxes,  
258 transformers, and generators) shall be identified on the landscape plan. All  
259 building mounted equipment shall be painted to match the building, and all  
260 equipment shall be screened by such measures as determine appropriate by the  
261 Director of Planning or the Planning Commission at the time of plan approval.
- 262 37. Bulk storage of fuel shall be underground.

263

264 Ms. News - The next item is on page 28 of your agenda, and is located  
265 in the Three Chopt District. This is POD-50-08, Merchants Tire @ Downtown Short  
266 Pump. Staff recommends approval.

267



268 **PLAN OF DEVELOPMENT**

269  
POD-50-08  
Merchants Tire @  
Downtown Short Pump –  
Pouncey Tract Road and  
I-64

**Burgess & Niple for Short Pump Mini Storage and Pavilion Development 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, 9,640 square foot retail building in an existing shopping center. The 0.753-acre site is located on the west line of Pouncey Tract Road, south of I-64 on parcels 739-763-7259 and 7089. The zoning is M-1, Light Industrial District. County water and sewer.  
**(Three Chopt)**

270  
271 Mr. Jernigan - Is there any opposition to POD-50-08, Merchants Tire @  
272 Downtown Short Pump? There is no opposition.

273  
274 Mr. Branin - Mr. Chairman, I'd like to move that POD-50-08, Merchants  
275 Tire @ Downtown Short Pump, be approved on the expedited agenda.

276  
277 Mrs. Jones - Second.

278  
279 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor  
280 say aye. All opposed say no. The ayes have it; the motion passes.

281  
282 The Planning Commission approved POD-50-08, Merchants Tire @ Downtown Short  
283 Pump, subject to the annotations on the plans, the standard conditions attached to  
284 these minutes for developments of this type, and the following additional conditions:

- 285  
286 29. Only retail business establishments permitted in a M-1 zone may be located in this  
287 center.  
288 30. The ground area covered by all the buildings shall not exceed in the aggregate 25  
289 percent of the total site area.  
290 31. No merchandise shall be displayed or stored outside of the building(s) or on  
291 sidewalk(s).  
292 32. All repair work shall be conducted entirely within the enclosed building.  
293 33. There shall be no outdoor storage in moveable storage containers including, but  
294 not limited to, cargo containers and portable on demand storage containers.  
295 34. All subsequent detailed plans of development needed to implement this  
296 conceptual plan shall be submitted for staff review and Planning Commission  
297 approval, and shall be subject to all regulations in effect at the time such  
298 subsequent plans are submitted for review/ approval.  
299 35. The location of all existing and proposed utility and mechanical equipment  
300 (including HVAC units, electric meters, junctions and accessory boxes,  
301 transformers, and generators) shall be identified on the landscape plan. All  
302 building mounted equipment shall be painted to match the building, and all

303 equipment shall be screened by such measures as determine appropriate by the  
304 Director of Planning or the Planning Commission at the time of plan approval.  
305 36. The proffers approved as a part of zoning cases C-3C-98 and C-8C-08 shall be  
306 incorporated in this approval.

307  
308 Ms. News - The next item, POD-52-08, was removed from the expedited  
309 agenda. Next on page 31 of your agenda, and located in the Varina District, is SUB-15-  
310 08, November Avenue Extended. This is the July 2008 Plan for zero lots. Staff  
311 recommends approval.

312  
313 **SUBDIVISION**

314  
SUB-15-08 **Engineering Design Associates for Eubank Center,**  
November Avenue **LLC** The 0.213-acre site is proposed for a road  
Extended dedication, and is located at the end of November  
(July 2008 Plan) Avenue on part of parcel 814-713-1013. The zoning is M-  
Glen Alden and Eubank 1, Light Industrial District and ASO, Airport Safety  
Roads Overlay District. **(Varina) 0 Lot**

315  
316 Mr. Jernigan - Is there any opposition to SUB-15-08, November Avenue  
317 Extended (July 2008 Plan)? There is no opposition. With that, I will move for approval  
318 of SUB-15-08, November Avenue Extended (July 2008 Plan), subject to the annotations  
319 on the plans, and the standard conditions for subdivisions and road dedication.

320  
321 Mr. Vanarsdall - Second.

322  
323 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in  
324 favor say aye. All opposed say no. The ayes have it; the motion passes.

325  
326 The Planning Commission granted conditional approval to SUB-15-08, November  
327 Avenue Extended (July 2008 Plan), subject to the standard conditions attached to these  
328 minutes for subdivisions served by public utilities, and the annotations on the plans.

329  
330 Ms. News - That completes our expedited agenda.

331  
332 Mr. Jernigan - Thank you, Ms. News.

333  
334 Mr. Emerson - Mr. Chairman, that brings you to the next item on your  
335 agenda, which is Subdivision Extensions of Conditional Approval. Those will be  
336 presented by Mr. Lee Pambid.

337  
338 Mr. Jernigan - Good morning, Mr. Pambid.

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340 Mr. Pambid - Good morning.

341  
342 Mrs. Jones - Good morning.

343  
 344 Mr. Vanarsdall - Good morning.  
 345  
 346 Mr. Pambid - We just have one this morning. Did you have any questions  
 347 about that one?  
 348

349 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

350  
 351 **FOR INFORMATIONAL PURPOSES ONLY**

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
<b>SUB-39-07 Hanover Meadow (June 2007 Plan)</b>	11	11	0	Varina	07/22/2009

353  
 354 Mr. Jernigan - No, sir, I don't. Thank you.  
 355  
 356 Mr. Pambid - Thank you, sir.  
 357  
 358 Mr. Emerson - Mr. Chairman, that now takes us into your regular agenda.  
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360 **LANDSCAPE PLAN** (*Deferred from the June 25, 2008 Meeting*)

361  
 LP/POD-03-06 **E. D. Lewis & Associates, P.C. for Aspen Gayton**  
 Gayton Terrace Addition – **Terrace:** Request for approval of a landscape plan, as  
 12401 Gayton Road required by Chapter 24, Sections 24-106 and 24-106.2 of  
 the Henrico County Code. The 9.874-acre site is located  
 along the east line of 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). **(Tuckahoe)**

362  
 363 Mr. Jernigan - Is there any opposition to LP/POD-03-06, Gayton Terrace  
 364 Addition? There is no opposition. Good morning, Mr. Garrison, you may proceed.  
 365

366 Mr. Garrison - The revised plan in your addendum includes additional plant  
 367 material around the building foundation in the courtyard area and at the entrances.  
 368 Staff can recommend approval of LP/POD-15-08 (sic), subject to the annotations on the  
 369 plans, and standard conditions for landscape plans.  
 370

371 Mr. Jernigan - Let's see, 15-08.

372  
 373 Mrs. Jones - This is LP/POD-0—

374  
 375 Mr. Garrison - 3-06. I'm sorry.

376  
377 Mr. Jernigan - Any questions for Mr. Garrison?  
378  
379 Mrs. Jones - I do. Mr. Garrison, can you just update me on any  
380 conversations that have been held about the gates, the security gates at the entrances?  
381  
382 Mr. Garrison - I'm going to let the landscape architect for this project  
383 discuss the gates.  
384  
385 Mrs. Jones - Okay. Good morning.  
386  
387 Mr. Jernigan - Good morning.  
388  
389 Ms. Harrison - Good morning. My name is Sarah Harrison with E. D. Lewis  
390 and Associates, and I can answer any questions you might have about the landscape  
391 plan.  
392  
393 Mrs. Jones - Okay. Back in January of 2006 when we were talking about  
394 this, there were two entrances from Gayton Road that were scheduled to have security  
395 gates. In my conversation at that time with Ms. Koch—who at the time was representing  
396 the applicant—specifically on the gate, we described it as a little bit of a finishing  
397 element, but also security first and foremost. My understanding is that this is now a  
398 question. Could you tell me about that?  
399  
400 Ms. Harrison - Yes. I spoke with the vice president of construction  
401 yesterday, Mr. John Lacob. He's with Bridgewood Properties. They'd been handling the  
402 construction of the site. With this conversation, I understood that the owners just have  
403 some budgetary and site issues that they're trying to work out with it, so they haven't  
404 decided whether or not they want to go with the gates or not. They wanted the flexibility  
405 to be able to say they could either end up building it or not building it. They just wanted  
406 the flexibility.  
407  
408 Mrs. Jones - Is security no longer an issue?  
409  
410 Ms. Harrison - It's more budgetary issues. They're working out numbers  
411 right now. Some of the site concerns they have are issues of safety off Gayton Road  
412 with stacking issues when the gates are closed and things like that. He didn't mention  
413 security as an issue when I spoke with him yesterday.  
414  
415 Mrs. Jones - The plan as revised shows the gates.  
416  
417 Ms. Harrison - Yes. Basically, they just haven't decided whether or not they  
418 want to go with it or not.  
419  
420 Mrs. Jones - Well, we're going to pass this plan or not pass this plan, and  
421 it is submitted with security gates.

422  
423 Ms. Harrison - Okay. They'll agree to any comments and any restrictions  
424 that the plan has. They're not trying to get out of it by any means. They just wanted the  
425 flexibility to be able to say yes or no when it came down to it.  
426  
427 Mrs. Jones - Then let me ask a question of the Director. If we approve a  
428 plan that has some element such as security gates that the applicant later decides they  
429 would like to remove, the process is administrative to receive that approval or not?  
430  
431 Mr. Emerson - Yes, ma'am, we can handle that I believe administratively,  
432 based on the way the condition's worded on the plan. I believe it allows flexibility. I  
433 reviewed it yesterday with staff.  
434  
435 Mrs. Jones - So, that meets your needs for handling it later.  
436  
437 Mr. Emerson - Yes, ma'am.  
438  
439 Mrs. Jones - Okay, thank you. I did want to tell you, the extra landscaping  
440 around the foundation I think it a big plus. Thank you for that.  
441  
442 Mr. Vanarsdall - Who do you represent?  
443  
444 Ms. Harrison - I represent E. D. Lewis and Associates.  
445  
446 Mr. Vanarsdall - That's what I thought you said. Are you a relative of them?  
447  
448 Ms. Harrison - Of Mr. Lewis? No. It seems like most people in the office  
449 are, but I'm not. I'm not lucky enough to be that.  
450  
451 Mr. Vanarsdall - Nice to have you here.  
452  
453 Ms. Harrison - Thank you so much. Any more questions of me?  
454  
455 Mrs. Jones - No. I did want to just make sure we were straight on the  
456 gates.  
457  
458 Ms. Harrison - Okay.  
459  
460 Mrs. Jones - I hope that that will work out certainly for the benefit of the  
461 folks at Gayton Terrace.  
462  
463 Ms. Harrison - Absolutely. Thank you.  
464  
465 Mrs. Jones - All right, thank you.  
466  
467 Mr. Jernigan - Thank you.

468  
469 Mrs. Jones - Okay.  
470  
471 Mr. Jernigan - All right, Mrs. Jones.  
472  
473 Mrs. Jones - Anybody else? All right. I do want to thank Greg for the work  
474 that he's done on this. I think we have a nice plan. It's well under way. I will go ahead  
475 and move for approval of LP/POD-03-06 for Gayton Terrace Addition at 12401 Gayton  
476 Road. This is subject to the annotations on the plans, standard conditions for landscape  
477 plans, and the revised plan referenced on the addendum, which you have before you.  
478  
479 Mr. Vanarsdall - Second.  
480  
481 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in  
482 favor say aye. All opposed say no. The ayes have it; the motion passes.  
483  
484 The Planning Commission approved the landscape plan for LP/POD-03-06, Gayton  
485 Terrace Addition, subject to the standard conditions attached to these minutes for  
486 landscape plans.  
487

#### 488 **LANDSCAPE & LIGHTING PLAN** *(Deferred from the June 23, 2008 Meeting)* 489

LP/POD-57-07 **Akhil Jain for Audubon Hospitality LLC:** Request for  
Candlewood Suites – approval of a landscape and lighting plan, as required by  
5400 Audubon Drive Chapter 24, Sections 24-106 and 24-106.2 of the Henrico  
County Code. The 3.07-acre site is located on the north  
line of Audubon Drive, approximately 1,120 feet east of the  
intersection with Oakley's Lane on parcel 819-717-6812.  
The zoning is M-1C, Light Industrial District (Conditional),  
and ASO (Airport Safety Overlay) District. **(Varina)**

490  
491 Mr. Jernigan - Is there any opposition to LP/POD-57-07, Candlewood  
492 Suites? There is no opposition. Mr. Pambid, you may proceed.  
493

494 Mr. Pambid - Good morning, Mr. Chairman and members of the Planning  
495 Commission. POD-57-07 was approved with significant buffering along Audubon Drive  
496 and along the preserved Civil War Earthworks, which is along the east property line. The  
497 applicant and his designer have worked and agreed to comply with all the buffer  
498 requirements, and they have provided substantial plantings on all sides of the property.  
499 Staff has actually received a plan that addresses the annotations on the plan that has  
500 just been distributed to you.

501  
502 Staff recommends approval subject to the annotations on the plans and the standard  
503 conditions for landscape and lighting plans. I'm happy to answer any questions that you  
504 might have.  
505

506 Mr. Jernigan - Were the earthworks left in a natural state, or were they  
507 cleaned out?

508  
509 Mr. Pambid - They were not cleaned out; they were left in a natural state.

510  
511 Mr. Jernigan - Okay.

512  
513 Mr. Pambid - They are behind some tree-save protection measures, so  
514 when they went in and cleared out the site, they were not touched.

515  
516 Mr. Jernigan - Okay. All right. Are there any questions for Mr. Pambid from  
517 the Commission? All right, thank you, sir. I appreciate you working on that.

518  
519 Mr. Pambid - Yes, sir.

520  
521 Mr. Jernigan - With that, I will move for approval of LP/POD-57-07,  
522 Candlewood Suites, with the annotations on the plans, the standards conditions for  
523 landscape and lighting plans, and the recommendation on the addendum.

524  
525 Mr. Vanarsdall - Second.

526  
527 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in  
528 favor say aye. All opposed say no. The ayes have it; the motion passes.

529  
530 The Planning Commission approved the landscape and lighting plan for LP/POD-57-07,  
531 Candlewood Suites, subject to the standard conditions attached to these minutes for  
532 landscape and lighting plans.

533  
534 **LANDSCAPE & LIGHTING PLAN**

535  
LP/POD-15-08  
Patterson Avenue  
Ambulatory Care Center –  
Patterson Avenue and  
Gaskins Road  
**Higgins & Gerstenmaier for Bon Secours Richmond  
Health Systems, Inc.:** 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 3.9-acre site is located on the north line of  
Patterson Avenue (State Route 6) approximately 412 feet  
east of its intersection with Gaskins Road on part of parcel  
745-742-8604. The zoning is B-1, Business District.  
**(Tuckahoe)**

536  
537 Mr. Jernigan - Is there any opposition to LP/POD-15-08, Patterson Avenue  
538 Ambulatory Care Center? There is opposition.

539  
540 Mr. Jernigan - All right, we do have opposition. Mr. Garrison, you may  
541 proceed.

