

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, May 24, 2006.

4

5 Members Present:

Mr. C. W. Archer, C.P.C., Vice Chairperson (Fairfield)

6

Mr. Tommy Branin (Three Chopt)

7

Mrs. Bonnie-Leigh Jones (Tuckahoe)

8

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

9

Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)

10

Mrs. Patricia O'Bannon (Tuckahoe) Board of Supervisors

11

Representative

12

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

13

14 Others Present:

Mr. David D. O'Kelly, Jr., Assistant Director of Planning

15

Ms. Leslie A. News, CLA, Principal Planner

16

Mr. James P. Strauss, CLA, County Planner

17

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

18

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

19

Mr. Michael F. Kennedy, County Planner

20

Ms. Christina L. Goggin, AICP, County Planner

21

Mr. Tony Greulich, County Planner

22

Mr. Greg Garrison, County Planner

23

Mr. Michael Jennings, Assistant Traffic Engineer

24

Ms. Diana B. Carver, Recording Secretary

25

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

28

29 Mr. Archer -

The Planning Commission will come to order. Good morning everyone. I
30 would like to welcome my colleagues and also Mrs. Patricia O'Bannon from the Board of
31 Supervisors who represents the Tuckahoe District. Mrs. O'Bannon reserves the right to not vote
32 on our cases, although she can if she wants to. Welcome, Mrs. O'Bannon, we are glad that you
33 are here. All right, without further ado, I'll turn it over to our Secretary, Director of Planning,
34 Mr. Randall Silber. Mr. Silber.

35

36 Mr. Silber -

Thank you, Mr. Chairman, I appreciate that. Good morning, everyone.
37 All of our Commissioners are present this morning. First on the agenda would be consideration
38 of deferrals and withdrawals. I am not aware of any withdrawals but there are several deferrals.
39 Ms. News, can you walk us through those please.

40 Ms. News - Yes, sir. Good morning, Mr. Secretary, members of the Commission. We
41 are aware of four requests for deferrals and withdrawals this morning. The first is found on page
42 8 of your agenda and is in the Brookland District. This is a partial deferral. The plan was
43 originally on the agenda for landscape and lighting and they are requesting a deferral of the
44 landscape plan only for LP/POD-56-04, Aspen Park, and the applicant is requesting a deferral of
45 the landscape plan until the June 28, 2006 meeting.

46

47 **LANDSCAPE & LIGHTING PLAN (Deferred from the April 19, 2006 Meeting)**

48

LP/POD-56-04

Aspen Park – Staples Mill
and School Roads

Purvis & Associates, Inc. for James R. & Thomas W. Hamilton: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.80-acre site is located on the east line of Staples Mill Road (U.S. Route 33), approximately 300 feet north of Aspen Avenue on parcels 774-746-3074 and 4666. The zoning is O-2, Office District, O-2C, Office District (Conditional) and M-1, Light Industrial District. **(Brookland)**

49

50 Mr. Archer - Thank you, Ms. News. Is there anyone present in opposition to the
51 deferral of landscape plan LP/POD-56-04, Aspen Park, in the Brookland District? No
52 opposition. Mr. Vanarsdall.

53

54 Mr. Vanarsdall - I move that landscape plan, LP/POD-56-04, Aspen Park, be deferred to
55 June 28, 2006. This is not the lighting but the landscaping plan, at the applicant's request.

56

57 Mr. Jernigan - Second.

58

59 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
60 All in favor say aye...all opposed say nay. The motion carries.

61

62 At the request of the applicant, the Planning Commission deferred the landscape plan, LP/POD-
63 56-04, Aspen Park, to its June 28, 2006 meeting.

64

65 Ms. News - Next on page 12 of your agenda, and also located in the Brookland
66 District, is POD-9-06, Staples Mill Square Shopping Center. This is a request for deferral of the
67 architectural only. The POD was approved at your last meeting. The applicant has requested a
68 deferral of the architectural to June 28, 2006.

69 **ARCHITECTURALS PLANS(Deferred from the April 19, 2006 Meeting)**

70

POD-9-06
Staples Mill Square
Shopping Center –
Staples Mill Road and Old
Staples Mill Road

RK&K Engineers, LLP for Marchetti Properties V, LLC and Staples Mill Development Company: Request for approval of architectural plans, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 181,700 square foot community shopping center. The 36.71-acre site is located along the north line of Staples Mill Road (U.S. Route 33) and the west line of Old Staples Mill Road, approximately 340 feet north of their intersection on parcels 768-758-8513 (pt.), 4701, 768-757-2542 (pt.), 769-757-3204, 3723, 5051, 5168, 769-756-3391, 5278 and 6190. The zoning is B-2C, Business District (Conditional) and R-3, One-Family Residence District. County water and sewer.
(Brookland)

71

72 Mr. Archer - Is there anyone in the audience in opposition to the deferral of POD-9-06,
73 Staples Mill Square Shopping Center in the Brookland District? No opposition.

74

75 Mr. Vanarsdall - Mr. Chairman, I move that POD-9-06, Staples Mill Square Shopping
76 Center Architectural plans be deferred until June 28, 2006, at the applicant's request.

77

78 Mr. Jernigan - Second.

79

80 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
81 All in favor say aye...all opposed say nay. The motion carries.

82

83 At the request of the applicant, the Planning Commission deferred POD-9-06, Staples Mill
84 Square Shopping Center Architectural plans to its June 28, 2006 meeting.

85

86 Ms. News - Next on page 21 of your agenda and located in the Three Chopt District is
87 POD-30-06 this is formerly POD-50-72 and POD-61-72 revised, the Village Offices. The
88 applicant is requesting a deferral to the June 28, 2006 meeting.

89 **PLAN OF DEVELOPMENT**

90

POD-30-06
Village Offices –
1501 Santa Rosa Road
(Formerly POD-50-72 and
POD-61-72 Revised)

KCI Technologies for Santa Rosa Investments, LLC, and The Woodard Group: 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, 2,430 square foot bank with drive thru facilities, a one-story, 10,350 square foot medical office building and relocate an existing cross access on the eastern property line. The 1.816-acre site is located at the northeast intersection of Santa Rosa and Three Chopt Roads on parcels 758-743-7963 and a portion of 759-743-1448. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Three Chopt)**

91

92 Mr. Archer - Is there anyone in the audience in opposition to the deferral of POD-30-
93 06, Village Offices, in the Three Chopt District? No opposition. Mr. Branin.

94

95 Mr. Branin - Mr. Chairman, I move that POD-30-06, Village Offices, be deferred until
96 June 28, 2006, at the applicant’s request.

97

98 Mrs. Jones - Second.

99

100 Mr. Archer - The motion was made by Mr. Branin and seconded by Mrs. Jones. All in
101 favor say aye...all opposed say nay. The motion carries.

102

103 At the request of the applicant, the Planning Commission deferred POD-30-06 (POD-50-72 and
104 POD-61-72 Revised) Village Offices, plans to its June 28, 2006 meeting.

105

106 Ms. News - The final request is on page 30 of your agenda and it is located in the
107 Varina District, POD-34-06, Gillies Creek Recycling – Office Area. The applicant is requesting
108 deferral to the June 28, 2006 meeting.

109

110 **PLAN OF DEVELOPMENT**

111

POD-34-06
Gillies Creek Recycling –
Office Area – Masonic Lane
and I-64

Engineering Design Associates for Gillies Creek Industrial Recycling: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,000 square foot office/repair shop and two equipment sheds for an existing recycling center on the landfill property. The 3.57-acre site is located at 4200 Masonic Lane on parcel 806-719-8851. The zoning is M-2, General Industrial District. Individual well and septic tank/drainfield. **(Varina)**

112

113

114 Mr. Archer - Is there anyone in the audience in opposition to the deferral of POD-34-
115 06, Gillies Creek Recycling – Office Area, in the Varina District? No opposition. Mr. Jernigan.
116

117 Mr. Jernigan - Mr. Chairman, with that, I'll move deferral of POD-34-06, Gillies Creek
118 Recycling, to June 28, 2006, by request of the applicant.
119

120 Mr. Vanarsdall - Second.
121

122 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
123 All in favor say aye...all opposed say nay. The motion carries.
124

125 At the request of the applicant, the Planning Commission deferred POD-34-06, Gillies Creek
126 Recycling – Office Area, to its June 28, 2006 meeting.
127

128 Mr. Silber - There are no other known deferrals at this time by the applicant. Are there
129 any by the Planning Commission members? Seeing none, next on the agenda would be our
130 Expedited Agenda. These are items that are placed on a special agenda due to the nature of the
131 case. The plans have been reviewed by the staff. Staff has no additional issues associated with
132 this. The applicant is agreeable to the conditions that have been placed on these plans and the
133 Planning Commissioner from the district has no outstanding issues, so, these are placed on an
134 agenda that does not require testimony or presentation by the applicant. If there is any
135 opposition on these plans, they will be pulled from the Expedited Agenda and heard in the order
136 which it is found on the full agenda. We have a number of items on the Expedited Agenda this
137 morning. Ms. News.
138

139 Ms. News - Yes. We have 10 items on the Expedited Agenda. The first item is on
140 page 3 of your agenda and it is located in the Three Chopt District. This is a transfer of approval
141 for POD-116-97, Ambassador Properties Office/Econo Lube 'N Tune. Staff is recommending
142 approval.
143

143

144 **TRANSFER OF APPROVAL**

145

POD-116-97	William S. Burton for Prenwaland & Associates, LLC.:
Ambassador Properties	Request for transfer of approval as required by Chapter 24,
Office/Econo Lube 'N Tune	Section 24-106 of the Henrico County Code from Ambassador
	Properties Inc. to Prenwaland & Associates, LLC. The .98-acre
	site is located approximately 150 feet east of W. Broad Street
	(U.S. Route 250) along the south line of Sunnybrook Road on
	parcel 765-749-8154. The zoning is B-3, Business District.
	County water and sewer. (Three Chopt)

146

147 Mr. Archer - Is there anyone in the audience in opposition to the transfer of approval
148 request for POD-116-97, Ambassador Properties Office/Econo Lube 'N Tune, in the Three
149 Chopt District? No opposition. Mr. Branin.

150 Mr. Branin - Mr. Chairman, I'd like to move for approval of the transfer of POD-116-
151 97, Ambassador Properties Office/Econo Lube 'N Tune, on the Expedited Agenda.

152

153 Mr. Vanarsdall - Second.

154

155 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.
156 All in favor say aye...all opposed say nay. The motion carries.

157

158 The Planning Commission approved the transfer of approval request for POD-116-97,
159 Ambassador Properties Office/Econo Lube 'N Tune, from Ambassador Properties Inc. to
160 Prenwaland & Associates, LLC, subject to the standard and added conditions previously
161 approved and the following additional condition:

162

163 1. The site deficiencies, as identified in the inspection report, dated **April 28, 2006** shall be
164 corrected by **October 30, 2006** or a bond shall be posted to cover this work.

165

166 The deficiencies include:

167

168 a. Replace dead landscaping as noted on the plan.

169 b. Provide a revised plan to secure approval of the storage unit.

170

171 Ms. News - Next on page 6 of your agenda and located in the Fairfield District is
172 landscape plan LP/POD-9-04, Stratford Manor. The staff recommends approval.

173 **LANDSCAPE PLAN**

174

LP/POD-9-04

Stratford Manor

Hilliard and Hermitage

Roads

Foster & Miller, P.C. for Stratford Manor, Inc.: 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 6.3-acre site is located at the southeast corner of the intersection of Hilliard Road and Hermitage Road on parcels 780-749-3330 and 4643. The zoning is R-6, General Residence District and R-6C, General Residence District (Conditional). (**Fairfield**)

175

176 Mr. Archer - Is there anyone in the audience in opposition to this landscape plan,
177 LP/POD-9-04, Stratford Manor in the Fairfield District? No opposition. Then I will move for
178 approval of LP/POD-9-04, Stratford Manor, subject to staff recommendation, the annotations on
179 the plans and the standard conditions for landscape plans.

180

181 Mr. Vanarsdall - Second.

182

183 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
184 All in favor say aye...all opposed say nay. The motion carries.

185 The Planning Commission approved the landscape plan for LP/POD-9-04, Stratford Manor,
186 subject to the annotations on the plans and the standard conditions attached to these minutes for
187 landscape plans.

188

189 Ms. News - Next on page 7 of your agenda and located in the Three Chopt District is a
190 landscape and lighting plan, LP/POD-72-05, Pouncey Tract Veterinary Hospital. There is an
191 addendum item on page 2 of the addendum which includes a revised recommendation for
192 approval. The recommendation indicates that the applicant has addressed conflicts with utilities
193 and buffers. There is a revised plan in your addendum and staff is recommending approval.

194 **LANDSCAPE & LIGHTING PLAN**

195

LP/POD-72-05 Pouncey Tract Veterinary Hospital – Pouncey Tract Road and Nuckols Road	Koontz-Bryant, P.C. for HHHunt Companies: 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 1.49-acre site is located at the southwest corner of the intersection of Nuckols Road and Pouncey Tract Road (State Route 161) on parcel 736-774-2105. The zoning is B-1C, Business District (Conditional). (Three Chopt)
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196

197 Mr. Archer - All right. Is there any public opposition to LP/POD-72-05, Pouncey Tract
198 Veterinary Hospital in the Three Chopt District? No opposition. Mr. Branin.

199

200 Mr. Branin - Mr. Chairman, I would like to move for approval of LP/POD-72-05,
201 Pouncey Tract Veterinary Hospital, subject to the staff's recommendation included in the
202 addendum.

203

204 Mr. Jernigan - Second.

205

206 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
207 in favor say aye...all opposed say nay. The motion carries.

208

209 The Planning Commission approved the landscape and lighting plan for LP/POD-72-05,
210 Pouncey Tract Veterinary Hospital, subject to the annotations on the plans and the standard
211 conditions attached to these minutes for landscape and lighting plans.

212

213 Ms. News - Next on page 9 of your agenda and located in the Varina District is a
214 lighting plan, LP/POD-64-04, Settlers Ridge, Section A. There is an addendum item on page 2
215 of your addendum to just simply correct the spelling in the text of the subdivision name. Staff
216 recommends approval.

217 **LIGHTING PLAN**

218

LP/POD-64-04
Settlers Ridge, Section A –
Burning Tree Road and S.
Laburnum Avenue

Balzer & Associates, Inc. for Settlers Ridge, LLC: Request for approval of a lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 19.39-acre site is located at the southwest intersection of Burning Tree Road and S. Laburnum Avenue, adjacent to Pocahontas Parkway (State Route 895). The zoning is R-5AC, General Residence District. (**Varina**)

219

220 Mr. Archer - All right. Is there any public opposition to LP/POD-64-04, Settlers Ridge,
221 Section A in the Varina District? No opposition. Mr. Jernigan.

222

223 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of the lighting plan for
224 LP/POD-64-04, Settlers Ridge, Section A on Burning Tree Road, subject to the annotations on
225 the plans and the standard conditions for lighting plans and the caption correction on the
226 addendum and staff's recommendation.

227

228 Mr. Vanarsdall - Second.

229

230 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
231 All in favor say aye...all opposed say nay. The motion carries.

232

233 The Planning Commission approved the lighting plan for LP/POD-64-04, Settlers Ridge, Section
234 A, subject to the annotations on the plans and the standard conditions attached to these minutes
235 for lighting plans.

236

237 Ms. News - Next on page 13 of your agenda and located in the Brookland District is
238 POD-26-06, Chipotle Mexican Grill. There is an addendum item on page 4 which indicates a
239 revised plan has been included in the addendum which shows relocation of the dumpsters and
240 provision of adequate parking, and a revised recommendation for approval.

241

242 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

243

POD-26-06
Chipotle Mexican Grill –
W. Broad Street and 50th
Street

Civil and Engineering Consultants, Inc. and Glavan Feher Architects, Inc. for Frances Bailey and Matt France: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to renovate the interior of an existing one-story, 2,600 square foot building with a 500 square-foot patio, changing the use from retail to a restaurant and demolishing approximately 4,500 square feet of the existing building. The .46-acre site is located on the northeast corner of 50th Street and W. Broad Street (U.S. Route 250) on parcel 773-738-7301. The zoning is M-2, General Industrial District. County water and sewer. **(Brookland)**

244

245 Mr. Archer - All right. Is there anyone present who is opposed to POD-26-06, Chipotle
246 Mexican Grill in the Brookland District? No opposition. Mr. Vanarsdall.