542

543 Mr. Garrison - The applicant is requesting approval of a landscape and  
544 lighting plan of the recently-approved medical office building, and the recently renovated  
545 Ukrop's building at Patterson and Gaskins. Staff has received a request from an  
546 adjacent property owner to the east regarding installation of additional screening along  
547 the property line abutting an existing parking area.  
548

549 Staff can recommend approval of LP/POD-15-08, Patterson Avenue Ambulatory Care  
550 Center, subject to the annotations on the plan, and the standard conditions for  
551 landscape and lighting plans.  
552

553 Mr. Jernigan - Are there any questions for Mr. Garrison from the  
554 Commission?  
555

556 Mrs. Jones - No, but I do think we should hear the concerns of the citizen.  
557

558 Mr. Jernigan - Yes, we do have opposition. All right, thank you, Mr.  
559 Garrison. We have opposition. You can come down now.  
560

561 Good morning.  
562

563 Mr. Agostino- My name is Fred Agostino. I live at 9508 Lakewater Court,  
564 and my property abuts this subject property. "Opposition" is probably not exactly the  
565 right word for why I'm here. I think we've had some conversations with the landscape  
566 people, and I suspect there's a way that we can amicably work this out. Basically, what  
567 the three neighbors most affected by this activity are looking for is some kind of  
568 additional screening back there. There are some trees, but some of them are pretty  
569 scrawny and they're eight feet apart, which doesn't do much for screening. If we could  
570 encourage the applicant to be a little more generous with some more trees back there,  
571 that's really what we have in mind.  
572

573 Mrs. Jones - Thank you. Mr. Agostino, I just wanted to make sure that  
574 you had a chance to state specifically what you wanted.  
575

576 Mr. Agostino - Thank you.  
577

578 Mrs. Jones - I think we'll bring the applicant down to see if we can't  
579 answer those concerns.  
580

581 Mr. Agostino - Okay, thank you.  
582

583 Mrs. Jones - Thank you so much.  
584

585 Mr. Vanarsdall - Thank you.  
586

587 Mr. Jernigan - Would you like to hear from the applicant?  
588



589 Mrs. Jones - Yes, I would.  
590  
591 Mr. Jernigan - Would the applicant come down, please. Good morning.  
592 Would you state your name for the record, please?  
593  
594 Mr. VanInwegen - Keith VanInwegen with Higgins and Gerstenmaier.  
595  
596 Mr. Jernigan - Okay.  
597  
598 Mrs. Jones - Good morning.  
599  
600 Mr. VanInwegen - Good morning.  
601  
602 Mrs. Jones - We've had a conversation about this, and I think this  
603 example on the screen here will show exactly what Mr. Agostino was talking about.  
604 Could you just go over your plan for that property line based on conversations we've  
605 had about meeting the needs of the neighbors.  
606  
607 Mr. VanInwegen - Yes. The current plan we submitted was to take the gaps in  
608 the existing plans for plants that had died and been removed, and to replace them with  
609 the same species, and also to take the three-foot tall chain link fence that is behind  
610 those plantings and fix that where it is broken. In subsequent discussions we've had,  
611 we've talked with staff and with you also about maybe working in some different species  
612 in there and filling in the gaps with more plantings than we had originally shown, and  
613 also doing more extensive repair work to the fence. We are agreeable to that.  
614  
615 Mrs. Jones - Could you talk about species? These are arborvitae. They  
616 have been in there, apparently, about 15 years. They are certainly not growing to their  
617 intended height, not doing well. What else might you be able to put in there that would  
618 do better?  
619  
620 Mr. VanInwegen - Well, we have a very narrow strip of land between the curb  
621 and the slope, we can't really plant anything that's going to get too wide. So, one plant  
622 that we have talked about is a ligustrum. It will do well in the shade, it's evergreen, and  
623 it will fill in nicely.  
624  
625 Mrs. Jones - It will blend nicely with the row of existing arborvitae that are  
626 still there?  
627  
628 Mr. VanInwegen - Yes, ma'am.  
629  
630 Mrs. Jones - The fence. We had talked about repairing, replacing where  
631 necessary, and to paint it black?  
632  
633 Mr. VanInwegen - Yes.  
634

635 Mrs. Jones - That will visually make it recede.  
636  
637 Mr. VanInwegen - That will make it recede, exactly. I think then the issues with  
638 the fence should be addressed.  
639  
640 Mrs. Jones - Okay. I think those are all important things to do because  
641 there was a condition #3 of the PUP that specifically included plantings to mitigate  
642 impacts on the neighbors, and we want to make sure we do that.  
643  
644 Mr. VanInwegen - Yes.  
645  
646 Mrs. Jones - Okay. Let me just ask this. You would be agreeable to  
647 painting the fence, repairing, replacing, which is already on the plan. The painting and  
648 the new species are not on this plan. This will have to be added subsequent to this  
649 meeting, but you are agreeable to that.  
650  
651 Mr. VanInwegen - Yes. We'll work with staff and have that show up on our  
652 signature plans.  
653  
654 Mrs. Jones - Okay. Thank you very much.  
655  
656 Mr. VanInwegen - Okay, thank you.  
657  
658 Mr. Glover - Mr. Chairman?  
659  
660 Mr. Jernigan - Yes sir.  
661  
662 Mr. Glover - Can I ask, what do the neighbors want as far as screening?  
663 Do they want trees, or do they want a vinyl fence? In other words, I'm not real sure I like  
664 the idea of repairing a chain link fence. A chain link fence that's in need of repairing  
665 probably is in pretty bad shape. What have the neighbors said they want?  
666  
667 Mrs. Jones - I can bring the neighbor back up to answer that question, but  
668 I also have a comment, if it is appropriate after.  
669  
670 Mr. Agostino - I think our main concern is not so much with the three-foot  
671 high chain link fence. I suspect some people didn't even know it was there. It's really  
672 with the visual screening that concerns us. The topography is such that there aren't  
673 going to be people wandering around back there in all of the poison ivy and everything  
674 else that's there. It's an easement, a power easement right now, and it's pretty rough  
675 back there. So, our main concern centered around some sort of visual buffer. Ideally, in  
676 a perfect world, we'd love to see a 10- or 12-foot vinyl fence up there, but I understand  
677 the concern of the applicant when you look at how much room they have to work with  
678 there. It really would make that kind of thing difficult, and I suspect that our concerns  
679 can be addressed maybe more aesthetically, in fact, with some serious plantings. If we  
680 plant four-foot trees there, that's not going to do it. There's just no sun, as you can see

681 from that picture. It gets very little sun, and these things don't grow anywhere near as  
682 well as they're supposed to.  
683  
684 Mrs. Jones - Which is why a different species could be a very nice  
685 addition to the landscape.  
686  
687 Mr. Agostino - Yes.  
688  
689 Mr. Branin - May I ask how much room is available?  
690  
691 Mrs. Jones - Three feet. The answer to your question also, Mr. Glover,  
692 is—and you will be able to substantiate this—the neighbors are on a level much higher  
693 than this project. There is a ravine that drops off. The chain link fence is actually for  
694 safety for folks or whatever so that they're not dropping into the ravine. It is a very  
695 narrow area, so the options are very limited. A fence could really not go in there without  
696 taking out all the existing plant material in that area. Are you pleased, then, with the  
697 additional plantings?  
698  
699 Mr. Agostino - Yes, ma'am.  
700  
701 Mrs. Jones - Okay.  
702  
703 Mr. Jernigan - Thank you.  
704  
705 Mrs. Jones - Does that answer your question, Mr. Glover?  
706  
707 Mr. Glover - Yes, ma'am.  
708  
709 Mrs. Jones - Okay.  
710  
711 Mr. Vanarsdall - The fence that you had before, what color would it be?  
712  
713 Mrs. Jones - Painted black. The chain link would be painted black. Okay.  
714  
715 Mr. Jernigan - The arborvitae, that's 15 years old. That's very small. Might  
716 need some Miracle Grow on that. Might add that, too.  
717  
718 Mrs. Jones - Should we put that on the plan?  
719  
720 Mr. Jernigan - You might want to add a little Miracle Grow to help that one  
721 along.  
722  
723 Mrs. Jones - Okay.  
724  
725 Mr. Glover - I think if you planted enough poison ivy in there, you wouldn't  
726 need the fence.

727  
728 Mrs. Jones - Okay. With that, then, I will go ahead and make a motion.

729  
730 Mr. Jernigan - Okay.

731  
732 Mrs. Jones - I move that LP/POD-15-08, Patterson Avenue Ambulatory  
733 Care Center, be approved subject to annotations on the plans, standard conditions for  
734 landscape and lighting plans, and with the understanding that notes will be added to the  
735 plan as submitted for signature.

736  
737 Mr. Jernigan - All right. Do we have a second?

738  
739 Mr. Branin - Second.

740  
741 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Branin. All in favor  
742 say aye. All opposed say no. The ayes have it; the motion passes.

743  
744 The Planning Commission approved the landscape and lighting plan for LP/POD-15-08,  
745 Patterson Avenue Ambulatory Care Center, subject to the standard conditions attached  
746 to these minutes for landscape and lighting plans.

747  
748 **PLAN OF DEVELOPMENT** (*Deferred from the June 25, 2008 Meeting*)  
749

POD-39-08 **Timmons Group for Ukrop's Inc. and First Market**  
First Market Bank – **Bank:** Request for approval of a plan of development, as  
Patterson Avenue and required by Chapter 24, Section 24-106 of the Henrico  
Gaskins Road County Code, to construct a one-story, 2,280 square-foot  
bank with drive thru facilities. The 0.84-acre site is located  
along the north line of Patterson Avenue, approximately  
300 feet east of its intersection with Gaskins Road on part  
of parcels 745-742-8604 and 5710. The zoning is B-1,  
Business District. County water and sewer. **(Tuckahoe)**

750  
751 Mr. Jernigan - Do we have any opposition to POD-39-08, First Market Bank  
752 at Patterson and Gaskins? There is no opposition. Okay, Mr. Garrison, you may  
753 proceed.

754  
755 Mr. Garrison - This POD was deferred from the June Planning Commission  
756 meeting due to insufficient material information. Since that time, the applicant and staff  
757 have met to discuss the design and color of the proposed bank. Initially, the color of the  
758 bank was to be a grayish blue color, to which staff requested it be a more earth tone  
759 color scheme. The applicant has agreed to provide a khaki and brown color for the  
760 building, and this morning has presented a rendering portraying the proposed color  
761 scheme. The layout of the building will remain as originally proposed.

762

763 Provided that the color scheme is acceptable to the Commission, staff can recommend  
764 approval subject to the annotations on the plans, standard conditions for developments  
765 of this type, and added conditions 29 through 36.  
766  
767 Mr. Jernigan - Are there any questions for Mr. Garrison from the  
768 Commission?  
769  
770 Mrs. Jones - Mr. Garrison, are you going to show representative plans, or  
771 should we have the applicant come down and do that?  
772  
773 Mr. Garrison - The applicant can come down and speak on behalf of the  
774 layout or color scheme.  
775  
776 Mrs. Jones - Okay.  
777  
778 Mr. Jernigan - Would you like to hear from the applicant?  
779  
780 Mrs. Jones - I would.  
781  
782 Mr. Jernigan - Good morning. Would you state your name for the record,  
783 please?  
784  
785 Mr. Tate - My name is Donald Tate.  
786  
787 Mr. Jernigan - Thank you, Mr. Tate.  
788  
789 Mrs. Jones - Good morning. This is a bit of a departure from some  
790 architectural styles that are commonly seen around Richmond. Would you just take one  
791 minute and tell the Commission about the unique features of this building?  
792  
793 Mr. Tate - Sure, be glad to. Our client, First Market Bank, came to us  
794 last year and asked us to look into this site. It's a very small piece of property, so we  
795 had to do some unusual and creative things to make the bank layout work on the site.  
796 Working with staff, we've been able to achieve the functional requirements for the  
797 property. Aesthetically, which is probably your primary question—  
798  
799 Mrs. Jones - Well, it might be a question for some folks as they look at  
800 this.  
801  
802 Mr. Tate - Sure. Aesthetically speaking, our direction from the client  
803 was to do something different, and they also wanted to do something that they could  
804 acquire LEED certification. So, this building that you see in front of you will attempt to  
805 go for Silver certification from the LEED. First Market Bank also intends to use it as an  
806 educational tool for that purpose, as part of their marketing program.  
807

808 Mrs. Jones - A green building, obviously, is very much on everyone's  
809 mind. I think it's an interesting project. It will be an attention-getting building, I think, and  
810 maybe that will be one of the ways in which to highlight what is the goal of First Market  
811 Bank. I will say this rendering, obviously, that its dimensional qualities are much more  
812 pleasing than the first drawings we saw. I thank you for pursuing the color change on a  
813 site that's very tight to other buildings. I think it will be a very nice blend in the khaki  
814 earth tones. The materials are not here yet, but when do you anticipate getting those to  
815 confirm with staff that the colors are what we—

816  
817 Mr. Tate - They should certainly be here this week.

818  
819 Mrs. Jones - Okay. And you will make sure that staff gets those, and  
820 they're part of—

821  
822 Mr. Tate - Yes, ma'am.

823  
824 Mrs. Jones - Okay.

825  
826 Mr. Jernigan - Any more questions for Mr. Tate from the Commission? All  
827 right, thank you, Mr. Tate.

828  
829 Mrs. Jones - Thank you.

830  
831 Mr. Vanarsdall - Nice to see you.

832  
833 Mrs. Jones - We look forward to seeing this building. I wish everyone luck  
834 with the certification. I move for approval of POD-39-08, First Market Bank at Patterson  
835 and Gaskins. This is in addition to the standard conditions for developments of this type,  
836 and we have conditions #29 through #36 listed on the agenda.

837  
838 Mr. Vanarsdall - Second.

839  
840 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in  
841 favor say aye. All opposed say no. The ayes have it; the motion passes.

842  
843 The Planning Commission approved POD-39-08, First Market Bank, subject to the  
844 annotations on the plans, the standard conditions attached to these minutes for  
845 developments of this type, and the following additional conditions:

- 846  
847 29. The entrances and drainage facilities on Patterson Avenue (State Route 6) shall  
848 be approved by the Virginia Department of Transportation and the County.  
849 30. A notice of completion form, certifying that the requirements of the Virginia  
850 Department of Transportation entrances permit have been completed, shall be  
851 submitted to the Department of Planning prior to any occupancy permits being  
852 issued.

- 853 31. In the event of any traffic backup which blocks the public right-of-way as a result
- 854 of congestion caused by the drive-up teller facilities, the owner/occupant shall
- 855 close the drive-up teller facilities until a solution can be designed to prevent traffic
- 856 backup.
- 857 32. The existing water line easement in conflict with the First Market Bank building
- 858 footprint shall be vacated prior to approval of the building permit for the said
- 859 building.
- 860 33. Approval of the construction plans by the Department of Public Works does not
- 861 establish the curb and gutter elevations along the Virginia Department of
- 862 Transportation maintained right-of-way. The elevations will be set by the
- 863 contractor and approved by the Virginia Department of Transportation.
- 864 34. Evidence of a joint ingress/egress and maintenance agreement must be
- 865 submitted to the Department of Planning and approved prior to issuance of a
- 866 certificate of occupancy for this development.
- 867 35. The location of all existing and proposed utility and mechanical equipment
- 868 (including HVAC units, electric meters, junctions and accessory boxes,
- 869 transformers, and generators) shall be identified on the landscape plan. All
- 870 building mounted equipment shall be painted to match the building, and all
- 871 equipment shall be screened by such measures as determine appropriate by the
- 872 Director of Planning or the Planning Commission at the time of plan approval
- 873 36. The limits and elevations of the Special Flood Hazard Area shall be
- 874 conspicuously noted on the plan and labels "Limits of Special Flood Hazard
- 875 Area." In addition, the delineated Special Flood Hazard Area must be labeled
- 876 "Variable Width Drainage and Utility Easement." The easement shall be granted
- 877 to the County prior to the issuance of any occupancy permits.

878  
879 **PLAN OF DEVELOPMENT**  
880

881 882 883 884 885 886 887 888 889	POD-45-08 Pit Stop Service Station – Patterson Avenue and Gaskins Road	<b>Bay Design Group, P.C. for Grove &amp; Libbie Service, LLC:</b> 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, 610 square foot automatic car wash addition. The .579-acre site is located on the northeast corner of the intersection of Patterson Avenue and Gaskins Road on parcel 745-742-4101. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Tuckahoe)</b>
---	---	--

881  
882 Mr. Jernigan - Is there any opposition to POD-45-08, Pit Stop Service  
883 Station? There is no opposition. Okay, Mr. Garrison.