247

248 Mr. Vanarsdall - All right, with that, I will move POD-26-06, Chipotle Mexican Grill, be
249 approved with the approval on the addendum and I want to add number 9 amended in addition to
250 the standard conditions for developments of this type, the annotations on the plans and the
251 additional conditions listed in the agenda 11B through 31.

252

253 Mr. Jernigan - Second.

254

255 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
256 All in favor say aye...all opposed say nay. The motion carries.

257

258 The Planning Commission approved POD-26-06, Chipotle Mexican Grill, subject to the standard
259 conditions attached to these minutes for developments of this type, the annotations on the plans
260 and the following additional conditions:

261

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

265 11B. Prior to the approval of an electrical permit application and installation of the site lighting
266 equipment, a plan including light spread and intensity diagrams, and fixture specifications
267 and mounting heights details shall be revised as annotated on the staff plan and included
268 with the construction plans for final signature.

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

- 274 25. A notice of completion form, certifying that the requirements of the Virginia Department
 275 of Transportation entrances permit have been completed, shall be submitted to the
 276 Department of Planning prior to any occupancy permits being issued.
- 277 26. Outside storage shall not be permitted.
- 278 27. The developer shall install an adequate restaurant ventilating and exhaust system to
 279 minimize smoke, odors, and grease vapors. The plans and specifications shall be
 280 included with the building permit application for review and approval. If, in the opinion
 281 of the County, the type system provided is not effective, the Commission retains the
 282 rights to review and direct the type of system to be used.
- 283 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 284 approved by the County Engineer prior to final approval of the construction plans by the
 285 Department of Public Works.
- 286 29. Insurance Services Office (ISO) calculations must be included with the plans and
 287 contracts and must be approved by the Department of Public Utilities prior to the
 288 issuance of a building permit.
- 289 30. Approval of the construction plans by the Department of Public Works does not establish
 290 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 291 elevations will be set by Henrico County.
- 292 31. The location of all existing and proposed utility and mechanical equipment (including
 293 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 294 shall be identified on the landscape plans. All equipment shall be screened by such
 295 measures as determined appropriate by the Director of Planning or the Planning
 296 Commission at the time of plan approval.

297
 298 Ms. News - Next on page 15 of your agenda and located in the Brookland District is
 299 POD-27-06, (POD-19-88 Revised) Kindred Healthcare. There is an addendum item on page 5 of
 300 your addendum which includes a revised recommendation for approval with three added
 301 conditions, numbers 31 through 33 which deal with the oxygen tank enclosure, the permitted
 302 times for testing the generator and replacing of a wood fence.

303

304 **PLAN OF DEVELOPMENT**

305

POD-27-06
 Kindred Healthcare –
 Edward
 Holland Drive and
 Bethlehem Road
 (POD-19-88 Revised)

Kimley-Horn & Associates, Inc. and Kindred Hospitals East, LLC for Lar Don Realty, LC c/o Dack Realty: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to modify the site parking area and interior of an existing three-story, 79,759 square foot office building and to construct a 60 bed, long term acute care facility. The 5.10-acre site is located on the west line of Edward Holland Drive, approximately 200 feet south of the intersection of Edward Holland Drive and Bethlehem Road on parcel 775-740-2527. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Brookland)**

306

307 Mr. Archer - All right. Is there anyone present who is opposed to POD-27-06, Kindred
308 Healthcare in the Brookland District? No opposition. Mr. Vanarsdall.

309

310 Mr. Vanarsdall - I move POD-27-06, Kindred Healthcare, be approved at the
311 recommendation by staff on the Expedited Agenda and the annotations on the plans and the
312 standard conditions for developments of this type. And then we have the following conditions
313 Nos. 24 though 30 and on the addendum we have three more 31, 32 and 33.

314

315 Mr. Jernigan - Second.

316

317 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
318 All in favor say aye...all opposed say nay. The motion carries.

319

320 The Planning Commission approved POD-27-06, Kindred Healthcare, subject to the standard
321 conditions attached to these minutes for developments of this type, the annotations on the plans
322 and the following additional conditions:

323

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

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

331 26. The proffers approved as a part of zoning case C-34C-05 shall be incorporated in this
332 approval.

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

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

338 29. Insurance Services Office (ISO) calculations must be included with the plans and
339 contracts and must be approved by the Department of Public Utilities prior to the
340 issuance of a building permit.

341 30. The location of all existing and proposed utility and mechanical equipment (including
342 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
343 shall be identified on the landscape plans. All equipment shall be screened by such
344 measures as determined appropriate by the Director of Planning or the Planning
345 Commission at the time of plan approval.

346 31. The enclosure around the oxygen tanks will either be a 6' masonry wall, similar in
347 appearance and materials to the existing building or, provided a letter is submitted from
348 the oxygen supplier substantiating the need, a 6' black, vinyl coated chain link fence.

349 32. The generator will only be tested between the hours of 9:00 a.m. to 5:00 p.m., Monday
350 through Friday.

351 33. The 6' wooden fence, as approved with the landscaping plan for the original POD for this
352 site, POD 19-88, will be replaced.

353

354 Ms. News - Next on page 19 in your agenda and located in the Fairfield District is
355 POD-29-06 (POD-76-97 Revised) McDonalds @ Virginia Center Marketplace. There is an
356 addendum item on page six of your agenda which indicates a revised plan has been included to
357 show revised building elevations with materials matching the shopping center and eliminating
358 roof-top signs, and an added condition No. 33 requiring dedication of right-of-way on JEB Stuart
359 Parkway to accommodate a sidewalk.

360

361 **PLAN OF DEVELOPMENT**

362

POD-29-06 McDonalds @ Virginia Center Marketplace – Brook Road and JEB Stuart Parkway (POD-76-97 Revised)	Carter Design and Archland Properties I, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish an existing building and construct a one-story, 3,510 square foot fast food restaurant on an existing outparcel in a shopping center. The 1.07-acre site is located at JEB Stuart Parkway on parcel 783-769-5085. The zoning is B-3C, Business District (Conditional). County water and sewer. (Fairfield)
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363

364 Mr. Archer - All right. Is there anyone present in opposition to POD-29-06,
365 McDonalds @ Virginia Center Marketplace in the Fairfield District? No opposition. And with
366 that, I will move approval of POD-29-06, McDonalds @ Virginia Center Marketplace, subject to
367 the standard conditions for developments of this type, staff's recommendation, annotations on
368 the plan and the additional addendum item No. 33 which includes a revised plan.

369

370 Mr. Vanarsdall - Second.

371

372 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
373 All in favor say aye...all opposed say nay. The motion carries.

374

375 The Planning Commission approved POD-29-06, McDonalds @ Virginia Center Marketplace
376 (POD-76-97 Revised), subject to the standard conditions attached to these minutes for
377 developments of this type, the annotations on the plans and the following additional conditions:

378

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

381 25. Outside storage shall not be permitted.

382 26. The proffers approved as a part of zoning case C-115C-88 shall be incorporated in this
383 approval.

384 27. The developer shall install an adequate restaurant ventilating and exhaust system to
385 minimize smoke, odors, and grease vapors. The plans and specifications shall be
386 included with the building permit application for review and approval. If, in the opinion

- 387 of the County, the type system provided is not effective, the Commission retains the
 388 rights to review and direct the type of system to be used.
- 389 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 390 approved by the County Engineer prior to final approval of the construction plans by the
 391 Department of Public Works.
- 392 29. In the event of any traffic backup which blocks the public right-of-way as a result of
 393 congestion caused by the drive-up delivery facilities, the owner shall close the drive-up
 394 delivery facilities until a solution can be designed to prevent traffic backup.
- 395 30. Insurance Services Office (ISO) calculations must be included with the plans and
 396 contracts and must be approved by the Department of Public Utilities prior to the
 397 issuance of a building permit.
- 398 31. Approval of the construction plans by the Department of Public Works does not establish
 399 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 400 elevations will be set by Henrico County.
- 401 32. The location of all existing and proposed utility and mechanical equipment (including
 402 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 403 shall be identified on the landscape plans. All equipment shall be screened by such
 404 measures as determined appropriate by the Director of Planning or the Planning
 405 Commission at the time of plan approval.
- 406 33. The right-of-way for widening of JEB Stuart Parkway as shown on approved plans shall
 407 be dedicated to the County prior to any occupancy permits being issued. The right-of-
 408 way dedication plat and any other required information shall be submitted to the County
 409 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

410
 411 Ms. News - Next on page 25 of your agenda and located in the Three Chopt District is
 412 POD-32-06, New Dawn Assisted Living. The staff recommends approval.

413
 414 **PLAN OF DEVELOPMENT**

415
 POD-32-06 **Bryan D. May, P.E. for New Dawn Assisted Living, LLC:**
 New Dawn Assisted Living – Request for approval of a plan of development as required by
 Three Chopt Road and Chapter 24, Section 24-106 of the Henrico County Code, to
 Gaskins Road construct three, one-story, 9,540 square foot structures with a
 total of 48 units for an assisted living facility. The 5.467-acre
 site is located on the north side of Three Chopt Road,
 approximately 1,500 feet northwest of the intersection of Three
 Chopt Road and Gaskins Road at 10700 Three Chopt Road on
 parcel 748-756-9031. The zoning is R-6C, General Residence
 District (Conditional). County water and sewer. **(Three Chopt)**

416
 417 Mr. Archer Is there anyone present opposed to POD-32-06, New Dawn Assisted
 418 Living in the Three Chopt District? No opposition. Mr. Branin.

419 Mr. Branin - Mr. Chairman, I would like to move for approval of POD-32-06, New
420 Dawn Assisted Living, including the annotations on the plans, the standard conditions for
421 developments of this type and additional conditions Nos. 24 through 33.

422

423 Mr. Vanarsdall - Second.

424

425 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.
426 All in favor say aye...all opposed say nay. The motion carries.

427

428 The Planning Commission approved POD-32-06, New Dawn Assisted Living, subject to the
429 standard conditions attached to these minutes for developments of this type, the annotations on
430 the plans and the following additional conditions:

431

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

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

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

443 27. The proffers approved as a part of zoning case C-49C-00 shall be incorporated in this
444 approval.

445 28. All exterior lighting fixtures shall be designed and arranged so the source of light is not
446 visible from the roadways or adjacent residential properties. The lighting shall be low
447 intensity, residential in character, and the height or standards shall not exceed 15 feet.

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

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

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

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

458 33. The location of all existing and proposed utility and mechanical equipment (including
459 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
460 shall be identified on the landscape plans. All equipment shall be screened by such
461 measures as determined appropriate by the Director of Planning or the Planning
462 Commission at the time of plan approval.

463

464 Ms. News - On page 34 of the agenda and located in the Varina District is subdivision
465 Selph Acres (May 2006 Plan). The staff recommends approval.

466

467 **SUBDIVISION**

468

Selph Acres
(May 2006 Plan)
Scaffold Court off Chillie
Lane and White Oak Road

Engineering Design Associates for Bernice F. Selph and FJCB, LLC: The 10.00-acre site proposed for a subdivision of 9 single-family homes is located at the northern terminus of Scaffold Court off Chillie Lane west of White Oak Road on parcel 856-705-3077. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 9 Lots**

469

470 Mr. Archer - Is there anyone in the audience in opposition to subdivision Selph Acres
471 (May 2006 Plan) in the Varina District? No opposition. Mr. Jernigan.

472

473 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of subdivision Selph
474 Acres (May 2006 Plan) subject to the annotations on the plans and the standard conditions for
475 subdivisions not served by public utilities and on the Expedited Agenda.

476

477 Mr. Vanarsdall - Second.

478

479 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
480 All in favor say aye...all opposed say nay. The motion carries.

481

482 The Planning Commission granted conditional approval to subdivision Selph Acres (May 2006
483 Plan) subject to the standard conditions attached to these minutes for subdivisions not served by
484 public utilities, and the annotations on the plans.

485

486 Ms. News - The last item is on page 37 on your agenda and it is located in the
487 Brookland District. This is subdivision Glendale Heights (May 2006 Plan) in the Brookland
488 District for 14 Lots. There is an addendum item on page 8 which simply renumbers the
489 conditions. It would be 12 through 15.

490

491 **SUBDIVISION**

492

Glendale Heights
(May 2006 Plan)

Parker Consulting, LLC for Attack Walker/Penick Road, LLC: The 6.2-acre site proposed for a subdivision of 14 single-family homes is located approximately 245 feet east of the intersection at Fernwood Street and Penick Road on the southern line of Penick Road on parcels 771-746-5476, 6693 and 6553. The zoning is R-4, One-Family Residence District. County water and sewer. **(Brookland) 14 Lots**

493

494 Mr. Archer - Is there anyone present opposed to Glendale Heights (May 2006 Plan) in
495 the Brookland District? No opposition. Mr. Vanarsdall.

496 Mr. Vanarsdall - I move Glendale Heights (May 2006 Plan) be approved on the Expedited
497 Agenda with the annotations on the plan, the standard conditions for subdivisions served by
498 public utilities and the following additional conditions. What this is, it doesn't change the
499 conditions, it changes the numbers and that's on the addendum which starts with No. 12, 13, 14
500 and 15.

501

502 Mr. Jernigan - Second.

503

504 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
505 All in favor say aye...all opposed say nay. The motion carries.

506

507 The Planning Commission granted conditional approval to subdivision Glendale Heights (May
508 2006 Plan) subject to the standard conditions attached to these minutes for subdivision served by
509 public utilities, the annotations on the plan and the following additional conditions:

510

511 12. Each lot shall contain at least 8,000 square feet exclusive of the flood plain areas.

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

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

517 15. Any future building lot containing a BMP, sediment basin or trap and located within the
518 buildable area for a principal structure or accessory structure, may be developed with
519 engineered fill. All material shall be deposited and compacted in accordance with the
520 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
521 professional engineer. A detailed engineering report shall be submitted for the review and
522 approval by the Building Official prior to the issuance of a building permit on the affected
523 lot. A copy of the report and recommendations shall be furnished to the Directors of
524 Planning and Public Works.

525

526 Ms. News - That's all we have.

527

528 Mr. Archer - Thank you, Ms. News.

529

530 Mr. Silber - That certainly shortens our agenda. It's nice to have the Expedited
531 Agenda, it helps with some of the timing. Next on the agenda would be Subdivision Extensions
532 of Conditional Approval. There are only two on today's agenda to be extended and both of these
533 can be handled administratively. We are listing them for the Planning Commission's
534 information only. There are some corrections that are shown on the addendum as to the
535 remaining lots and the years to be extended. Again, this is for public information purposes and it
536 doesn't require any action by the Planning Commission.

537

538 Mr. McGarry, is there anything you would like to collaborate with the Commission or anything
539 about the changes on the addendum?

540

541 **FOR INFORMATIONAL PURPOSES ONLY**

542

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Settler's Ridge (May 2004 Plan)	Varina	166	166	1	1 Year 5/23/07 3 Years 5/27/09
The Ponds @ Dandridge Farm (May 2003 Plan) (Formerly Old Mill Pond)	Brookland	49	7	2	1 Year 5/23/07 2 Years 5/28/08

543

544 Mr. McGarry - The years have to do with the policy that once you get a section recorded
545 your conditional approval is good for five years from the date of the conditional being granted.
546 And, so we revised the years of extension to reflect that policy.

547

548 Mr. Archer - All right. Thank you, Mr. McGarry.

549

550 Mr. Vanarsdall - I know it's for informational purposes only, but since there are changes on
551 it, do we have to approve the changes?

552

553 Mr. Silber - I don't think so, Mr. Vanarsdall.

554

555 Mr. Vanarsdall - I don't have any problems with mine on there.

556

557 Mr. Silber - It's just for information and if there are any changes, we will let you know
558 if there are any changes on the remaining lots and the extension period.