884  
885 Mr. Garrison - The applicant has requested approval to renovate an  
886 existing convenience store and add a 610-square-foot carwash. The applicant has  
887 agreed to the landscape plan provided by staff in order to provide a cohesive landscape  
888 along Patterson Avenue with the previous POD's just presented.  
889

890 Staff can recommend approval of POD-45-08, Pit Stop Service Station, subject to the  
891 annotations on the plan, standard conditions for developments of this type, and added  
892 conditions 29 through 35 in your agenda.

893  
894 Mr. Jernigan - Are there any questions for Mr. Garrison from the  
895 Commission?

896  
897 Mrs. Jones - No, but I would like to hear from the applicant.

898  
899 Mr. Jernigan - Okay. Could we have the applicant come up, please? Good  
900 morning, gentlemen.

901  
902 Mr. Porterfield - Good morning, ladies and gentlemen. I'm Tom Porterfield,  
903 and I am the applicant for this.

904  
905 Mr. Caskie - I'm Dan Caskie. I'm with Bay Design Group. If there are any  
906 questions, I'll be happy to answer them.

907  
908 Mrs. Jones - Yes. I just wanted to confirm several points that we have  
909 talked about. The landscaping plans that Mr. Garrison referenced are acceptable to you  
910 and will be part of this case going forward, correct?

911  
912 Mr. Caskie - Yes, ma'am.

913  
914 Mrs. Jones - Okay. Tell me about the wall. We talked about the wall and  
915 the material. It will be a stacked stone. It will be a split-face stone, but it's stacked in a  
916 way that is, I think, very nice looking. Can you just tell me a little bit about that?

917  
918 Mr. Caskie - Sure. It is a stacked stone. They're larger stones than you  
919 typically see. There's the color. The top one of those is the color that we're using. The  
920 colors vary from stone to stone, so it gives you a little more of a weathered look. We do  
921 intend to use that bronze color, and they are larger stones, so I think aesthetically it will  
922 look pretty nice back there.

923  
924 Mrs. Jones - The painted color for the brick on the actual building will be  
925 what in relation to this?

926  
927 Mr. Caskie - Do we have a—

928  
929 Mrs. Jones - Darker?

930  
931 Mr. Caskie - Do we have a copy of the elevation?

932  
933 Mrs. Jones - Now that we're talking colors and stones, I just wanted to  
934 make sure—

935



936 Mr. Caskie - It is a darker color.  
937  
938 Mrs. Jones - A darker color on the brick. Okay. As far as the other  
939 questions. Coloration. The existing gas canopy that we talked about before and the  
940 shingles of the building, they're the same color as well, correct?  
941  
942 Mr. Caskie - Yes. There's a copy of the elevation.  
943  
944 Mrs. Jones - Okay. That was not noted on my copy. I know it was  
945 discussed before, but I just wanted to confirm.  
946  
947 Mr. Caskie - Right. Those are the same elevations that were put in with  
948 the rezoning.  
949  
950 Mrs. Jones - One other question I have that we haven't talked about  
951 before is the parking area is right adjacent to a ravine.  
952  
953 Mr. Caskie - Yes.  
954  
955 Mrs. Jones - Could you tell me what is being planned for the safety factor  
956 there?  
957  
958 Mr. Caskie - Sure. Traffic has requested some type of guardrail or some  
959 type of barrier between our parking spaces and that ravine. What we intend to try to do  
960 is some type of vertical bollard instead of a metal guardrail. We're trying not to get that  
961 industrial look, like we talked this morning.  
962  
963 Mrs. Jones - Very good.  
964  
965 Mr. Caskie - We may have cable running through there, or we may put  
966 them close enough together so that we don't have to do that.  
967  
968 Mrs. Jones - Okay.  
969  
970 Mr. Branin - Mr. Caskie, may I ask a question? Mr. Caskie, how high is  
971 this wall going to be?  
972  
973 Mr. Caskie - The retaining wall in the rear? I think it's four or five feet tall.  
974  
975 Mr. Branin - Four or five?  
976  
977 Mr. Caskie - Yes. I think it's actually four feet tall. I think we tried to keep it  
978 pretty low.  
979  
980 Mr. Branin - It will be engineered with reinforcement?  
981

982 Mr. Caskie - Yes. It's actually a stacked wall, so it'll have the—  
983  
984 Mr. Branin - Thirty-degree setback?  
985  
986 Male - [Off mike.] [Inaudible] type of situation.  
987  
988 Mr. Branin - What degree is it going to be, 15 or 30?  
989  
990 Mr. Caskie - I'm sorry?  
991  
992 Mr. Branin - What degree setback?  
993  
994 Mr. Caskie - Probably a 15. I don't know that we've really gotten into the  
995 specifics of design yet, but I think—it's pretty tight in there, so we have to keep it  
996 somewhat vertical.  
997  
998 Mr. Branin - Okay.  
999  
1000 Mrs. Jones - Okay. I thank you for your cooperation on this. I think it is a  
1001 very tight site. We have mentioned that in relation to a number of the projects right there  
1002 at Patterson and Gaskins. I think it will be very pleasing, and functionally it will work very  
1003 well.  
1004  
1005 Mr. Caskie - I appreciate that.  
1006  
1007 Mrs. Jones - Thank you.  
1008  
1009 Mr. Jernigan - All right. Any more questions from the Commission? All  
1010 right, thank you, gentlemen.  
1011  
1012 Mr. Vanarsdall - Nice to see you again, Mr. Porterfield.  
1013  
1014 Mr. Porterfield - Nice to see you, Mr. Vanarsdall.  
1015  
1016 Mr. Vanarsdall - I wondered where you'd been.  
1017  
1018 Mrs. Jones - Okay. I do want to thank Greg Garrison. He has worked very  
1019 hard with these three projects that just happen to be coming together at the same time  
1020 along Patterson Avenue at the Gaskins interchange. The Pit Stop, First Market Bank,  
1021 and then the Bon Secours facility. It's really a nice opportunity to redevelop these  
1022 places into some wonderful projects with a very upgraded look. I appreciate everyone's  
1023 help on that.  
1024  
1025 With that, I'll move for approval of POD-45-08, Pit Stop Service Station at Patterson and  
1026 Gaskins. This is subject to the annotations on the plans, standard conditions for  
1027 developments of this type, and conditions 29 through 35 as listed on the agenda.

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1064

Mr. Vanarsdall - Second.

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

The Planning Commission approved POD-45-08, Pit Stop Service Station, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

- 29. The entrances and drainage facilities on Patterson Avenue (State Route 6) shall be approved by the Virginia Department of Transportation and the County.
- 30. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.
- 31. There shall be no outdoor storage in moveable storage containers including, but not limited to, cargo containers and portable on demand storage containers.
- 32. The proffers approved as a part of zoning case C-17C-08 shall be incorporated in this approval.
- 33. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility.
- 34. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
- 35. The limits and elevations of the Special Flood Hazard Area shall be conspicuously noted on the plan and labels "Limits of Special Flood Hazard Area." In addition, the delineated Special Flood Hazard Area must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.

1065 **PLAN OF DEVELOPMENT**

1066

POD-46-08  
St. Mary's Emergency  
Department Addition –  
Monument and Libbie  
Avenues (POD-58-84,  
POD-72-90 and POD-5-96  
Revised)

**Timmons Group for Bon Secours Richmond Health Systems:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 26,615 square foot hospital emergency department addition. The 3.17-acre site is located at the northwest terminus of Chase Street on part of parcel 769-737-3039. The zoning is O-3, Office District and O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

1067

1068 Mr. Jernigan - Is there any opposition to POD-46-08, St. Mary's Emergency  
1069 Department Addition (POD-58-84, POD-72-90 and POD-5-96 Revised)? We do have  
1070 opposition. Ms. Goggin, good morning. You may proceed.

1071

1072 Ms. Goggin - Good morning. The two-story emergency department  
1073 addition proposed by the existing hospital will be located adjacent to the eight-story  
1074 building. This addition will extend a maximum of 100 feet from the original hospital on  
1075 the southern side of the building toward Paxton Road—right there—as well as 85 feet  
1076 from the terminus of Chase Street, which is right there.

1077

1078 A two-story, 35,964-square-foot addition for an inter-operative MRI and emergency  
1079 room expansion on the western side of the building was approved in March 2008 by the  
1080 Planning Commission. That is POD-16-08. That addition is on this side. With the new  
1081 opportunity to expand the emergency room into the space provided by the MRI, the  
1082 hospital reconsidered the concept for the Emergency Department project. Last  
1083 February, a team of Bon Secours Richmond members was presented the state-of-the-  
1084 art in emergency design by the foremost expert on the subject in the country, Jim  
1085 Lennon. The team, including Mr. Lennon, had a mini charrette to redesign the  
1086 Emergency Department at St. Mary's to provide a state-of-the-art service to Henrico  
1087 County and the City of Richmond. Here is the architectural rendering of the addition,  
1088 and here is the terminus of Chase Street. Just to let you know, this rendering does not  
1089 show the landscaping and the buffering that is required so you can see what the  
1090 addition looks like.

1091

1092 Recently, the two concepts of the MRI and the emergency room addition became one  
1093 project when they were presented to Bon Secours' Richmond Health System Office, as  
1094 the two floor plans overlap. The addition does not add any additional patient rooms  
1095 within the hospital or revise the previous emergency room expansion.

1096

1097 Staff was contacted by two citizens with questions concerning this request. Carl  
1098 Bowmer of Libby Avenue wanted to know if Chase Street would be vacated as part of  
1099 this project because that is how he accesses his garage. I called him back and told him  
1100 no. Mrs. Clay of the Westview Manor Civic Association called and requested copies of  
1101 the plans and reports, because she is unable to attend today's meeting. She did attend

1102 the last meeting. This is the Westview area. She comes out to express concern about  
1103 parking. Just for informational purposes, the construction plans for the Maple Avenue  
1104 parking lot have just recently been approved.

1105  
1106 Staff can recommend approval subject to the annotations on the plan, the standard  
1107 conditions for developments of this type, and additional conditions 29 through 33 in the  
1108 agenda. The engineer and representative from Bon Secours are here should you have  
1109 any questions for them. I would be happy to answer any questions the Commission  
1110 may have of me.

1111  
1112 Mr. Jernigan - All right. Any questions for Ms. Goggin from the  
1113 Commission?

1114  
1115 Mr. Branin - I have none.

1116  
1117 Mr. Jernigan - Thank you, Ms. Goggin. We do have opposition. Excuse  
1118 me. Do you want to hear from the applicant, or do you want to hear from the opposition  
1119 first?

1120  
1121 Mr. Branin - I would like to ask the applicant a couple of questions.

1122  
1123 Mr. Jernigan - Okay. Would the applicant come up please?

1124  
1125 Mr. Vanarsdall - They're trying to decide who knows the most.

1126  
1127 Mr. Branin - Have you guys finished figuring out who wants to—I can  
1128 lend you a coin to flip if you'd prefer that.

1129  
1130 Mr. Vanarsdall - You all flip the coin.

1131  
1132 Mr. Jernigan - Good morning, gentlemen, would you state your names for  
1133 the record, please.

1134  
1135 Mr. Ackerly - Good morning. I'm Cabell Ackerly with Bon Secours.

1136  
1137 Mr. Cummings - Dennis Cummings with Odell Associates, architects.

1138  
1139 Mr. Jernigan - Okay.

1140  
1141 Mr. Branin - Mr. Ackerly, I haven't seen you at any of these in the past.  
1142 Bon Secours, St. Mary's, and the community have had issues, as I'm sure you're aware,  
1143 over the past years with concerns about expansions and so forth. The one question  
1144 that I've been asked continuously by the residents in the area is when this addition is  
1145 built—and its purpose is for an emergency room—in the next five years are you going  
1146 to convert it into something that's going to need more beds, or provide more beds and  
1147 hospital staff with this addition that would in turn create a need for more parking.

1148  
1149 Mr. Ackerly - This particular addition, the ED expansion, will always serve  
1150 as an ED. There is no plan in the future that I'm aware of that would change the layout  
1151 for that particular unit to accommodate beds, additional beds.  
1152  
1153 Mr. Branin - Okay, let me ask it a different way then. This addition, could  
1154 it be converted into another use, or is it specifically designed for an emergency room?  
1155  
1156 Mr. Ackerly - It's specifically designed for an emergency room.  
1157  
1158 Mr. Branin - Okay. That is the concern of the community, and that's why  
1159 I wanted to hear it from you all as public record that it is being designed as an  
1160 emergency room, and can only basically be used as an emergency room. Okay. I have  
1161 no further questions for these gentlemen.  
1162  
1163 Mr. Jernigan - Okay. Any other questions from the Commission? All right,  
1164 thank you, gentlemen. We do have opposition. You can come on down. Good  
1165 morning.  
1166  
1167 Mr. Bowmer - Good morning, ladies and gentlemen of the Planning  
1168 Commission. My name is Carl Bowmer. I own property at 1206 Libby Avenue. It's  
1169 actually the last full piece of Henrico County land before you hit the City of Richmond.  
1170 The house next door to mine is partly county and partly city. My lot is a double deep lot.  
1171 It fronts on Libby Avenue and also on Chase Street. I have a garage in the back portion  
1172 of my property, and I access that garage from Chase Street. I'm concerned that there  
1173 are no plans now or in the near future to vacate or block off, or do anything to change  
1174 the present configuration of Chase Street. That would be my first question.  
1175  
1176 Mr. Branin - I'm going to ask someone from Public Works to come.  
1177  
1178 Mr. Jernigan - Mr. Jennings is here.  
1179  
1180 Mr. Branin - Mr. Jennings.  
1181  
1182 Mr. Jernigan - He has the deer-in-the-headlights look down there.  
1183  
1184 Mr. Jennings - I couldn't look for anybody else.  
1185  
1186 Mr. Branin - When I asked for someone from Public Works, he turned  
1187 around.  
1188  
1189 Mr. Jennings - I'm Mike Jennings, Traffic Engineer for Henrico County. As  
1190 far as I'm aware of, there are no plans for any changes to Chase Street at this time.  
1191  
1192 Mr. Glover - Mr. Jennings?  
1193

1194 Mr. Jennings - Yes, sir.  
1195  
1196 Mr. Glover - If they would want to do something to Chase Street, it is a  
1197 public right-of-way at this point. Is that correct?  
1198  
1199 Mr. Jennings - Yes, sir. It's an unimproved public right-of-way.  
1200  
1201 Mr. Glover - It would take an action of the Board of Supervisors to vacate  
1202 it.  
1203  
1204 Mr. Jennings - Yes, sir.  
1205  
1206 Mr. Glover - In other words, it would have to come to a public hearing if  
1207 that ever took place, which it sounds like it will not.  
1208  
1209 Mr. Jennings - Yes sir, you are correct. It would have to go to a public  
1210 hearing.  
1211  
1212 Mr. Glover - So, he's safe with his entrance to his lots.  
1213  
1214 Mr. Jennings - At this time, I don't see any changes.  
1215  
1216 Mr. Bowmer - That's satisfactory. My second comment and concern is as  
1217 the hospital now exists, the HVAC equipment is very noisy, and sometimes distracting.  
1218 Obviously, there is going to be further equipment necessary to accommodate the  
1219 addition. I'm just wondering if there are any plans for any sort of noise abatement or  
1220 noise attenuation with respect to that equipment.  
1221  
1222 Mr. Glover - Could I ask you, sir, what air conditioning is giving you a  
1223 noise problem? Is it the one on the hospital itself?  
1224  
1225 Mr. Bowmer - I suspect that's where it is. I can stand out in my back lot by  
1226 the garage. I think it's the air conditioner. It's something on the roof up there that's part  
1227 of the HVAC system. I'm not an engineer or anything like that.  
1228  
1229 Mr. Glover - The reason I ask is that several years ago, they addressed  
1230 that and built I think it was about a \$200,000 encasement for that air conditioning. It  
1231 shouldn't be giving you that much difficulty. It shouldn't. I didn't say it didn't.  
1232  
1233 Mr. Bowmer - I'll make a tape recording and send it to you.  
1234  
1235 Mr. Glover - Okay, I'd like to have it. No, I really wouldn't. I don't care  
1236 about a tape recorder, but I take your word for it. I just wanted you to know they've  
1237 done I think everything that they know how to do, unless they have some new  
1238 engineers.  
1239