559

560 Before moving into the regular agenda, I want to introduce to the Planning Commission a new
561 staff member, Greg Garrison. Greg, would you stand please. You may remember Mike Cooper
562 who has move on to the Department of Revitalization. It left a void in our office and it took us a
563 while to find the right person, but we have finally found the right person and that is Greg
564 Garrison. He comes to us from Timmons Group. He was employed by Timmons and we stole
565 him from Timmons and put him into the public arena. He has a landscape architectural degree
566 from Oklahoma State and a masters from VCU. And for your information, he has gone through
567 quite a bit in the form of life changes. He has recently married, has recently moved and is now
568 newly employed. So, there are a few life stresses there but Greg is doing very well and we are
569 glad to have him on our staff.

570

571 Mr. Archer - Good morning, sir. You can make a short speech, if you like, but you
572 don't have too.

573

574 Mr. Vanarsdall - Glad to have you, Greg.
575

576 Mr. Garrison - Thank you, very much.
577

578 Mr. Archer - Thank you, Mr. Secretary.
579

580 Mr. Silber - Moving to page 2 of your agenda, we have a transfer of approval POD-41-
581 04, Eubank Center.
582

583 **TRANSFER OF APPROVAL**
584

POD-41-04
Eubank Center

Engineering Design Associates for J. A. Heisler and W. L. Heisler IV: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from John A. and Wyatt L. Heisler to Iraj Hashemi. The 0.71-acre site is located at 4104 Eubank Road on parcel 813-713-4716. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

585
586 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval
587 request for POD-41-04, Eubank Center, in the Varina District? No opposition. Mr. McGarry.
588

589 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. Staff can
590 recommend approval of the transfer of approval and I'll be happy to answer any questions.
591

592 Mr. Archer - Are there any questions for Mr. McGarry by the Commission?
593

594 Mr. Jernigan - I don't have any, Mr. Chairman.
595

596 Mr. Archer - All right. We are ready for a motion.
597

598 Mr. Jernigan - Mr. Chairman, with that I will move for approval of transfer of approval
599 on POD-41-04, Eubank Center.
600

601 Mr. Vanarsdall - Second.
602

603 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
604 All in favor say aye...all opposed say nay. The motion carries.
605

606 The Planning Commission approved the request for a transfer of approval for POD-41-04,
607 Eubank Center, from John A. and Wyatt L. Heisler to Iraj Hashemi, subject to the standard
608 conditions and additional conditions previously approved and accepted by the new owner.

609 Mr. Silber - I would like to call the next two cases together, pages 4 and 5. They are
610 subdivisions that were deferred from the May 11, 2006 meeting, Wilton on The James Phase 1 –
611 Single Family and the companion case Wilton on The James, Phase 1 - Townhouses.

612

613 **SUBDIVISION (Deferred from the May 11, 2006 Meeting)**

614

Wilton on The James,
Phase 1 – Single-Family
(March 2006 Plan)

Youngblood, Tyler & Associates, P.C. for WF Hunt, LLC and HHHunt Corporation: The 84.11-acre site proposed for a subdivision of 293 single-family homes is located on the south side of Pocahontas Parkway (State Route 895), east of the James River on part of parcel 798-683-5459. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Varina) 293 299 Lots**

615

616

617 **SUBDIVISION (Deferred from the May 11, 2006 Meeting)**

618

Wilton on The James,
Phase 1 - Townhouses
(March 2006 Plan)

Youngblood, Tyler & Associates, P.C. for WF Hunt, LLC and HHHunt Corporation: The 12.77-acre site proposed for a subdivision of 159 townhouses is located on the south side of Pocahontas Parkway (State Route 895), east of the James River on part of parcel 798-683-5459. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Varina) 159 Lots**

619

620 Mr. Archer - Is there anyone in the audience in opposition to either of the Wilton on
621 The James subdivisions, the single-family or the townhouses, in the Varina District? I see no
622 opposition. Mr. Wilhite, good morning, sir.

623

624 Mr. Wilhite - Good morning. Thank you, sir. Wilton on the James is an approximately
625 1,200 acre development with just over 3,200 dwelling units. This represents the first Phase of
626 the residential component. You have already seen the previous conditional subdivision plans for
627 Wilton Parkway and the Collector Roads within this phase. We did receive a revised plan on
628 Friday. Also, in the handout there is a revised cover sheet and there is an added condition on the
629 addendum that deals with the single-family portion of this subdivision. I would also like to point
630 out that six additional lots have been added within the revision bringing the total of single-family
631 lots from 293 to 299. The number of townhouse lots proposed at this point is 159 and that
632 remains the same.

633

634 This case has been deferred a few different times and mainly to deal with issues dealing with the
635 roadway design and also for lot layout. The Traffic Engineer and Fire Department had requested
636 changes to the sections of the roadways primarily to allow at least 20 feet of cleared space for
637 Fire or emergency vehicles to set up, and that was done in part by changing the roadway sections
638 and also be eliminating parking on one side of the streets. The pavement widths in alleys have
639 also changed from 12 feet to 16 feet. And on the handout, the revised sections, the revisions

640 from the original ones that were approved with the zoning case, appear in the packet. The traffic
641 engineer, Mr. Jennings, is here if you care to ask more details on the changes to the roadway
642 sections. Also the plans do have, in a couple areas, two different areas, one-way streets that's a
643 part of the plan. There are two one-block sections between Maddox Lane and Maddox Way and
644 also Clawson Lane and Clawson Road. They appear on page 3 of the plan sheets.

645

646 In order to help solve the issues, there is actually a bikeway system being proposed for this
647 development with bike lanes on Wilton Parkway, Wilton Lake Boulevard, Randolph Landing
648 Drive and Randolph Landing Way and also the applicant does intend now to run a bike trail out
649 to Wilton Parkway to connect at New Market Road with the Virginia Capital Trail project that's
650 being developed.

651

652 The revised plan in the packet also indicates the location of the three different types of single-
653 family residential lots that were approved as a part of the zoning case and also the intended
654 front-yard setback lines are also shown on the plan. Originally, the lots had front yard setbacks
655 of 20 feet, 10 feet and 4 feet based on the lot criteria. What the applicant is intending to do with
656 this plan is to arrange the front-yard setbacks based on the hierarchy of the streets within this
657 development. And along the major roadways, the setbacks are going to be 20 and 15 feet and 10
658 feet along all the other roadways. The townhouses in this development would have a seven-foot
659 setback. The setback with the zoning case wasn't specified at the time.

660

661 The mix of the lots has changed in this particular phase but in the overall development the
662 changes to the mix of lots, A Lots, B Lots and C Lots, are pretty much the same. There has only
663 been some slight variations. If you have any questions, I'll be glad to try to answer them.

664

665 Mr. Archer - Thank you, Mr. Wilhite. Are there any question from the Commission?

666

667 Mr. Silber - Mr. Wilhite, I have a question. The number of lots that are shown on the
668 plan, that you just provided us, is 299. The caption on the agenda says 293.

669

670 Mr. Wilhite - That's right. There were six more lots added on the revised plan and
671 basically it is down here (referring to screen) in the corner of the map.

672

673 Mr. Silber - So, the approval for today is for 299 lots?

674

675 Mr. Wilhite - Two-hundred and ninety nine for single family and 159 is still the lot
676 count for the townhouses.

677

678 Mr. Silber - I'm sorry, I missed that. And the mix of A, B and C lots, generally in
679 portion to the overall approval with the rezoning.

680

681 Mr. Wilhite - They only varied from about 10 to 15 of any one category. It pretty much
682 stayed the same for the overall development although there is quite a bit of change in this first
683 phase.

684

685 Mr. Silber - Okay. Thank you.

686

687 Mrs. O'Bannon - I have a question about the parking on one side of the street. Can you go
688 into a little more detail about that?

689

690 Mr. Wilhite - At this point, I would like to turn it over to Mike Jennings. He was
691 involved with it. And like I said, the comments and the changes were driven by Fire and also the
692 Traffic Division of Public Works.