1240 Mr. Bowmer - I'm assuming some new equipment is going to be involved  
1241 as well, so if they would take that concern into consideration in their design, it would  
1242 prove helpful to the neighborhood.  
1243

1244 Mr. Vanarsdall - That's what I was going to ask you, was this something new  
1245 that's come up after what Mr. Glover was talking about. Is this relatively new noise?  
1246

1247 Mr. Bowmer - The noise I'm speaking of probably has been with us since  
1248 some of the later additions to the hospital. We're dealing with that. All I'm saying is just  
1249 not make it any worse with this new addition, which is going to require, I'm sure, heat,  
1250 and ventilation, and air conditioning equipment. So, if that new equipment could be  
1251 insulated or some way fixed to mitigate the situation.  
1252

1253 Mr. Ackerly - Let me just tell you that the new addition we're building has  
1254 an enclosed penthouse, so the entire—  
1255

1256 Mr. Glover - I can't hear you, sir.  
1257

1258 Mr. Ackerly - Oh, I'm sorry. The new addition we're building has an  
1259 enclosed penthouse. There's a one-story roof and then an enclosed penthouse that's  
1260 going to enclose two air handlers. It's an insulated metal panel building, so you won't  
1261 see them, or you shouldn't hear them as well. There will be a louver opening for fresh  
1262 air, but the entire thing is enclosed, whereas the existing hospital I see has roof screens  
1263 and such, but it's a little more open. This is a completely enclosed building. I think we've  
1264 taken care of that.  
1265

1266 Mr. Jernigan - Thank you.  
1267

1268 Ms. Goggin - I would like to apologize for completely mispronouncing Mr.  
1269 Bowmer's name.  
1270

1271 Mr. Branin - Mr. Chairman, I have nothing further.  
1272

1273 Mr. Jernigan - Okay.  
1274

1275 Mrs. Jones - I guess my question would be is there something that can be  
1276 done as to just double-checking the decibel level of whatever is coming off the existing  
1277 equipment, and just taking stock of whether something could be done to improve  
1278 whatever exists now? Would the applicant be willing to double-check what the current  
1279 equipment is doing?  
1280

1281 Mr. Glover - After they did the work that they did a couple years ago, the  
1282 people that live on Morningside, which is, I believe, as close to it as you can get, were  
1283 very happy with the noise abatement at that point. Now, I'm not saying that in that  
1284 direction—Noise goes in different directions. They were very happy with it at that time. I



1285 think you need to make sure that they're aware that there has been a problem with  
1286 noise with an air conditioner on the roof of a major hospital.  
1287  
1288 Mrs. Jones - Sure.  
1289  
1290 Mr. Jernigan - Mr. Bowmer, is this noise more predominant? I mean, can  
1291 you hear it inside, or just basically when you're outside.  
1292  
1293 Mr. Bowmer - [Off mike.] Inside my garage. I used to live on Morningside  
1294 Drive. I had no problem on the Morningside Drive side. When I moved on Libbie  
1295 Avenue, I [inaudible] notice the HVAC noises.  
1296  
1297 Mr. Jernigan - Could you hear—  
1298  
1299 Mr. Bowmer - [Off mike.] In my garage building.  
1300  
1301 Mr. Jernigan - In your garage. But how about in your house?  
1302  
1303 Mr. Bowmer - You can hear it in the house if you keep windows open,  
1304 something like that.  
1305  
1306 Mr. Jernigan - Okay. All right, thank you.  
1307  
1308 Mr. Branin - Ms. Goggin, if you could make sure you have written down  
1309 for me Mr. Bowmer's address.  
1310  
1311 Ms. Goggin - Yes, sir.  
1312  
1313 Mr. Branin - So I can go out and check. And get me a representative from  
1314 St. Mary's that I can meet with.  
1315  
1316 Ms. Goggin - Okay.  
1317  
1318 Mr. Jernigan - Okay, Mr. Branin.  
1319  
1320 Mr. Branin - Well, Mr. Chairman, I'd like to move for approval of POD-46-  
1321 08, St. Mary's Emergency Department Addition (POD-58-84, POD-72-90 and POD-5-96  
1322 Revised), subject to the annotations on the plan, standard conditions for developments  
1323 of this type, and the following conditions 29 through 33.  
1324  
1325 Mrs. Jones - Second.  
1326  
1327 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor  
1328 say aye. All opposed say no. The ayes have it; the motion passes.  
1329

1330 The Planning Commission approved POD-46-08, St. Mary's Emergency Department  
1331 Addition (POD-58-84, POD-72-90 and POD-5-96 Revised), subject to the annotations  
1332 on the plans, the standard conditions attached to these minutes for developments of this  
1333 type, and the following additional conditions:  
1334

- 1335 29. In order to maintain the effectiveness of the County's public safety radio  
1336 communications system within buildings, the owner will install radio equipment  
1337 that will allow for adequate radio coverage within the building, unless waived by  
1338 the Director of Planning. Compliance with the County's emergency  
1339 communication system shall be certified to the County by a communications  
1340 consultant within ninety (90) days of obtaining a certificate of occupancy. The  
1341 County will be permitted to perform communications testing in the building at  
1342 anytime.
- 1343 30. The proffers approved as a part of zoning cases C-18C-91, C-19C-93, C-12C-96  
1344 and C-37C-96 shall be incorporated in this approval.
- 1345 31. A construction staging plan which includes details for traffic control, fire  
1346 protection, stockpile locations, construction fencing and hours of construction  
1347 shall be submitted for County review and prior to the approval of any final  
1348 construction plans.
- 1349 32. The certification of building permits, occupancy permits and change of  
1350 occupancy permits for individual units shall be based on the number of parking  
1351 spaces required for the proposed uses and the amount of parking available  
1352 according to approved plans.
- 1353 33. Except for junction boxes, meters, and existing overhead utility lines, and for  
1354 technical or environmental reasons, all utility lines shall be underground.  
1355

1356 **SUBDIVISION**  
1357

SUB-18-08 **Balzer & Associates, Inc. for TBA Development, LLC:**  
Hill Valley (July 2008 Plan) The 8.033-acre site proposed for a subdivision of 9 single-  
Nine Mile Road and family home is located 500 feet east of Orams Lane on  
Orams Lane Nine Mile Road (State Route 33) on parcels 815-726-4110  
and ~~part of~~ 815-726-6925. The zoning is R-3, One-Family  
Residence District. County water and sewer. **(Varina) ~~8-9~~**  
**Lots**

1358  
1359 Mr. Jernigan - Is there any opposition to SUB-18-08, Hill Valley (July 2008  
1360 Plan)? There is no opposition. Okay, Mr. Garrison, you may proceed.  
1361

1362 Mr. Garrison - Initial approval for the original layout was granted in May  
1363 2005, and was for 10 lots. Since that time, the applicant has decided to add three lots  
1364 for a total of 13 lots. Section 1, which has four lots, is currently in the recordation  
1365 process. Today, the applicant is requesting approval of Section 2, which is for nine  
1366 single-family lots. A revised plan has been submitted that shows the reserve area  
1367 absorbed into Lot #7, and inclusion of the landowner's parcel #13.  
1368

1369 Staff can recommend approval of SUB-18-08, Hill Valley (July 2008 Plan), subject to the  
1370 annotations on the plan, and the standard conditions for subdivisions served by County  
1371 water and sewer.

1372  
1373 Mr. Jernigan - Okay, thank you. Any questions for Mr. Garrison from the  
1374 Commission? Greg, I appreciate you working on this as hard you did. One of the lots  
1375 on here came from a lot split that made it illegal. It came in under an acre at that point  
1376 and had sewer and water. But now they do have a tap for—They were on septic tank  
1377 and well. They do have a tap now for sewer and water. All right. No more questions?  
1378 Thank you, Mr. Garrison.

1379  
1380 With that, I will move for approval of SUB-18-08, Hill Valley (July 2008 Plan), subject to  
1381 the annotations on the plan, the standard conditions for subdivisions served by public  
1382 utilities, the following additional conditions #12 and #13, and on the addendum.

1383  
1384 Mrs. Jones - Second.

1385  
1386 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All in favor  
1387 say aye. All opposed say no. The ayes have it; the motion passes.

1388  
1389 The Planning Commission granted conditional approval to SUB-18-08, Hill Valley (July  
1390 2008 Plan), subject to the standard conditions attached to these minutes for  
1391 subdivisions served by public utilities, the annotations on the plans, and the following  
1392 additional conditions:

- 1393  
1394 12. The detailed plant list and specifications for landscaping to be provided within the  
1395 25-foot-wide planting strip easement along Nine Mile Road on Lot #12 shall be  
1396 submitted to the Department of Planning for review and approval prior to  
1397 recordation of the plat.  
1398 13. The existing house on Lot #13 shall be connected to public water and sewer prior  
1399 to recordation of the plat.

1400  
1401 **PLAN OF DEVELOPMENT** (*Deferred from the June 25, 2008 Meeting*)

1402  
1403  
POD-23-08  
Gaskins Professional  
Offices – Phase II  
**Balzer & Associates, Inc. for Katherman Investments, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct four, one-story buildings, and one, two-story building for office use totaling 30,809 square feet. The 2.17-acre site is located at the southwest corner of Gaskins and Three Chopt Roads on parcels 749-754-5736, 7268 and 7958. The zoning is O-2C, Office District (Conditional). County water and sewer.  
**(Tuckahoe)**

1404 Mr. Jernigan - Is there any opposition to POD-23-08, Gaskins Professional  
1405 Offices – Phase II?

1406  
1407 Mr. Vanarsdall - Good morning, Mr. Kennedy.

1408  
1409 Mr. Jernigan - Okay. We do not have opposition.

1410  
1411 Mr. Kennedy - The proposed plan of development is consistent with the  
1412 proffered plan. Subsequent to approval of the rezoning, the Department of Public  
1413 Works has determined that approximately 20 additional feet of right-of-way is required  
1414 along Three Chopt Road and somewhat less along Gaskins Road for future turn lanes  
1415 and for improvements to the intersection of Gaskins and Three Chopt Road. So, some  
1416 additional right-of-way will be needed that was not shown on the original proffered plan.

1417  
1418 The zoning ordinance for the proffers requires the new buildings to satisfy the required  
1419 setbacks from the right-of-way shown on the Major Thoroughfare Plan, or approved  
1420 construction plans. We don't have those approved construction plans yet, because it's  
1421 just a concept plan at this point. So, the right-of-way being dedicated is consistent with  
1422 those proffers.

1423  
1424 The developer has agreed, however, to provide for construction easements for the  
1425 future proposed road improvements to that intersection and to dedicate the right-of-way  
1426 for the proposed intersection by February 28, 2014, when they contemplate all their  
1427 work will be done.

1428  
1429 The buildings will be constructed in accordance with the proffered setbacks and buffers  
1430 that are required by the proffers. A portion of the setbacks along both Gaskins and  
1431 Three Chopt will subsequently be rededicated after the building is completed. The  
1432 buildings themselves would accommodate the grading for the future road, as well as the  
1433 landscaping itself would be designed to incorporate the future right-of-way  
1434 improvements.

1435  
1436 Planning Staff has reviewed the proposed conditions with both Public Works and the  
1437 County Attorney's Office. The County Attorney had recommended revised language on  
1438 Condition 29, which is included in your addendum. With the substitute condition  
1439 provided in the addendum, they are satisfied that the County's right-of-way needs are  
1440 satisfied. With that, staff can recommend approval.

1441  
1442 Mrs. Jones - Okay.

1443  
1444 Mr. Jernigan - Are there any questions for Mr. Kennedy from the  
1445 Commission?

1446  
1447 Mrs. Jones - I just want to confirm the plan that we're looking at right now,  
1448 of course, incorporates the small house that is still on the property?

1449

1450 Mr. Kennedy - Right. That's because of landscaping.  
1451  
1452 Mrs. Jones - Right, but the plan that was shown before will be the finished  
1453 product.  
1454  
1455 Mr. Kennedy - Right, that's the finished product.  
1456  
1457 Mrs. Jones - The corner building has been changed substantially since we  
1458 last saw this case.  
1459  
1460 Mr. Kennedy - Yes, it has.  
1461  
1462 Mrs. Jones - Do you have that elevation here?  
1463  
1464 Mr. Kennedy - Yes, we do.  
1465  
1466 Mrs. Jones - Okay.  
1467  
1468 Mr. Kennedy - That elevation incorporates the grade. As you can see, it's  
1469 lower along the street here. Actually, it's set into the hillside. Instead of having a full two  
1470 stories, it's sharing one story with a corner element of two stories.  
1471  
1472 Mrs. Jones - This has been a real challenge to work out the space for the  
1473 necessary lanes, as well as to keep the building centered and well-suited to that corner  
1474 with the elevation. So, I certainly do thank you very much for the work that you've put  
1475 into that, because it will be a challenge to get the landscaping to reflect the difference in  
1476 the topography. That was very nicely done; I appreciate all that. I am fine with the rest  
1477 of the project. Is there anything else?  
1478  
1479 Mr. Jernigan - Any other questions for Mr. Kennedy? Thank you, Mr.  
1480 Kennedy.  
1481  
1482 Mrs. Jones - I do not need to hear from the applicant. I think we're good.  
1483  
1484 Mr. Jernigan - Okay, you may make a motion.  
1485  
1486 Mrs. Jones - All right. I move for approval of POD-23-08, Gaskins  
1487 Professional Offices – Phase II. This is subject to annotations on the plans, standard  
1488 conditions for developments of this type, and the following conditions: #9 amended #11  
1489 amended, revised condition #29 as reflected on the addendum, and conditions 30  
1490 through 38 as listed on the agenda.  
1491  
1492 Mr. Branin - Second.  
1493  
1494 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Branin. All in favor  
1495 say aye. All opposed say no. The ayes have it; the motion passes.

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The Planning Commission approved POD-23-08, Gaskins Professional Offices – Phase II, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- ~~29. A construction, utility and right of way easement for the future widening of Gaskins and Three Chopt Roads as shown on the approved plans shall be recorded prior to the approval of final construction plans. The easement plat and any other required information shall be submitted to the County Real Property agent at least sixty days prior to requesting approval of the final construction plans. A covenant shall be recorded prior to approval of the final construction plans providing that the right-of-way for the future widening of Gaskins and Three Chopt Roads, as shown on the approved plans, shall be dedicated at no cost to the County of Henrico prior to February 28, 2014. A plat for the dedication of the future widening of Gaskins and Three Chopt Roads, as shown on the approved plans, and any other required information shall be submitted to the County Real Property agent by the developer prior to February 28, 2014.~~
29. **REVISED** - The owner will record a construction, utility and right of way easement in a form approved by the County Attorney for the County's future widening of Gaskins and Three Chopt Roads as shown on the approved plans prior to the approval of final construction plans. The owner shall submit the easement deed and plat and any other required information to the County Real Property agent at least sixty days prior to requesting approval of the final construction plans. The owner of the property shall also enter into an agreement with the County in a form approved by the County Attorney and record a restrictive covenant in a form approved by the County Attorney prior to approval of the final construction plans that require the owner of the right of way for the future widening of Gaskins and Three Chopt Roads as shown on the approved plans to dedicate such right of way at no cost to the County prior to **February 28, 2014**. The owner shall provide a plat for the dedication of such right of way and any other required documents and information to the County Real Property agent prior to **November 30, 2013**.
30. Prior to issuance of a certificate of occupancy for any building in this development, the engineer of record shall certify that the site has been graded in accordance with the approved grading plans.
31. A concrete sidewalk meeting County standards shall be provided along the west side of Gaskins Road and the south side of Three Chopt Road.
32. The proffers approved as a part of zoning cases C-62C-07 and C-33C-03 shall be incorporated in this approval.

- 1542 33. The certification of building permits, occupancy permits and change of  
 1543 occupancy permits for individual units shall be based on the number of parking  
 1544 spaces required for the proposed uses and the amount of parking available  
 1545 according to approved plans.
- 1546 34. Approval of the construction plans by the Department of Public Works does not  
 1547 establish the curb and gutter elevations along the Henrico County maintained  
 1548 right-of-way. The elevations will be set by Henrico County.
- 1549 35. All subsequent detailed plans of development needed to implement this  
 1550 conceptual plan shall be submitted for staff review and approval, and shall be  
 1551 subject to all regulations in effect at the time such subsequent plans are  
 1552 submitted for review/ approval.
- 1553 36. No meters or switchboxes shall be located on the side of a building facing  
 1554 Gaskins or Three Chopt Roads unless screened from view by a masonry wall.
- 1555 37. Except for junction boxes, meters, and existing overhead utility lines, and for  
 1556 technical or environmental reasons, all utility lines shall be underground.
- 1557 38. The grade along the faces of the building abutting Three Chopt Road and  
 1558 Gaskins Road shall be consistent with the grade of the curb line along those  
 1559 streets or as may otherwise be approved by the Director of Planning.
- 1560  
 1561  
 1562  
 1563

1564 **PLAN OF DEVELOPMENT**

1565

POD-47-08  
 University Park –  
 Pemberton  
 Road and I-64  
 (POD-6-78 Revised)

**Townes Site Engineering for University Park, RE, LLC and Smith Packet, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an age-restricted life care facility consisting of: a 3-story 81,179 square foot assisted living building, with 80 nursing beds; a 5-story 331,398 square foot independent living building, with 172 apartments, a 125 space parking garage, and a commons area totaling 52,370 square feet; three 4 and 5-story independent living buildings, having a total of approximately 661,000 square feet of floor area, 231 condominium units, and 270 garage parking spaces; and forty-four 1-story independent living townhouses, each having approximately 1,600 square feet of floor area, and a single car garage. The 46.73-acre site is located on Pemberton Road on parcels 753-754-0908, 752-753-0071 and 4706. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Three Chopt)**

1566  
 1567 Mr. Jernigan - Is there any opposition to POD-47-08, University Park,  
 1568 Pemberton Road and I-64, (POD-6-78 Revised)? There is no opposition. Mr. Kennedy,  
 1569 you may proceed.

1570  
1571 Mr. Kennedy - Good morning, again. There are a lot of exhibits attached to  
1572 this project; I'm not going to go through them all. I'm going to try to go through them as  
1573 briefly as possible. The plan of development is for a life care facility with independent  
1574 living apartments, condominiums, and an assisted living facility, as well as some  
1575 independent living cottages on the campus of the existing University Park Nursing  
1576 Home facility. A provisional use permit authorizing use was approved by the Board.  
1577 Unfortunately, the original proffered plan did not accommodate the grading of the  
1578 property, so one of the BMP's was put on top of the hill instead of at the bottom of the  
1579 hill. As far as I know, water doesn't drain uphill, so, it had to be redesigned.

1580  
1581 Mrs. Jones - No.

1582  
1583 Mr. Kennedy - Some of the buildings were relocated. There's a pond at this  
1584 location on the proffered plan that was relocated to accommodate those things. Both  
1585 ponds would function as landscape features. They both have fountains and satisfy all  
1586 the DPW safety requirements. Landscape buffers are around the perimeter of the  
1587 property as well.

1588  
1589 The building design and the layout is consistent with the proffered plans. This is the  
1590 view from Pemberton. The five-story apartment building and town hall structure here  
1591 would satisfy the proffer requirements, which is 65 feet. It's proffered to be no more  
1592 than 65 feet. It's kind of a town hall facility there.

1593  
1594 As a result of the layout, one of the three independent living condominium buildings  
1595 would have three units on the lower level. Basically, what happens is in this area here,  
1596 normally a four-story building, ends up being a five-story because they fill in with three  
1597 units on this lower level. It still meets the height requirement, which is 45 feet. It's just at  
1598 that point; it's actually a five-story building for those three units. Basically, the intent of  
1599 that is to finish the face of the building so it doesn't look like an open face garage at that  
1600 level facing Pemberton Road.

1601  
1602 No portion of any building over one story in height will be located within 150 feet of the  
1603 adjoining subdivisions. These are one-story townhouse units. They would have a  
1604 minimum setback of 30 feet from adjoining subdivisions.

1605  
1606 Should the Planning Commission desire additional information, I have additional slides  
1607 available showing all the buildings.

1608  
1609 A community meeting was held on June 16<sup>th</sup>, and was attended by approximately 21  
1610 neighbors. No opposition to the revisions of the plans was expressed at that time.

1611  
1612 Staff recommends approval of the plan as presented, subject to the annotations on the  
1613 plans, standard conditions for developments of this type, and conditions 29 through 45  
1614 on the agenda. Staff and representatives of the applicant are available to answer to  
1615 answer any questions.



1616  
1617 Mr. Jernigan - Are there any questions for Mr. Kennedy from the  
1618 Commission?  
1619  
1620 Mr. Branin - Mr. Kennedy, first of all, you've done one excellent job with  
1621 this project. This one was contentious when it started, and you've done a great job of  
1622 working with the neighborhood and providing what they needed for the neighborhood.  
1623 Has anyone asked you about sidewalks?  
1624  
1625 Mr. Kennedy - The applicant has spoken about sidewalks.  
1626  
1627 Mr. Branin - Your reply was?  
1628  
1629 Mr. Kennedy - Our reply was that Henrico County policy requires sidewalks  
1630 on major thoroughfare roads.  
1631  
1632 Mr. Branin - Okay. They came back and asked me the same question. I  
1633 said, no, there will be sidewalks out in front of this.  
1634  
1635 Mr. Kennedy - Right. Further north on Pemberton, there are sidewalks in  
1636 front of Mayland Townes.  
1637  
1638 Mr. Branin - Okay. All right. I don't have any further questions.  
1639  
1640 Mr. Jernigan - Do you want to hear from the applicant?  
1641  
1642 Mr. Branin - No, I don't. I'm going to give the applicant an opportunity, if  
1643 they want to ask me questions about the sidewalks. That issue has been cleared up in  
1644 your mind as well? Okay, good.  
1645  
1646 Mr. Jernigan - They're all shaking their heads.  
1647  
1648 Mr. Branin - That's pretty indignant about my sidewalks. I have no further  
1649 questions.  
1650  
1651 Mr. Jernigan - Okay. Thank you, Mr. Kennedy.  
1652  
1653 Mr. Branin - Mr. Chairman, I'd like to move for approval on this. I again  
1654 want say you guys have done a heck of a job in working with the community. I look  
1655 forward to this project. You're providing a quality project in the district; thank you.  
1656  
1657 Mr. Branin - Mr. Chairman, I'd like to move POD-47-08, University Park,  
1658 (POD-6-78 Revised), be approved subject to annotations on the plans, standard  
1659 conditions for developments of this type, and the following conditions 29 through 45.  
1660  
1661 Mrs. Jones - Second.

1662  
1663 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor  
1664 say aye. All opposed say no. The ayes have it; the motion passes.  
1665

1666 The Planning Commission approved POD-47-08, University Park, (POD-6-78 Revised),  
1667 subject to the annotations on the plans, the standard conditions attached to these  
1668 minutes for developments of this type, and the following additional conditions:  
1669

- 1670 29. The unit house numbers shall be visible from the parking areas and drives.  
1671 30. The names of streets, drives, courts and parking areas shall be approved by the  
1672 Richmond Regional Planning District Commission and such names shall be  
1673 included on the construction plans prior to their approval. The standard street  
1674 name signs shall be installed prior to any occupancy permit approval.  
1675 31. The right-of-way for widening of Pemberton Road as shown on approved plans  
1676 shall be dedicated to the County prior to any occupancy permits being issued.  
1677 The right-of-way dedication plat and any other required information shall be  
1678 submitted to the County Real Property Agent at least sixty (60) days prior to  
1679 requesting occupancy permits.  
1680 32. The entrances and drainage facilities on Pemberton Road shall be approved by  
1681 the Virginia Department of Transportation and the County.  
1682 33. A notice of completion form, certifying that the requirements of the Virginia  
1683 Department of Transportation entrances permit have been completed, shall be  
1684 submitted to the Department of Planning prior to any occupancy permits being  
1685 issued.  
1686 34. Prior to issuance of a certificate of occupancy for any building in this development,  
1687 the engineer of record shall certify that the site has been graded in accordance  
1688 with the approved grading plans.  
1689 35. A concrete sidewalk meeting County standards shall be provided along the east  
1690 side of Pemberton Road.  
1691 36. Details for the gate and locking device at the (entrance road and emergency  
1692 access road) shall be submitted for review by the Traffic Engineer, Police and  
1693 approved by the County Fire Marshall. The owner or owner's contractor shall  
1694 contact the County Fire Marshall prior to completion of the fence installation to  
1695 test and inspect the operations of the gates. Evidence of the Fire Marshall's  
1696 approval shall be provided to the Department of Planning by the owner prior to  
1697 issuance of occupancy permits.  
1698 37. In order to maintain the effectiveness of the County's public safety radio  
1699 communications system within buildings, the owner will install radio equipment  
1700 that will allow for adequate radio coverage within the building, unless waived by  
1701 the Director of Planning. Compliance with the County's emergency  
1702 communication system shall be certified to the County by a communications  
1703 consultant within ninety (90) days of obtaining a certificate of occupancy. The  
1704 County will be permitted to perform communications testing in the building at  
1705 anytime.

- 1706 38. Evidence that an engineer has certified the height of the building shall be
- 1707 provided to the Director of Planning prior to the issuance of a Certificate of
- 1708 Occupancy.
- 1709 39. The proffers approved as a part of zoning case C-42C-06 shall be incorporated in
- 1710 this approval.
- 1711 40. A construction staging plan which includes details for traffic control, fire
- 1712 protection, stockpile locations, construction fencing and hours of construction
- 1713 shall be submitted for County review and prior to the approval of any final
- 1714 construction plans.
- 1715 41. Approval of the construction plans by the Department of Public Works does not
- 1716 establish the curb and gutter elevations along the Virginia Department of
- 1717 Transportation maintained right-of-way. The elevations will be set by the
- 1718 contractor and approved by the Virginia Department of Transportation.
- 1719 42. The conceptual master plan, as submitted with this application, is for planning
- 1720 and information purposes only. All subsequent detailed plans of development
- 1721 and construction needed to implement this conceptual plan may be
- 1722 administratively reviewed and approved and shall be subject to all regulations in
- 1723 effect at the time such subsequent plans are submitted for review/ approval.
- 1724 43. The location of all existing and proposed utility and mechanical equipment
- 1725 (including HVAC units, electric meters, junctions and accessory boxes,
- 1726 transformers, and generators) shall be identified on the landscape plan. All
- 1727 building mounted equipment shall be painted to match the building, and all
- 1728 equipment shall be screened by such measures as determine appropriate by the
- 1729 Director of Planning or the Planning Commission at the time of plan approval.
- 1730 44. Except for junction boxes, meters, and existing overhead utility lines, and for
- 1731 technical or environmental reasons, all utility lines shall be underground.
- 1732 45. The limits and elevations of the Special Flood Hazard Area shall be
- 1733 conspicuously noted on the plan and labels "Limits of Special Flood Hazard
- 1734 Area." In addition, the delineated Special Flood Hazard Area must be labeled
- 1735 "Variable Width Drainage and Utility Easement." The easement shall be granted
- 1736 to the County prior to the issuance of any occupancy permits.

1737  
1738

**SUBDIVISION**

1739  
1740

SUB-17-08  
Ellington @ Wyndham  
(July 2008 Plan)  
Pouncey Tract Road at  
Henrico/Goochland  
County Line

**Youngblood, Tyler & Associates, P.C. for Loch Levan Land L.P., The William D. Cosby Estate, and HHHunt Corporation:** The 54.82-acre site proposed for a subdivision of 91 single-family home is located on the north line of Pouncey Tract Road (State Route 271) at the Henrico/Goochland County line, on part of parcels 734-781-9430, 734-779-8815 and 736-780-4858. The zoning is R-3C, One-Family Residence District (Conditional), R-4C, One-Family Residence District (Conditional) and A-1, Agricultural District. County water and sewer. **(Three Chopt) 91 Lots**

1741  
1742 Mr. Jernigan - Is there any opposition to SUB-17-08, Ellington @ Wyndham  
1743 (July 2008 Plan)? There is no opposition. Good morning, Mr. Wilhite.  
1744  
1745 Mr. Wilhite - Good morning, Mr. Chairman and Commission members.  
1746 There was a revised plan that staff has received; it's just been handed out to you. This  
1747 addresses pretty much all of staff's comments from the staff developer review. It  
1748 provided additional information on the lot widths, design of the cul-de-sac lots, and  
1749 additional right-of-way requested along Pouncey Tract Road. The plan also shows tree  
1750 save protection for the RPA, SPA, and wetlands. The Wyndham West Drive cul-de-sac  
1751 has been shortened, at the request of staff, to provide a bigger gap between the end of  
1752 the cul-de-sac and the adjacent subdivision. It essentially has been doubled to about 28  
1753 feet, which would provide additional area for landscaping.  
1754  
1755 In addition, a pedestrian trail as referenced in the proffers is shown through the common  
1756 area connecting Wyndham West Drive and Ellington Woods Terrace to Collinstone  
1757 Drive in the adjacent subdivision as well.  
1758  
1759 Staff has received some interest from the citizens in the area, primarily dealing with tree  
1760 save, drainage concerns, and also traffic on Lynnwood Drive. Most of the tree-save and  
1761 the drainage issues will be addressed at the time of construction plan review. The plan  
1762 that is provided is consistent with the conceptual plan that was provided at the time of  
1763 rezoning. In fact, the number of the lots has been reduced from 97, which was originally  
1764 proposed, to 91.  
1765  
1766 Staff can recommend approval of the revised plans, with the annotations, standard  
1767 conditions, and conditions 13 through 19.  
1768  
1769 Mr. Jernigan - Are there any questions for Mr. Wilhite from the  
1770 Commission?  
1771  
1772 Mr. Branin - Yes, I have a couple.  
1773  
1774 Mr. Jernigan - Okay.  
1775  
1776 Mr. Branin - Mr. Wilhite, you and I have had several discussions  
1777 regarding the front entrance. Well, first of all, the new layout with cul-de-sacs is much  
1778 better, I think. That's going to help with the adjoining neighborhood a lot. Some lots  
1779 were reduced with this new design. How many lots were reduced?  
1780  
1781 Mr. Wilhite - Ninety-seven was the cap listed in the proffers. It's down to  
1782 91 now, so a reduction of six lots.  
1783  
1784 Mr. Branin - Okay. All wetland issues have been covered?  
1785

1786 Mr. Wilhite - At this point. They still need Corps approval, and that is  
1787 determined later on in the process.  
1788  
1789 Mr. Branin - Drainage issues?  
1790  
1791 Mr. Wilhite - Drainage issues will be addressed with the construction  
1792 plans. We are aware of the situation and concerns about potential drainage problems  
1793 adjacent to the subdivision, I guess Bradford Landing. We are aware that may take a  
1794 combination of swales and other outlets.  
1795  
1796 Mr. Branin - I believe Mr. Tyler is the designer on this. I'll ask him the  
1797 question in a minute. Could you update the other Commissioners in regards to the front  
1798 entrance?  
1799  
1800 Mr. Wilhite - There is a proffer with the rezoning case that addresses the  
1801 design of the entrance road coming off Pouncey Tract Road. Essentially, it refers to  
1802 other entrances into Wyndham and their design. Essentially, we are trying to see if a  
1803 boulevard type entrance can be created here. The other entrances off Pouncey Tract  
1804 Road and Nuckols Road into Wyndham are boulevard style entrances. There is concern  
1805 that there may not be enough width at Pouncey Tract Road to provide a boulevard  
1806 entrance. We are looking at options, whether or not they could be done with curb and  
1807 gutter, as opposed to drainage ditches on the side. Essentially, the applicant is going to  
1808 have to satisfy the Public Works Department as far as their road design standards, and  
1809 also the Director of Planning as the interpretation on the proffer requirement.  
1810  
1811 Mr. Branin - Mr. Wilhite, what are the other boulevard entrances in  
1812 Wyndham, curb and gutter or ditch?  
1813  
1814 Mr. Wilhite - I would have to have the applicant address that. The other  
1815 entrances into Wyndham off Pouncey Tract Road and Nuckols Road are all boulevard  
1816 style entrances. Now, whether or not there is some mix of curb and gutter, and ditch, I'm  
1817 not sure.  
1818  
1819 Mr. Branin - May I hear from the applicant?  
1820  
1821 Mr. Jernigan - Will the applicant come down please? Good morning.  
1822  
1823 Mr. Browning - My name is Andrew Browning. I'm the engineer with  
1824 Youngblood, Tyler, and Associates.  
1825  
1826 Mr. Jernigan - Okay.  
1827  
1828 Mr. Branin - Andrew Browning, I've never met you before. Do you have a  
1829 brother named Bubba?  
1830  
1831 Mr. Browning - Yes, sir.