693

694 Mr. Archer- Good morning, Mr. Jennings.

695

696 Mr. Jennings - Good morning. As stated, I'm Mike Jennings, Assistant Traffic Engineer
697 with the County. Kevin, do we have any cross sections showing these road sections? What we
698 basically allowed is eight-foot bump out for parking and 22 feet for the two-way streets and 20
699 feet for the one-way streets. And the one-way street of the collector road, we are going to put a
700 bike path on, or, actually, is going to be stripped for 15 feet, a five-foot bike lane and then eight
701 feet of parking which would actually kind of shadow out. I don't know if you have any cross
702 sections that show that.

703

704 Mrs. O'Bannon - Is it only the one-way streets that have parking on one side or do you have
705 it on two-way streets too.

706

707 Mr. Jennings - There are a couple of two-way streets that have parking on one side also.
708 The typical road section shown at the bottom (referring to screen) is actually a two-way street.
709 Twenty-two foot-wide of travel way for two lanes and then eight foot parking to that one side.
710 It's not real clear (referring to screen). Kevin said the typical sections are in your packet, but
711 I'm not sure.

712

713 Mr. Jernigan - Mrs. O'Bannon, what happened on this, originally, when it came through
714 Public Works was okay but there was a little miscommunication between Fire and Safety and
715 what happened was that the roads were originally 12 feet and the Fire Department felt that they
716 didn't have enough room when they put their apparatus out on the trucks to move around. So, at
717 that point, they had to go back and redesign it and now I think Fire and Safety and everybody is
718 okay with it now.

719

720 Mrs. O'Bannon - It's just that it looks a little unusual and knowing that we have this mixed
721 use coming up in the future I wanted to understand it a little bit better too.

722

723 Mr. Jennings - The developers and the engineers looked at it almost as a traffic calming
724 for narrow streets but we still needed to have the safety for Fire to be able to set up their
725 apparatus and allowing bike paths on the collector routes. The lane is actually 15 feet wide, so
726 technically they have 20 feet of pavement to work with but it looks narrow to drive on so
727 hopefully that will help calm traffic.

728

729 Mr. Silber - Is a bike lane only proposed on the four-lane cross sections?

730 Mr. Jennings - The four-lane cross section of Wilton Parkway and then the three, I can't
731 think of the name of them off the top of my head, the Wilton Lake Boulevard, Randolph Landing
732 Drive and Randolph Landing Way, which are functioning as the collector roads for this
733 community. And, technically, those are two-way streets but there is a wide median in between
734 so each side will kind of function as a one-way with that 20 foot with the 15 foot travel way,
735 five-foot bike lane, and then eight feet of parking.

736

737 Mr. Silber - Oh, I see that now on the second cross section. Okay.

738

739 Mr. Jennings - There are a lot of cross sections with this plan.

740

741 Mrs. O'Bannon - Will they put up "No Parking" signs in on one side of the street?

742

743 Mr. Jennings - It shouldn't be necessary.

744

745 Mrs. O'Bannon - It's going to be kind of tight through there, but will they do that?

746

747 Mr. Jennings - Yes, if we had to we could. They are going to be public streets but I don't
748 think it would be necessary.

749

750 Mr. Silber - I think because it is going to be a travel lane, it going to be obvious that
751 you won't be able to park there.

752

753 Mrs. O'Bannon - Okay.

754

755 Mr. Archer - All right. Are there any further questions for Mr. Jennings?

756

757 Mr. Jernigan - I don't have any, Mr. Chairman.

758

759 Mr. Archer - Thank you, Mr. Jennings. All right, Mr. Wilhite, do you have anything
760 further?

761

762 Mr. Wilhite - No, sir, unless there are some additional questions.

763

764 Mr. Archer - All right. Mr. Jernigan, would you like to hear from the applicant?

765

766 Mr. Jernigan - I just want to say this. I want to thank Kevin for his hard work on this
767 because he had a lot of work to do and did a great job on it. We communicated quite a few times
768 and the setback lines just came in Friday afternoon and he had to do a lot of work to get those
769 straight, and, Kevin, I appreciate it. Thank you.

770

771 Mr. Chairman, I would like to hear from the applicant. This case is looking pretty good but I
772 know Webb is here and he brought some drawings with him and maybe the Commission would
773 like to see some of what's going on with this project.

774

775 Mr. Archer - All right. Would the applicant come forward, please. Good morning, Mr.
776 Tyler.

777

778 Mr. Tyler - Although I'm flattered, Ms. Tignor of our office knows a lot more of the
779 details and I would be glad to sit down and let her talk as well as the land planner, Doug Cole as
780 well as the client, Hans Klinger, project manager, for HHHunt are here, so we are here to answer
781 any and all questions that you may have. Questions?

782

783 Mr. Jernigan - Not unless, I mean, if everybody is okay. Okay, I'm fine now.

784

785 Mr. Archer - All right, Mr. Jernigan.

786

787 Mr. Jernigan - All right, Mr. Chairman.

788

789 Mr. Archer - I'll take these in two separate motions.

790

791 Mr. Jernigan - Yes, sir.

792

793 Mr. Wilhite - And that reminds me, there is an additional condition on the addendum.

794

795 Mr. Jernigan - Yes, number 16. Why didn't we 9 and 11 that? Normally, wouldn't that
796 be a 9 and 11?

797

798 Mr. Wilhite - We would normally recommend it if the proffer had required specific
799 Planning Commission approval although it is definitely up to you if you prefer to have it come
800 back to the Commission, that's fine.

801

802 Mr. Jernigan - I'm all right with No. 16. I was just wondering normally we would do a 9
803 and 11 on landscape and lighting but we will just leave it like it is. All right, Mr. Chairman, with
804 that I will move for approval of subdivision Wilton on The James, Phase 1 – Single-Family
805 (March 2006 Plan) in the Varina District and the lot yield now is 299, and with the standard
806 conditions for subdivisions served by public utilities and the following additional conditions
807 Nos. 12 through 15 and No. 16 added on the addendum and staff recommendation.

808

809 Mr. Branin - Second.

810

811 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All
812 in favor say aye...all opposed say nay. The motion carries.

813

814 The Planning Commission granted conditional approval to Wilton on The James, Phase 1 –
815 Single Family (March 2006 Plan) subject to the standard conditions attached to these minutes for
816 subdivisions served by public utilities, the annotations on the plans and the following additional
817 conditions:

818

- 819 12. Any necessary offsite drainage easements must be obtained prior to approval of the
820 construction plan by the Department of Public Works.
- 821 13. The proffers approved as part of zoning case C-56C-04 shall be incorporated in this
822 approval.
- 823 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
824 maintenance of the common area by a homeowners association shall be submitted to the
825 Department of Planning for review. Such covenants and restrictions shall be in form and
826 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
827 the subdivision plat.
- 828 15. Any future building lot containing a BMP, sediment basin or trap and located within the
829 buildable area for a principal structure or accessory structure, may be developed with
830 engineered fill. All material shall be deposited and compacted in accordance with the
831 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
832 professional engineer. A detailed engineering report shall be submitted for the review and
833 approval by the Building Official prior to the issuance of a building permit on the affected
834 lot. A copy of the report and recommendations shall be furnished to the Directors of
835 Planning and Public Works.
- 836 16. A landscape and lighting plan shall be submitted for review and approval prior to
837 recordation of the subdivision plat.

838

839 Mr. Jernigan - And with that, for the second motion I will ask for approval of subdivision
840 Wilton on The James, Phase 1 – Townhouses (March 2006 Plan) with the standard conditions for
841 residential townhouse subdivisions served by public utilities and the following additional
842 conditions Nos. 13 through 16.

843

844 Mr. Vanarsdall - Second.

845

846 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
847 All in favor say aye...all opposed say nay. The motion carries.

848

849 The Planning Commission granted conditional approval to Wilton on The James, Phase 1 –
850 Townhouses (March 2006 Plan) subject to the standard conditions attached to these minutes for
851 subdivisions served by public utilities, the annotations on the plans and the following additional
852 conditions:

853

- 854 13. Any necessary offsite drainage easements must be obtained prior to approval of the
855 construction plan by the Department of Public Works.
- 856 14. The proffers approved as part of zoning case C-56C-04 shall be incorporated in this
857 approval.
- 858 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
859 maintenance of the common area by a homeowners association shall be submitted to the
860 Department of Planning for review. Such covenants and restrictions shall be in form and
861 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
862 the subdivision plat.