1832  
1833 Mr. Branin - Okay. When I looked up, I went, he has to be a brother.  
1834 You all have heard my request of a boulevard type entrance, and the other Wyndham  
1835 entrances. Can you expand on what those currently are?  
1836  
1837 Mr. Browning - To my knowledge, the other Wyndham entrances—Old  
1838 Wyndham Drive is a ditch section road with maybe a 15-foot median. The other  
1839 entrances to Wyndham are all curb-and-gutter with a median as well. That's to the best of  
1840 my knowledge. Mr. Tyler could maybe clarify that.  
1841  
1842 Mr. Branin - You have a mix of both.  
1843  
1844 Mr. Browning - Yes, sir.  
1845  
1846 Mr. Branin - Okay. So, boulevard entrances throughout Wyndham you  
1847 have either ditch with a median, or a curb and gutter with a median. Now, to the best of  
1848 your knowledge, if there is a curb-and-gutter entrance, could you get a median in there?  
1849  
1850 Mr. Browning - We could possibly get a median, but it would be very small,  
1851 and I don't think it would accomplish what they are looking to do with landscaping.  
1852 Public Works had indicated that they would need to have 18-foot lanes for an entrance  
1853 and exit lane, and that would kind of restrict us within the right-of-way that we have.  
1854 Perhaps it would work. It may take a little more looking into, but I'm not sure it would  
1855 accomplish what you are trying to accomplish.  
1856  
1857 Mr. Branin - My goal representing especially the people who are currently  
1858 living in Wyndham is the best quality, best like product going into this development. That  
1859 is my goal representing the people of Wyndham. I think this entrance does need more  
1860 work. Mr. Chairman, do you have any comments in regards to this entrance?  
1861  
1862 Mr. Jernigan - Well, I mean, of course it's in your district, but we always try  
1863 to get the best entrances that we can on any, especially on a facility of this size, and  
1864 being in the West End. How wide would the landscape area be, the median be if you  
1865 meet the criteria for Public Works?  
1866  
1867 Mr. Browning - As far as a curb-and-gutter entrance? Without looking into it  
1868 further, I would say maybe you could get a five-foot median.  
1869  
1870 Mr. Branin - Thank you. Can I speak to Mr. Jennings?  
1871  
1872 Mr. Jernigan - Mr. Browning, thank you. Mr. Jennings, would you come  
1873 down, please?  
1874  
1875 Mr. Jennings - Yes, Mr. Branin.  
1876  
1877 Mr. Branin - Mr. Jennings, what's the normal width of a median?

1878  
1879 Mr. Jennings - Normal medians are eight or ten feet, sometimes fourteen.  
1880 Most of them out in the Wyndham area are ten- to fourteen-feet wide.  
1881  
1882 Mr. Branin - Ten to fourteen.  
1883  
1884 Mr. Jennings - Yes, sir.  
1885  
1886 Mr. Branin - The median.  
1887  
1888 Mr. Jennings - The median.  
1889  
1890 Mr. Branin - What about lanes?  
1891  
1892 Mr. Jennings - The lanes are 18 foot for one way.  
1893  
1894 Mr. Branin - Okay. For one way.  
1895  
1896 Mr. Jennings - Well, ingress and egress. Yes, one side.  
1897  
1898 Mr. Branin - Okay. All right. I don't have any further questions for Mr.  
1899 Jennings.  
1900  
1901 Mr. Jernigan - Are they restricted on—I mean, the right-of-way—  
1902  
1903 Mr. Branin - They are restricted on space. I pushed the applicant to go  
1904 back and find out if they could get more land from the adjoining landowner, which is a  
1905 trust. They've shown me the evidence that they've tried, and they couldn't. I think this  
1906 entrance does need—They are going to provide a brick entrance, a well-designed and  
1907 established entrance. Public Works is asking for curb and gutter, and we are looking for  
1908 the boulevard entrance. That's why I wanted you guys to be briefed, because this is a  
1909 difficult entrance. We looked at the whole project and we said, well, we're concentrating  
1910 on the entrance. The entrance is difficult because we want the entrance to be what it  
1911 should be. You have restriction in land. The owner, developer is not willing to do curb  
1912 and gutter, which Public Works is saying they prefer curb and gutter for storm water, for  
1913 drainage, and for the entrance. It's an interesting issue. That's why I wanted to throw it  
1914 up to you guys, get you fully involved in it, and see what you thought.  
1915  
1916 Mrs. Jones - Mr. Branin, do you think that even a median that is half the  
1917 size of the normal entrance to the Wyndham subdivision would be able to accomplish a  
1918 boulevard feel?  
1919  
1920 Mr. Branin - We would have to ask Mr. Browning.  
1921  
1922 Mr. Browning - The applicant has proposed to put a very large entrance  
1923 feature on the left side, the western part of the property. That was one of the reasons

1924 that we were restricted with the width of the road. We wanted to fit that in there, and the  
1925 County line is so close right there. We feel like they'll be able to landscape that and  
1926 make it look better without putting curb and gutter. The more curb and gutter we have,  
1927 the wider the road is, it's going to restrict the amount of landscaping. I think we kind of  
1928 feel like we would be able to make it look better without curb and gutter, as opposed to  
1929 with a small median.

1930  
1931 Mr. Branin - All right. If you want to make a comment, go ahead. You're  
1932 going to not comment? Okay. All right. I think there is still a lot of work to be done with  
1933 the entrance. I don't know if it's enough to—

1934  
1935 Mr. Browning - We'd like to work this out in the design phase. If we could  
1936 take a look at that further along in the design phase and see what, you know, take a  
1937 look at it and see what we can get.

1938  
1939 Mr. Branin - Okay. Thank you, Mr. Browning.

1940  
1941 Mr. Browning - Thank you.

1942  
1943 Mr. Jernigan - Thank you.

1944  
1945 Mr. Branin - I have no further questions. I think Mr. Wilhite and I have a  
1946 large task ahead of us when we go under construction. As much as I hate to say it, I  
1947 don't think it's enough to hold it back because I think we can work through it. So, we're  
1948 going to move forward with it on approval.

1949  
1950 Mr. Chairman, I'd like to move for approval of SUB-17-08, Ellington @ Wyndham (July  
1951 2008 Plan), with standard conditions for subdivisions served by public utilities, and the  
1952 following additional conditions 13 through 19.

1953  
1954 Mrs. Jones - Second.

1955  
1956 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor  
1957 say aye. All opposed say no. The ayes have it; the motion passes.

1958  
1959 The Planning Commission granted conditional approval to SUB-17-08, Ellington @  
1960 Wyndham (July 2008 Plan), subject to the standard conditions attached to these  
1961 minutes for subdivisions served by public utilities, the annotations on the plans, and the  
1962 following additional conditions:

- 1963  
1964 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously  
1965 noted on the plat and construction plans and labeled "Limits of Special Flood  
1966 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width  
1967 Drainage & Utilities Easement."  
1968 14. The plat shall contain a statement that the common area is dedicated to the  
1969 common use and enjoyment of the homeowners of Ellington @ Wyndham and is



- 1970 not dedicated for use by the general public. This statement shall refer to the  
 1971 applicable article in the covenants recorded with the plat.  
 1972 15. At least sixty days prior to recordation of the plat, a draft of the covenants and deed  
 1973 restrictions for the maintenance of the common area shall be submitted to the  
 1974 Department of Planning for review. Such covenants and restrictions shall be in  
 1975 form and substance, satisfactory to the County Attorney and shall be recorded prior  
 1976 to recordation of the subdivision plat.  
 1977 16. The proffers approved as part of zoning case C-2C-08 shall be incorporated in this  
 1978 approval.  
 1979 17. The final plat for recordation shall contain information showing The Chesapeake  
 1980 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),  
 1981 of the Henrico County Code, as determined by the Director of Public Works.  
 1982 18. Any future building lot containing a BMP, sediment basin or trap and located  
 1983 within the buildable area for a principal structure or accessory structure, may be  
 1984 developed with engineered fill. All material shall be deposited and compacted in  
 1985 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
 1986 guidelines established by a professional engineer. A detailed engineering report  
 1987 shall be submitted for the review and approval by the Building Official prior to the  
 1988 issuance of a building permit on the affected lot. A copy of the report and  
 1989 recommendations shall be furnished to the Directors of Planning and Public  
 1990 Works.  
 1991 19. A subdivision landscape plan shall be submitted to the Department of Planning  
 1992 for review and approval prior to recordation of the plat.  
 1993

1994 **PLAN OF DEVELOPMENT**  
 1995

1996 1997 1998 1999 2000 2001 2002 2003 2004	POD-41-08 Mountain of Blessings Christian Center – Audubon Drive and Oakleys Lane	<b>Hulcher &amp; Associates, Inc. for Trustees of Mount          Gerizim World Outreach Ministries:</b> 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, 17,150 square foot, <b>600-seat</b> sanctuary building addition and parking. The 5.697-acre site is located at the northeast corner of Oakleys Lane and Finlay Street on parcel 818-716-4343. The zoning is A-1, Agricultural District and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina)</b>
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1996  
 1997 Mr. Jernigan - Is there any opposition to POD-41-08, Mountain of Blessings  
 1998 Christian Center? There is opposition. All right, Mr. Garrison, you may proceed.  
 1999

2000 Mr. Garrison - The applicant is requesting approval of a new sanctuary  
 2001 addition with approximately 600 seats. The existing sanctuary will be converted to a  
 2002 classroom space. A re-annotated plan has been provided showing the realignment of  
 2003 the entrance on Finlay Street to match the alignment of Winghill Road right-of-way.  
 2004

2005 Staff can recommend approval of POD-41-08, Mountain of Blessings Christian Center,  
2006 subject to the annotations on the plan, standard conditions for developments of this  
2007 type, and added conditions 29 through 35 in your agenda.  
2008

2009 Mr. Jernigan - Any questions for Mr. Garrison from the Commission? I  
2010 think I'd like to hear from the opposition first before I hear from the applicant, because  
2011 that way we can answer his questions. Sir, would you come down, please? Good  
2012 morning.  
2013

2014 Mr. Oslin - Good morning, sir. My name is Dallas Oslin, and I own the  
2015 property on Finlay Street, which is right where he has the pointer now. My only concern  
2016 is that the entranceway not going into Winghill Road, as the Engineering Department  
2017 would like it, because what it would do would give exposure to the back of my lot and  
2018 all. Probably longer than you all want to realize, 25 years ago, Tony Mayfield and I had  
2019 an agreement that the church could have the road improved to their entranceway. It  
2020 was built with County orphan funds at that time, and taken into the County system. As  
2021 long as the entranceway doesn't extend any farther than it is now, I have no problem  
2022 with it. There seems to be a disagreement of how far east on Finlay Street that the  
2023 Engineering Department wants the road to come.  
2024

2025 Mr. Jernigan - When I came out there one day and met with Mr. Royster,  
2026 there was a discussion that you didn't want a cul-de-sac extended out there because it  
2027 came too close to your property. At that point, I thought that was the only issue there  
2028 was, and I said I don't see that we have a problem with that. That was discussed, and  
2029 Mr. Royster discussed that with Mr. Jennings, and I thought at that point we were okay,  
2030 that that wouldn't be done. This is another issue, which I haven't heard about.  
2031

2032 Mr. Oslin - Well, I understood from the Engineering Department that  
2033 they would like to bring—and I don't know whether I can work the pointer or not—the  
2034 entranceway up to the center line of Winghill Road, which is right here. As long as it  
2035 doesn't go into that area—My property is cleared back to Winghill Road. If you come  
2036 down the entranceway to Winghill Road, it will have an exposure to the rear of my  
2037 property. Do you want to do that, or are you going to do it? You can see right here  
2038 where the present line of the entranceway to the church is, which is to the west of the  
2039 center line of Winghill Road. Then you can see where the back of my lot there is  
2040 backing up to Winghill. As long as you don't open up that little bit of foliage there, I have  
2041 no problem with the church expanding.  
2042

2043 Mr. Jernigan - Mr. Royster, would you come down, please?  
2044

2045 Mrs. Jones - I'm not sure I understand.  
2046

2047 Mr. Royster - Good morning members of the Commission. My name is  
2048 Tom Royster. I'm a member of Mountain of Blessings Christian Center.  
2049

2050 Mr. Jernigan - Good morning, Mr. Royster. When I met with you at the site,  
2051 and we discussed the cul-de-sac and this road, at that time, were we okay with not  
2052 putting the cul-de-sac in and just extending that road up to the position that we had it?  
2053

2054 Mr. Royster - Yes, sir. At that time, that was the only issue that I knew of.  
2055 Our request was to stop the extension of Finlay, and the realignment of the entrance  
2056 across Winghill I was not aware of.  
2057

2058 Mr. Jernigan - All right. So, what Public Works wants comes up to about the  
2059 center line of Winghill. Correct, Mr. Jennings? The way I'm looking at this, the  
2060 extension of Finlay comes up to about the center line of Winghill.  
2061

2062 Mr. Jennings - Yes, sir. That's what we'd like to see. This way, if Winghill is  
2063 ever developed in the future—Our standard is either for the entrances to line up, or be  
2064 offset by a minimum of 150 feet. This way, if this is ever constructed, it'll be directly  
2065 across from it and it will offset by what it is.  
2066

2067 Mr. Jernigan - The foliage that's in there now, is much of it going to be  
2068 removed?  
2069

2070 Mr. Jennings - More than likely they'll probably just have a 90 into their site,  
2071 so I'm not sure exactly how much they could leave. I haven't seen the details for that.  
2072

2073 Mr. Jernigan - Mr. Oslin, normally—and I've been through this with Public  
2074 Works before—they always do try to have an entrance or a street that sits right straight  
2075 across so they don't have problems. I mean, to be truthful with you, I don't think  
2076 Winghill will ever be built.  
2077

2078 Mr. Oslin - [Off mike.] It's a paper street and it's been that way for 50  
2079 years.  
2080

2081 Mr. Jernigan - Exactly. I don't foresee that that will ever change.  
2082

2083 Mr. Oslin - [Off mike.] I don't see why the intrusion of moving the  
2084 entranceway—  
2085

2086 Mr. Jernigan - Sir, can you come up to the microphone, please, and state  
2087 that again? I'm sorry.  
2088

2089 Mr. Oslin - I don't see where the intrusion of moving the entranceway 30  
2090 or 40 feet to the east of what it is now would have any adverse effect on Public Works.  
2091 Before Winghill is ever built, we all may be dead and gone. I own the property that's  
2092 roughly from here all the way down into here, plus one lot back here. During my  
2093 lifetime, I have no intentions of developing that. I don't think there would be any  
2094 adverse effect to the church to leave their entrance right where it's at, which is what's in  
2095 the plan now, and Works wants to shift that to the east.

2096  
2097 Mr. Jernigan - Actually, what it shows on the plan now is the entrance itself  
2098 is not at Winghill; it's the curb and gutter.  
2099  
2100 Mr. Oslin - Works did tell me that they wanted to move that.  
2101  
2102 Mr. Jernigan - But that's not what's shown on this plan.  
2103  
2104 Mr. Oslin - No, it's not. As long as you go by what's shown on the plan,  
2105 I have no opposition to it.  
2106  
2107 Mr. Jernigan - All right, let me clear this up. Greg, come up here, please.  
2108 Okay. Well, that clears that up.  
2109  
2110 Mrs. Jones - Okay.  
2111  
2112 Mr. Jernigan - Mr. Jennings, if Winghill was never built, do you think this  
2113 would really have a serious effect if we kept it on the old plan?  
2114  
2115 Mr. Jennings - Well, the problem is that it's still there. Its right-of-way could  
2116 be developed. If somebody develops those vacant lots, they would be required to build  
2117 that street. We're planning for the future. Unless it's vacated, Public Works normally  
2118 plans for it to line up.  
2119  
2120 Mr. Jernigan - There are vacant lots there.  
2121  
2122 Mr. Jennings - Yes, sir.  
2123  
2124 Mr. Jernigan - Okay. All right, thank you, Mr. Jennings.  
2125  
2126 Mr. Jennings - Do you see the rest of it? So, there are some developable  
2127 lots along there, and they would be required to build that road.  
2128  
2129 Mr. Jernigan - That property's been there forever, and nobody realized  
2130 there were any lots there. I've been around here for 40-some years. Mr. Oslin?  
2131  
2132 Mr. Oslin - [Off mike.] Sir?  
2133  
2134 Mr. Jernigan - I'm going to have to follow Public Works on this one.  
2135  
2136 Mr. Oslin - Pardon?  
2137  
2138 Mr. Jernigan - I'm going to have to follow Public Works on this one. I'm  
2139 going to go ahead and approve the addendum plan that they have. I don't know that  
2140 you or I will ever see that property developed, but one of our jobs is to plan for the  
2141 future. Now seeing the way it is laid out—which I didn't even know before that there

2142 were those developable lots in there—at some point in time, it may be 30 years from  
2143 now, they may build up through there. I'll get them to just not clear out any more trees  
2144 than they have to. We're going to have to do it like they show on the new plan.

2145  
2146 Mr. Oslin - Okay.

2147  
2148 Mr. Jernigan - I appreciate you coming out, sir.

2149  
2150 Mr. Oslin - Thank you, sir.

2151  
2152 Mr. Jernigan - Thank you. Any other questions from the Commission? All  
2153 right. With that, I will move for approval of POD-41-08, Mountain of Blessings Christian  
2154 Center on Audubon Drive and Oakleys Lane, subject to the annotations on the plan,  
2155 standard conditions for developments of this type, conditions #29 through #35, the  
2156 addendum, and the new plan for the road.

2157  
2158 Mr. Branin - Second.

2159  
2160 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor  
2161 say aye. All opposed say no. The ayes have it; the motion passes.

2162  
2163 The Planning Commission approved POD-41-08, Mountain of Blessings Christian  
2164 Center, subject to the annotations on the plans, the standard conditions attached to  
2165 these minutes for developments of this type, and the following additional conditions:

- 2166  
2167 29. The right-of-way for widening of Oakleys Lane and Finley Street as shown on  
2168 approved plans shall be dedicated to the County prior to any occupancy permits  
2169 being issued. The right-of-way dedication plat and any other required information  
2170 shall be submitted to the County Real Property Agent at least sixty (60) days  
2171 prior to requesting occupancy permits.
- 2172 30. Outside storage shall not be permitted except as shown on the approved plan.
- 2173 31. Federal Aviation Administration (FAA), Form 7460-1 shall be submitted to the  
2174 FAA and proof of such approval shall be provided to the Planning Department  
2175 prior to approval of any building permit application
- 2176 32. Evidence that an engineer has certified the height of the building shall be  
2177 provided to the Director of Planning prior to the issuance of a Certificate of  
2178 Occupancy.
- 2179 33. Approval of the construction plans by the Department of Public Works does not  
2180 establish the curb and gutter elevations along the Henrico County maintained  
2181 right-of-way. The elevations will be set by Henrico County.
- 2182 34. The location of all existing and proposed utility and mechanical equipment  
2183 (including HVAC units, electric meters, junction and accessory boxes,  
2184 transformers, and generators) shall be identified on the landscape plans. All  
2185 equipment shall be screened by such measures as determined appropriate by  
2186 the Director of Planning or the Planning Commission at the time of plan approval.

2187 35. The limits and elevations of the Special Flood Hazard Area shall be  
2188 conspicuously noted on the plan and labels "Limits of Special Flood Hazard  
2189 Area." In addition, the delineated Special Flood Hazard Area must be labeled  
2190 "Variable Width Drainage and Utility Easement." The easement shall be granted  
2191 to the County prior to the issuance of any occupancy permits.  
2192

2193 **PLAN OF DEVELOPMENT RECONSIDERATION**  
2194

2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220	<p>POD-58-06 The Shops @ White Oak Village including PODs-82-07, 83-07, 84-07, 2-08, 11-08, 12-08, 27-08 and 35-08</p> <p><b>Ralph L. "Bill" Axselle, Jr. for Forest City/Pruitt Associates, Laburnum Investments and Laburnum Associates:</b> Request for approval of a reconsideration of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to revise the plans of development to eliminate portions of sidewalk along the outparcels. The 136.5-acre site is located at the intersection of I-64 and Laburnum Avenue, north of the intersection of Audubon Drive on parcels 814-718-0855 and 5710. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina)</b></p>
--	--

2195 Mr. Jernigan - Is there any opposition to reconsideration of POD-58-06,  
2196 The Shops @ White Oak Village including PODs-82-07, 83-07, 84-07, 2-08, 11-08, 12-  
2197 08, 27-08 and 35-08? There is no opposition. Mr. Strauss.  
2198  
2199

2200 Mr. Strauss - Good morning, and thank you.  
2201

2202 The developer of the Shops at White Oak Village has requested this reconsideration by  
2203 the Commission in order to reevaluate staff's recommendation for sidewalks to be  
2204 provided along the western edge of the internal collector road parallel to Laburnum  
2205 Avenue. That would be the street that runs in this direction here.  
2206

2207 The shopping center was originally approved with a plan of development for the  
2208 shopping center with the exception of all the outparcels along Laburnum, which were  
2209 the subject of separate approvals by the Commission. Since the time of original plan  
2210 approval, staff has reviewed the individual outparcels, and in our review, we  
2211 recommended that sidewalks also be provided along the western edge of the internal  
2212 collector road. There are about seven outparcels that have been through the process.  
2213 As shown in the exhibit in your packet, sidewalk was provided in response to staff's  
2214 recommendations. We have that right here. You can see in the areas in red there are  
2215 sidewalks on the western edge of the collector road.  
2216

2217 During the last several months, the developer has evaluated the situation, and made the  
2218 determination that a sidewalk along the southern edge of the internal collector road is, in  
2219 their opinion, redundant and unnecessary. Mr. Bill Axselle will speak momentarily to the  
2220 applicant's request to remove the sidewalk on the western edge of this internal street. I

2221 would say that in our original recommendation to provide the sidewalk, the  
2222 recommendation did have a practical basis.

2223  
2224 Staff is recommending that should the Commission grant the applicant's request to  
2225 remove the sidewalk on the western edge of the internal street, that it do so on the  
2226 condition that the applicant shall provide sidewalk on the eastern edge of the internal  
2227 collector street at the Ukrop's store, where sidewalk was not shown on the original plan  
2228 of development. That would be this stretch right here.

2229  
2230 With that, I will answer any questions you may have.

2231  
2232 Mr. Jernigan - Jim, that piece of sidewalk right there at Ukrop's, they have it  
2233 on that side of the street, they just don't have it at the Ukrop's.

2234  
2235 Mr. Strauss - Yes. There is sidewalk up to this point right here.

2236  
2237 Mr. Jernigan - Just to let the Commission know what happened on this, in  
2238 the master plan, it showed the sidewalk on the eastern portion, the other side.

2239  
2240 Mr. Strauss - Yes. I think Bill will speak to that.

2241  
2242 Mr. Jernigan - In the original plan, the master plan, the sidewalks were on  
2243 the eastern side of the street. When the sites came through for the restaurants, they  
2244 wanted to put sidewalks on the western side. That's what happened. It wasn't originally  
2245 on the plan, but then we wanted it after it came.

2246  
2247 Mr. Branin - Why not put them on both sides?

2248  
2249 Mrs. Jones - Redundant and unnecessary is—I don't understand.

2250  
2251 Mr. Strauss - I think Bill can speak to that.

2252  
2253 Mr. Jernigan - Yes. Mr. Axselle, will you come down, please?

2254  
2255 Mr. Axselle - Bill Axselle on behalf of Forest City and Pruitt, who are  
2256 developing The Shops at White Oak Village. We concur with staff's request regarding  
2257 the Ukrop's, and I'll come to that in a minute; that's been cleared up since discussions  
2258 yesterday.

2259  
2260 When the proffers were approved with this zoning case, it required that there be  
2261 connectivity by pedestrian walkways among the major anchors, the junior anchors, and  
2262 the Lifestyle Center. All of those properties are located on the east side of that parallel  
2263 road. When the POD came in for the White Oak Village, it showed all those  
2264 connectivities. When the proffer came, it did not. The proffer approved by the County  
2265 does not require connectivity between the major anchor, the junior anchor, and the  
2266 Lifestyle Center to the outparcels. It does not require connectivity between the

2267 outparcels. The plan that was approved by the Commission—and we have a copy here  
2268 that we can show you—has tremendous pedestrian walkways throughout White Oak  
2269 Village. It has—Steve, why don't you put that—Okay.

2270  
2271 This is Steve with VHB. He'll lay that out with Jim Strauss.

2272  
2273 The point is that on the east side of the connector road, there is a sidewalk that parallels  
2274 the connector road. On Laburnum, there's a sidewalk along Laburnum. This is probably  
2275 the best illustration. The items in blue are part of the approved sidewalk, and all of  
2276 those are being built. The question is, and the request is that we not be required to  
2277 build what is in yellow for reasons I will give you later. But first let me address Ukrop's.

2278  
2279 Ukrop's is in the lower right side. You will see that there is a walkway extending along  
2280 the east side of the connector road, adjacent to the Lifestyle Center. That goes all the  
2281 way across there. It does not show a sidewalk at Ukrop's. That is because the Ukrop's  
2282 has a ground lease and they take care of that. Their POD, unfortunately, does not  
2283 show—as we found out yesterday—a sidewalk. We've talked with Ukrop's. Brendan  
2284 Fisher is here, and he has spoken with Joe Davidson with Ukrop's. They are, in fact,  
2285 putting in that sidewalk. He has spoken to KBS, who is the contractor for Ukrop's.  
2286 They're putting that sidewalk in. So, while that sidewalk on the east side of the  
2287 connector road does not show a sidewalk for Ukrop's, it is, in fact, being put in. They do  
2288 have an access where the trucks go in the rear. They're obviously not putting a sidewalk  
2289 there.

2290  
2291 Mr. Branin - Mr. Axselle, question. What you have on the exhibit showing  
2292 yellow, what plan that we've approved already has the sidewalks present?

2293  
2294 Mr. Axselle - I believe Mr. Strauss said seven different outparcels.

2295  
2296 Mr. Branin - We've approved them with sidewalk on them?

2297  
2298 Mr. Axselle - Yes.

2299  
2300 Mr. Branin - Okay. Mr. Axselle, what is this project? Overall, what is this  
2301 that you're developing?

2302  
2303 Mr. Axselle - It's obviously a retail center.

2304  
2305 Mr. Branin - Okay. Wouldn't you want as much connectivity as possible?

2306  
2307 Mr. Axselle - Yes, and that's all the blue lines. We've been commended  
2308 for having all of these.

2309  
2310 Mr. Branin - I do commend you for having those, but you have outparcel  
2311 to outparcel. Hopefully, you're going to have a community that loves this, that's been  
2312 striving for this. You're going to have transportation people come in. If they're going



2313 from outparcel to outparcel, wouldn't it be to the benefit of the citizens and the benefit of  
2314 the developer to have sidewalks? I mean, I just approved and fought for sidewalks that  
2315 go nowhere. I don't have anything connecting. I have 64 on one side and on the other  
2316 side, but I know that people do walk up and down Pemberton Road.

2317  
2318 Mr. Axselle - If I may, Mr. Branin, I think the reasons that we do not think  
2319 this is necessary is that if you walk along the outparcels along Laburnum, there is a  
2320 sidewalk there. More importantly, on the east side of the connector road there is a  
2321 sidewalk. While you can't see them, we can show you that each of the outparcels, with  
2322 two exceptions that I'll come to in minute—if you're on the Lifestyle Center sidewalk,  
2323 there will be a red brick pattern sidewalk crossing over. You will walk along the Lifestyle  
2324 Center, get to where you want to go to the outparcel, and then go to the outparcel. The  
2325 County staff has requested, and we've concurred, that we will add a similar crosswalk  
2326 for what is the Cracker Barrel site, because people will have, we think, desire to cross  
2327 over from the Lifestyle Center there, and there was no such a crosswalk. Likewise for  
2328 Longhorn Steak. That's part of our commitment to the staff.

2329  
2330 The point I would make is that we really don't think that people are going to walk from  
2331 outparcel to outparcel because the uses are similar—Longhorn, Red Lobster,  
2332 McDonald's, Cracker Barrel, Chic-fil-a, just to go on down the list. It would be fairly  
2333 unlikely that you would walk from McDonald's to eat, then go to Cracker Barrel to eat,  
2334 and then go to Chic to eat. Also fairly important that I'd like to illustrate to you, this  
2335 sidewalk, if you're using the yellow sidewalk that staff had suggested on some of these,  
2336 you're crossing over every median access to every outparcel. In other words, to access  
2337 Cracker Barrel, or to access any of these, you would have to use the sidewalk and go in  
2338 where the median cut is, where cars will be coming in and out. We don't think that is  
2339 safe. We think it is better to do it from the Lifestyle Center where people will be able to  
2340 go over to a restaurant. With the crosswalks we already had planned, and with the two  
2341 we'll be adding—one for Cracker Barrel and one for Longhorn—every outparcel will be  
2342 able to be accessed from the Lifestyle Center by the road on the eastern side of the  
2343 connector road. There would not be the access from outparcel to outparcel, but we  
2344 don't think that's something people are going to use, and we don't think it's really the  
2345 safe way to go back and forth.

2346  
2347 We think it is redundant, and it is the cost. The County staff had suggested in the  
2348 previous POD's that there be the sidewalk plus pavers and so forth. There is a matter  
2349 of cost, but it's also a matter of it really not being necessary because you can get to  
2350 every one of the outparcels now under this plan without using what we think is a  
2351 redundant sidewalk.

2352  
2353 Keep in mind that that sidewalk was not required, connectivity was not required in the  
2354 proffers that were approved by the County. It came up later. We think that we provided  
2355 more than ample, what was required. We don't think it's necessary to provide a  
2356 sidewalk that's—

2357  
2358 Mr. Branin - He's convinced me.