863 16. Any future building lot containing a BMP, sediment basin or trap and located within the
864 buildable area for a principal structure or accessory structure, may be developed with
865 engineered fill. All material shall be deposited and compacted in accordance with the
866 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
867 professional engineer. A detailed engineering report shall be submitted for the review and
868 approval by the Building Official prior to the issuance of a building permit on the affected
869 lot. A copy of the report and recommendations shall be furnished to the Directors of
870 Planning and Public Works.
871

872 **PLAN OF DEVELOPMENT (Deferred from the April 19, 2006 Meeting)**
873

POD-17-06 **Balzer & Associates, Inc. for Canterbury Square, LLC and**
Wawa – Ridgefield Parkway **Wawa, Inc.:** Request for approval of a plan of development as
and Gayton Center Drive required by Chapter 24, Section 24-106 of the Henrico County
Code, to construct a one-story, 6,410 square foot convenience
store with fuel pumps. The 3.39-site is located on the southwest
corner of Ridgefield Parkway and Gayton Centre Drive on
parcel 731-751-2972. The zoning is B-3, Business District.
County water and sewer. **(Tuckahoe)**

874

875 Mr. Silber - There is an addendum item on this case adding two additional conditions.
876

877 Mr. Archer - Is there anyone in the audience in opposition to POD-17-06, Wawa –
878 Ridgefield Parkway and Gayton Center Drive in the Tuckahoe District? No opposition. Mr.
879 Kennedy.

880

881 Mr. Kennedy - Since this was deferred by the Planning Commission in April, the
882 applicant has had a community meeting which was well represented by the community, and it
883 was also attended by Mrs. O'Bannon and Mrs. Jones and myself. I think the applicant tried to
884 achieve a balance between their business needs and the community needs, and they have made
885 several revisions to the plans. I'm going to go over the plan briefly. Since that last plan was
886 submitted, the revised plan has now relocated the storm sewer along the western property line,
887 this storm sewer, here (referring to map on screen), outside of the buffer. It's a 35-foot required
888 transitional buffer and it is now being revised to be a 50-foot buffer minimum, and they will
889 provide a minimum six-foot-high fence along the property line. The berm that's existing there
890 will be maintained and existing trees will be maintained and supplemented at the time of
891 landscape plan approval. In addition, on the front, on the original plan there was a driveway on
892 Ridgefield that has been eliminated and the two driveway entrances are now on Gayton Center
893 Drive. Again, a 35-foot transitional buffer is required and the applicant is providing a minimum
894 of a 50-foot transitional buffer section here. It will be landscaped with a 35-foot transitional
895 buffer, but they have eliminated the driveway. They have added some additional parking, since
896 that plan, and they have eliminated any chance that they would have a car wash at this location,
897 which was a significant concern of the neighborhood.

898 As far as the design itself, the applicant has agreed not to sell diesel fuel at this time, so it won't
899 be functioning as a truck stop but it will be a 24-hour operation. They also indicated that they
900 will not have any outdoor vacuum cleaners. So, that will also help to keep down noise in the
901 community. There is an added condition that we have added on the addendum which is a
902 substitute condition for that, which was agreed to this morning. Instead of eliminating "music
903 and prerecorded announcements at night," the applicant has agreed to a condition that would
904 state that: "The public address system shall not be audible beyond the property line of the
905 property, and a bold note will be added to the plan indicating that requirement." They have
906 agreed that at all times the public address system will be inaudible beyond the property line.

907

908 As far as the design of the building is concerned, it does have a red-brick base which is typical,
909 and their silverstone brick on top. What they have agreed to add are brick bases to the column
910 for the canopy. The canopy will be their typical wing. The wing does face Ridgefield but it is
911 reflected to the back of the property so hopefully that will cut down on the light glare. It is Nos.
912 9 and 11 amended. The landscape and lighting plans will return to the Planning Commission and
913 we can address those concerns at that time. With that, staff can recommend approval with the
914 substitute condition No. 34.

915

916 Mr. Archer - All right, thank you, Mr. Kennedy. Are there any questions for Mr.
917 Kennedy from the Commission.

918

919 Mr. Silber - Mr. Kennedy, on the ends, the canopy would be open?

920

921 Mr. Kennedy - Yes, sir. We indicated to the applicant that at the time of lighting plan
922 review, we will take a look at that, and if they decide to have up lights, we have concerns about
923 the glare from that and it may be required at that time but we don't have the ability, it is not a
924 proffered case, to add architectural restrictions at this time. They are not willing to agree to that,
925 but they are willing to consider that at the time of lighting plan review.

926

927 Mr. Silber - So, at that time we will not be able to deal with the architectural treatment,
928 it will just be the lighting?

929

930 Mr. Kennedy - It could actually be the screening for lighting. We will be dealing with an
931 issue that we will have actual control over.

932

933 Mr. Branin - Mr. Kennedy, at the neighborhood meeting, they were not opposed to 24
934 hours?

935

936 Mr. Kennedy - The neighborhood was extremely concerned about 24 hours, however this
937 is B-3, it is a use by right so we don't have the ability to restrict it. What we tried to do was
938 come up with a design that would suitably buffer the neighborhood and provide additional
939 setbacks and put some restrictions on the uses that would be reasonable to the applicant but also
940 address their concerns. So, we enhanced buffers, setbacks, the fencing, limitations on vacuum
941 cleaners, the elimination of the possibility of a car wash. Those are the things we thought were
942 the major items that we could address with the applicant, that they are willing to do on a

943 volunteer basis to address those concerns, but it will be a 24-hour operation. The applicant does
944 understand that Ridgefield Parkway will not be extended and that the County has taken it off of
945 the Major Thoroughfare Plan and that the right-of-way has been vacated. But, they still
946 expressed interest in this site and since it was unproffered we couldn't restrict it. But, with that
947 we have come up with a reasonable plan that will satisfy their business concerns as well as the
948 community concerns.

949

950 Mrs. Jones - Mr. Kennedy, in our meeting with the neighbors there was a discussion
951 about outside pay phones. Is that something we can discuss at this point or will that come up
952 with our landscape plan?

953

954 Mr. Kennedy - Typically, that's a restriction that Police puts on it. I don't think there has
955 been any opposition to that from the applicant. There are ways that it can be controlled. It can
956 be controlled by eliminating incoming calls, but I'll let the applicant speak to that.

957

958 Mrs. Jones - All right.

959

960 Mr. Archer - Mrs. Jones, I read somewhere the other day that pay phones are all but
961 obsolete.

962

963 Mrs. Jones - They were not considered a plus by neighbors or by the applicant when we
964 had our neighborhood meeting and I want to be sure that that's noted here or taken care of at a
965 later time.

966

967 Mr. Archer - All right, are there any further questions?

968

969 Mrs. Jones - May Ms. Freye address that point.

970

971 Mr. Archer - Oh, sure, absolutely.

972

973 Ms. Freye - Good morning, Mr. Chairman, members of the Commission. I'm Gloria
974 Freye and I'm here on behalf of Wawa, and Wawa is agreeable to having no outside pay phones.

975

976 Mrs. Jones - May we add that then as condition No. 35?

977

978 Mrs. O'Bannon - "No outside pay phones." It is my understanding that there are some
979 residents that live around there that use the pay phones.

980

981 Mr. Archer - All right, are there any further questions? Do you need to hear further
982 from the applicant, Mrs. Jones?