2359  
2360 Mrs. Jones - I have not been part of any discussion about this. I'm trying  
2361 to decide whether there is really a huge downside to redundant, what you're calling  
2362 redundant and unnecessary pedestrian walkways. Usually the answer to that is  
2363 heavens no. What you're bringing up are safety issues. I haven't heard you say that  
2364 you don't want to build them because of cost, because it's not that big a thing. I've  
2365 heard you mention safety. Those are not factors involved here, right?  
2366  
2367 Mr. Axselle - I would think cost is a factor, but I think from a public policy  
2368 standpoint, safety is more legitimate.  
2369  
2370 Mrs. Jones - It sounds much better.  
2371  
2372 Mr. Axselle - Well, it's also more legitimate. Also instead of the sidewalk  
2373 we think the landscaping will have a better appearance than losing the landscaping that  
2374 would be where a sidewalk is.  
2375  
2376 Mrs. Jones - That was my next question. If you are arguing to take the  
2377 yellow sidewalk areas out, are you putting extensive landscaping in?  
2378  
2379 Mr. Axselle - They would be replaced with the grass and whatever  
2380 landscaping that is consistent with what is going to be there anyway.  
2381  
2382 Mr. Branin - Mr. Axselle, I have another one for you.  
2383  
2384 Mrs. Jones - Thank you.  
2385  
2386 Mr. Branin - Don't shake when I say that. I have another one for you.  
2387 You're very familiar with Short Pump Town Center.  
2388  
2389 Mr. Axselle - Yes.  
2390  
2391 Mr. Branin - Same developer.  
2392  
2393 Mr. Axselle - Yes.  
2394  
2395 Mr. Branin - We don't have sidewalks on our ring road out in Three  
2396 Chopt, do we?  
2397  
2398 Mr. Axselle - Unfortunately, to be candid, we do not have a road along  
2399 what would be comparable to the Lifestyle Center here. There is, much to my  
2400 surprise—because I had the exact same impression—a sidewalk for the outparcels. I've  
2401 never seen anybody on it. The Forest City people have never seen anybody on it.  
2402  
2403 Mr. Branin - So, in Three Chopt, we do have them.  
2404

2405 Mr. Axselle - You do have that on that one, but nobody uses them. Also,  
2406 the outparcels there are very limited in number, as opposed to the eleven here.  
2407  
2408 Mr. Branin - But we're building more and more all the time.  
2409  
2410 Mr. Axselle - Yes. We hope to. The point is that in Short Pump Town  
2411 Center, there is one sidewalk on one side, as opposed to two sidewalks on each side.  
2412  
2413 Mr. Branin - I'm big on sidewalks, I believe in them, and spend a extreme  
2414 amount of time listening to the citizens. They want them. So, I'm all for sidewalks.  
2415 Okay? But sitting and listening to you, looking at this, trying to think about Short Pump,  
2416 and thinking about all the times I've been in it. People in the outparcels walk from  
2417 outparcel to outparcel when it's a little strip mall. Right? I personally never have, and  
2418 you don't see many people walking from the main mall, across down the parking lot,  
2419 and across the road to get to outparcels. It's sad, but most people drive.  
2420  
2421 Mr. Jernigan - Well, we do have a good amount of sidewalks in here.  
2422  
2423 Mr. Branin - Yes.  
2424  
2425 Mr. Jernigan - Each road does have a sidewalk. We have to decide if we  
2426 want to have it on both sides or just one side. At this point, especially since they're  
2427 going to go ahead and move it down on the Ukrop's property to Audubon, that  
2428 completes it on the other side of the road. As Mr. Strauss had told me the other day, if  
2429 you do have sidewalks on both sides, people may be crossing right in the middle of the  
2430 street, rather than at the intersection. That is a safety issue. I'm okay with it.  
2431  
2432 Mrs. Jones - Is staff recommending approval?  
2433  
2434 Mr. Strauss - With that additional condition for the Ukrop's sidewalk. I just  
2435 want to ask one question. Did I hear correctly that if the sidewalk is removed, we're  
2436 going to have a second look at the landscaping?  
2437  
2438 Mrs. Jones - I threw that out there just to stir the pot a little.  
2439  
2440 Mr. Strauss - This Commission approved the overall landscaping last  
2441 month already.  
2442  
2443 Mr. Jernigan - Yes. The landscaping plan has already come through.  
2444  
2445 Mr. Strauss - I just want to know if we modify the plan at this point, are we  
2446 taking a second look at the landscaping question?  
2447  
2448 Mr. Jernigan - Can we handle that administratively?  
2449  
2450 Mr. Branin - Yes. Why wouldn't we just do that administratively?

2451  
2452 Mr. Jernigan - We wouldn't bring that back to the Commission. We'll just do  
2453 that administratively. All right. Any more questions for Mr. Axselle?

2454  
2455 With that, I will move for approval of reconsideration for the sidewalks on the western  
2456 side for POD-58-06, The Shops @ White Oak Village. I move for approval that they be  
2457 removed.

2458  
2459 Mr. Vanarsdall - Second.

2460  
2461 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in  
2462 favor say aye. All opposed say no. The ayes have it; the motion passes.

2463  
2464 The Planning Commission approved reconsideration of POD-58-06, The Shops @  
2465 White Oak Village including PODs-82-07, 83-07, 84-07, 2-08, 11-08, 12-08, 27-08 and  
2466 35-08, subject to the annotations on the plans, and the standard conditions attached to  
2467 these minutes for developments of this type.

2468  
2469 Mr. Emerson - Mr. Chairman that completes your cases for today. I do have  
2470 two final items on the agenda. The first being approval of the minutes for the June 25,  
2471 2008 meeting.

2472  
2473 **APPROVAL OF MINUTES: June 25, 2008**

2474  
2475 Mrs. Jones - Mr. Director, since I was responsible for the length of these  
2476 minutes, I felt it was incumbent upon me to go through them, and I do have several  
2477 corrections, if you don't mind.

2478  
2479 Page 17, line 542, "plantation" needs to be capitalized as the name of the company. On  
2480 page 52, line 2091, where it says, "unintelligible Sundays," my recollection is that they  
2481 were referring to Wednesdays. So, it would read, "Don't come in just on Sundays and  
2482 Wednesdays during the week." On page 53, line 2121, I'm not sure, is "Hueble  
2483 Robbins" spelled correctly?

2484  
2485 Mr. Emerson - We'll have to check that. I don't believe that is.

2486  
2487 Mrs. Jones - On that same page, line 2160 and 2161, it's the "effect" with  
2488 an "e" as opposed to an "a." I have on page 57, line 2334, it's "square feet." On page  
2489 59—and I think this is more important than the spellings; this is important. On page 59,  
2490 the gentleman talking from the audience on line 2198, as well as line 2433, is Mr.  
2491 Hotchkiss, not Mr. Tice. On page 63, line 2583, the word is, "as we've done this  
2492 timeline," as opposed to "gone." On line 64—excuse me—page 64, line 2658, in my  
2493 comment the last word is "proposed." Page 66, line 2736, instead of "certain," it's  
2494 "certainly." And on line 2750, it's "decisions," plural. That's all I had marked.

2495

2496 Mr. Jernigan - Are there any more corrections to the minutes? Do I have a  
2497 motion?  
2498  
2499 Mrs. Jones - So moved, as corrected.  
2500  
2501 Mr. Branin - Second.  
2502  
2503 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Branin to approve  
2504 the minutes of June 25, 2008, as corrected. All in favor say aye. All opposed say no.  
2505 The ayes have it; the motion passes.  
2506  
2507 The Planning Commission approved the June 25, 2008 minutes, as corrected.  
2508  
2509 Mr. Emerson - Mr. Chairman, the next item is the approval of the 2009  
2510 Planning Commission calendar.  
2511  
2512 Mrs. Jones - Mr. Chairman, I'd like to just have a moment of discussion,  
2513 please. I bring this up, I know, from time to time. I do it only because I believe we need  
2514 to make sure that we have taken a fresh look at this. There is no POD meeting in  
2515 August. There are, however, consequences to that. I notice that this time with my cases  
2516 in particular, and you may have noticed—I don't know, Ernie, whether one of your  
2517 cases, having been deferred to the Zoning meeting was—  
2518  
2519 Mr. Vanarsdall - That's the first one I've had in ten years.  
2520  
2521 Mrs. Jones - Well, and those kinds of things may not come up all the time,  
2522 but they do come up.  
2523  
2524 Mr. Vanarsdall - They really didn't need but two weeks, so it fell right in.  
2525  
2526 Mrs. Jones - Our policy has always been, and I think, certainly, the  
2527 Director will agree, that is preferable to keep everything on track for the type of meeting  
2528 that it should be part of. It is a tremendous burden to staff to take on the out-of-cycle  
2529 advertising, and the caseload is affected as well. I had several cases this time that had  
2530 artificial and actually unnecessary pressures put on them because of the lack of an  
2531 August meeting. In past years, I've thought that perhaps the answer was to delete a  
2532 Zoning meeting, and then have August be totally open. Obviously, the work of the  
2533 County goes on whether we're having a meeting or not, and the effect of stacking up  
2534 cases and stacking up workload for staff is something that I'm trying to make sure we  
2535 think through properly. What I'm calling artificial and unnecessary burden on the cases  
2536 will not change as cases come and go. We notice that there are a lot of things in  
2537 Henrico that the workload increases. This lack of a meeting was put in at a time when  
2538 the staff was much smaller, and there weren't necessarily the folks available to cover  
2539 when people were away on vacation. I think this kind of thing has worked out now over  
2540 the years, and this is not an issue anymore.  
2541

2542 I do believe, though, that is not an issue for us, the Planning Commissioners. We take  
2543 vacation, or we have sick days, or whatever, and life goes on if we are not here. I think  
2544 it is an issue for staff. I think it does make a difficulty for them that I don't want to do.  
2545 There are five of us here on the Commission. We all may come at this differently, but I  
2546 feel very strongly that the August meeting for the POD consideration should be  
2547 reinstated so that there is a natural and a logical flow to the workload, that things don't  
2548 stack up in September unnaturally, and that the citizens of the County are being served  
2549 in the best way they can. The business of the County goes on on a regular basis. Trust  
2550 me, I love vacations, I love tucking Planning aside for a while. I simply feel that we need  
2551 to ask ourselves are we doing the best thing for the citizens and for the County by  
2552 eliminating this meeting. My feeling is that it should be reinstated.

2553

2554 Mr. Jernigan - Discussion?

2555

2556 Mr. Vanarsdall - I wonder what the citizens think about the Board taking  
2557 August and December?

2558

2559 Mrs. Jones - I don't know.

2560

2561 Mr. Vanarsdall - Mr. Chairman, what do you want to do? We can vote on it  
2562 without Chris, or we can vote on it today. Everybody knows that Mr. Archer has no  
2563 problem with it, and he never did.

2564

2565 Mr. Jernigan - I'll say from my end, because this discussion has come up  
2566 before, I don't really have a problem. I haven't had that much of a problem in my district.  
2567 I mean, there have probably been one or two cases where somebody came to me and  
2568 said they had to hustle up and do this and that. For the years that we've been doing it,  
2569 to have maybe two cases is pretty minimal. Mr. Branin, do you have anything to say?

2570

2571 Mr. Branin - I was real involved with this issue last year, and I talked to  
2572 the different staff. From the feedback I received last year, it didn't really matter to them  
2573 either way. I was pushing if we're going to give August off to POD, we should do it for  
2574 Zoning as well. I was told that, no, we don't want to do that, and so forth and so on.  
2575 The only pressure I get for August being off is it makes the developers that have POD  
2576 cases in July have to stand on their P's and Q's because they don't want to get  
2577 deferred. So, I don't have any issues with it. If staff is comfortable with it off, and it's  
2578 not a hindrance to them, I'm fine with it. They're the ones that are affected the most.

2579

2580 Mr. Vanarsdall - I respect your opinion, Mrs. Jones, but I don't have any  
2581 problem with it either. I have sat here the longest, and have never had anyone have a  
2582 problem with it. I've never dealt with any people who didn't understand. If I can't do it in  
2583 two weeks, then I'll just defer it until next time, or something like that. I really haven't  
2584 run into it. I asked around, and I just really didn't. I don't believe you'll find that much  
2585 from the community.

2586

2587 Mrs. Jones - Well, the opinion I'm putting forward here is simply a result of  
2588 my personal experience. Maybe it just happens to be an unusual thing that they all  
2589 happen to be Tuckahoe cases where this is an issue. Also, in talking to the staff,  
2590 obviously, they will be fine with whatever because I know that they certainly do adjust  
2591 very well to whatever the situation is. I know the County will go on, and we all will go  
2592 on, no matter what. I question whether this is good public policy based on how the  
2593 County operates, and whether we shouldn't take another look at this. I bring it to your  
2594 attention for that reason.

2595  
2596 Mr. Jernigan - On the Zoning meeting, I don't believe I'd agree with that  
2597 myself. I mean, I think we do need—

2598  
2599 Mr. Vanarsdall - What does that have to do with what we're doing today?

2600  
2601 Mr. Jernigan - All right.

2602  
2603 Mr. Vanarsdall - Zoning was mentioned one time to do that, and we never did  
2604 go through with it, and never did plan to, I don't guess.

2605  
2606 Mr. Jernigan - No.

2607  
2608 Mr. Vanarsdall - That doesn't have anything to do with today. For me,  
2609 personally, as a Commissioner and a voter, I don't have any problem with it, and never  
2610 have had.

2611  
2612 Mr. Jernigan - Well, let's vote on it today.

2613  
2614 Mr. Branin - Ernie, how do you feel about it?

2615  
2616 Mr. Vanarsdall - I don't know.

2617  
2618 Mr. Branin - Okay.

2619  
2620 Mr. Jernigan - All right. Well, I think the best thing to do is vote on it. Do we  
2621 have a motion to vote on the calendar as presented?

2622  
2623 Mr. Branin - Yes. I'd like to move that we vote on the calendar as  
2624 presented today.

2625  
2626 Mr. Jernigan - Do we have a second?

2627  
2628 Mr. Vanarsdall - Second.

2629  
2630 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall to  
2631 approve the calendar as presented for 2009. All in favor say aye. All opposed say no.  
2632 It's three to one; the motion passes.

2633

2634 The vote was as follows:

2635

2636	Mr. Jernigan -	Yes
2637	Mrs. Jones -	No
2638	Mr. Vanarsdall-	Yes
2639	Mr. Branin -	Yes
2640	Mr. Archer -	Absent

2641

2642 Mr. Glover - Mr. Chairman, let the record show I abstain. I'm not going to  
2643 be here next year at the Planning Commission.

2644

2645 Mr. Jernigan - Well good, I'm glad you abstained.

2646

2647 Mr. Vanarsdall - If you're not running again, I won't be here either.

2648

2649 Mr. Glover - I didn't say I wasn't running.

2650

2651 Mr. Jernigan - No, he said he wouldn't be here.

2652

2653 Mr. Glover - You be sure that you understand what I said, and I'm going  
2654 to say it all over again.

2655

2656 Mrs. Jones - See, now this is how rumors get started.

2657

2658 Mr. Glover - Well, this rumor is going to be squelched right now. I don't  
2659 believe I will be chosen to sit on the Planning Commission as a member from the Board  
2660 of Supervisors next year; however, I will be on the Board of Supervisors.

2661

2662 Mr. Jernigan - He will be on the Board, but not on the Commission.

2663

2664 Mr. Glover - Thank you.

2665

2666 Mr. Vanarsdall - Did you all get that back there in the booth?

2667

2668 Mr. Branin - Mr. Glover, I would like to let you know that I have petitioned  
2669 the rest of the Supervisors to keep you down here with us. You do such a fine job.

2670

2671 Mr. Glover - I know better than that.

2672

2673 Mr. Vanarsdall - You might have trouble getting a second on that.

2674

2675 Mr. Jernigan - All right, is there any other business for the Commission?

2676

2677 Mr. Glover - Mr. Chairman, that would go over like a crocheted bathrobe.

2678



2679 Mr. Jernigan - All right. Do we have a motion to adjourn?  
2680  
2681 Mrs. Jones - So moved.  
2682  
2683 Mr. Vanarsdall - Second.  
2684  
2685 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall to  
2686 adjourn. All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
2687  
2688 The meeting is adjourned.  
2689  
2690  
2691  
2692  
2693  
2694 

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E. Ray Jernigan, Chairperson  
2695  
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2698  
2699  
2700 

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R. Joseph Emerson, Jr., Secretary  
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2702