983

984 Mrs. Jones - I would just like to touch base, if Ms. Freye, would please come forward.
985 This case has been interesting. I can't thank Gloria Freye enough as well as Mike Kennedy and
986 certainly Terrie Levine from Wawa for the efforts that have been made to blend, what is an
987 unusual location for a Wawa in such close proximity to residential uses, to blend it into the

988 community and to make it a compliment to the area as opposed to something that is somewhat in
989 opposition. This is not a commercial corridor, it's a more residential corridor and I appreciate
990 their efforts to do that. The things that we have discussed that are being resolved now or will
991 come up later at the landscape and lighting time include fencing along the condominium side. A
992 six-foot minimum is offered with this POD. We discussed eight, and we will discuss that further
993 at the time of landscape approval. I want to make sure that people understand that Wawa has
994 shifted their entrances. They have worked with preserving buffers. They have provided as much
995 in the way of protecting the neighborhood from noise, glare and visual impacts including
996 signage. You are allowed a pole mounted sign, but we've talked about a lower monument-style
997 sign put in the buffer. There is no outside garbage collection at Wawa. Everything is internal
998 and compacted. This well over sixty-foot buffer from Ridgefield Parkway will certainly be a
999 plus and Wawa has indicated that they will work hard to make sure that the glare is not too much
1000 for the neighbors across the road.

1001

1002 Ms. Freye - Yes, ma'am.

1003

1004 Mrs. Jones - The sandfilter has been moved.

1005

1006 Ms. Freye - Correct.

1007

1008 Mrs. Jones - And no car wash, although air will be there?

1009

1010 Ms. Freye - Yes, ma'am.

1011

1012 Mrs. Jones - Okay. No diesel fuel.

1013

1014 Ms. Freye - That's correct.

1015

1016 Mrs. Jones - I will say that I'm going through this check list because in so many ways
1017 you want to make sure that nothing is left unsaid. I appreciate Wawa's willingness to try to
1018 make this a good neighbor and I also wish Wawa every success. We don't want to approve a
1019 project that we don't think is going to be a real plus for Wawa as well as the neighborhood.

1020

1021 Ms. Freye - Thank you.

1022

1023 Mrs. Jones - Okay, so we are straight with all of those details.

1024

1025 Mr. Vanarsdall - Mrs. Jones, I will say this, they do look after their property from our
1026 experiences and they run a really clean place. The one that I'm familiar with has only air and no
1027 car wash, and I think they don't even have an outside phone.

1028

1029 Mrs. Jones - This property was zoned in 1971, a 24-hour operation is allowed and I'm
1030 glad that the business that will be going there is as mindful of the community as Wawa seems to
1031 be. I have one question and then I will stop here. Mr. Kennedy, in the description in our agenda
1032 "a minimum 50-foot buffer will be provided along Gayton Road."

1033 Mr. Kennedy - That's a typo, it should be "Ridgefield Parkway."
1034
1035 Mrs. Jones - Okay.
1036
1037 Mr. Archer - All right, are there any further questions? All right, Mrs. Jones, are you
1038 ready?
1039
1040 Mrs. Jones - I would like to recommend approval of POD-17-06, Wawa – Ridgefield
1041 Parkway and Gayton Center Drive, subject to the annotations on the plans, the standard
1042 conditions for developments of this type and the following additional conditions Nos. 9 and 11
1043 amended, Nos. 24 through 33 on the agenda as well as additional condition No. 34 relating to the
1044 outside speaker system and No. 35 relating to no outside payphones.
1045
1046 Mr. Vanarsdall - Second.
1047
1048 Mr. Archer - The motion was made by Mrs. Jones and seconded by Mr. Vanarsdall. All
1049 in favor say aye...all opposed say nay. The motion passes.
1050
1051 The Planning Commission approved POD-17-06, Wawa – Ridgefield Parkway and Gayton
1052 Center Drive, subject to the standard conditions attached to these minutes for developments of
1053 this type, the annotations on the plans and the following additional conditions:
1054
1055 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1056 Planning for review and Planning Commission approval prior to the issuance of any
1057 occupancy permits.
1058 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of
1059 the site lighting equipment, a plan including depictions of light spread and intensity
1060 diagrams, and fixture specifications and mounting height details shall be submitted for
1061 Department of Planning review and Planning Commission approval.
1062 24. The right-of-way for widening of Ridgefield Parkway as shown on approved plans shall
1063 be dedicated to the County prior to any occupancy permits being issued. The right-of-
1064 way dedication plat and any other required information shall be submitted to the County
1065 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
1066 25. The easements for drainage and utilities as shown on approved plans shall be granted to
1067 the County in a form acceptable to the County Attorney prior to any occupancy permits
1068 being issued. The easement plats and any other required information shall be submitted
1069 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1070 permits.
1071 26. The developer shall provide fire hydrants as required by the Department of Public
1072 Utilities and Division of Fire.
1073 27. The location of all existing and proposed utility and mechanical equipment (including
1074 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
1075 shall be identified on the landscape plans. All equipment shall be screened by such
1076 measures as determined appropriate by the Director of Planning or the Planning
1077 Commission at the time of plan approval.

- 1078 28. A standard concrete sidewalk shall be provided along the south side of Ridgefield
1079 Parkway.
- 1080 29. Outside storage shall not be permitted.
- 1081 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1082 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1083 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
1084 approved by the County Engineer prior to final approval of the construction plans by the
1085 Department of Public Works.
- 1086 32. Insurance Services Office (ISO) calculations must be included with the plans and
1087 contracts and must be approved by the Department of Public Utilities prior to the
1088 issuance of a building permit.
- 1089 33. Approval of the construction plans by the Department of Public Works does not establish
1090 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1091 elevations will be set by Henrico County.
- 1092 34. The public address system shall not be audible beyond the property lines and a bold note
1093 shall be added to the plans indicating this requirement.
- 1094 35. There shall be no outdoor pay phones located on the property and a bold note shall be
1095 added to the plans indicating this requirement.
1096

1097 Mrs. O'Bannon - Mr. Chairman, before we go on I would like to recognize someone here in
1098 the audience, Mrs. Claire Dovel. She is an adjacent property owner to the Wawa. She is a very
1099 nice lady. Hi, Mrs. Dovel. She introduced my husband and I. In June we will have been
1100 married 35 years. So, when she says to do something I listen. She's here on the Wawa case. I
1101 hope we did a good job.

1102

1103 Mr. Archer - Good morning, ma'am, it's nice to have you.

1104

1105 Mr. Silber - Okay, moving on to page 17 of your agenda this is POD-28-06, Ruby
1106 Tuesday Restaurant....

1107

1108 Mr. Strauss - Excuse me. I hate to interrupt but Ernie is probably wondering what
1109 happened to Aspen Park.

1110

1111 Mr. Silber - I'm sorry you gave me a note and that last one was so long and it just sort
1112 of slipped my memory. We need to go back to page 8 of the agenda. Thank you, Mr. Strauss.
1113 Aspen Park on Staples Mill Road, and staff needs to tell me what we need to do here. Is this a
1114 lighting plan that we are considering?

1115

1116 Mr. Strauss - Yes, sir.

1117

1118 Mr. Silber - The Planning Commission took action earlier on the agenda to defer the
1119 landscaping only so, now we are going back to take action on the lighting plan.

1120 **LANDSCAPE & LIGHTING PLAN (Deferred from the April 19, 2006 Meeting)**

1121

LP/POD-56-04

Aspen Park – Staples Mill
and School Roads

Purvis & Associates, Inc. for James R. & Thomas W. Hamilton: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.80-acre site is located on the east line of Staples Mill Road (U.S. Route 33), approximately 300 feet north of Aspen Avenue on parcels 774-746-3074 and 4666. The zoning is O-2, Office District, O-2C, Office District (Conditional) and M-1, Light Industrial District. (**Brookland**)

1122

1123 Mr. Archer - All right. Is there anyone in the audience in opposition to the lighting plan
1124 for LP/POD-56-04, Aspen Park – Staples Mill and School Roads, in the Brookland District? No
1125 opposition. Mr. Strauss.

1126

1127 Mr. Strauss - Thank you, Mr. Chairman. This lighting plan was deferred last month to
1128 sort out the light pole locations in the easements along the front of the site. The fixtures do
1129 comply with the Commission's lighting policy and proffers. We have a revised lighting plan that
1130 Ted just handed out which we are recommending approval of this morning. Staff recommends
1131 approval of this lighting plan, with the standard conditions for lighting plans. The landscape
1132 plan, of course, has to come back. It still needs some work. We are diligently working with the
1133 landscape architect to sort those issues out, but we are in good shape for this and Mr. Hamilton,
1134 who is the applicant, was very concerned this morning about proceeding, so he may order his
1135 lights, and that's the only reason we're trying to get this accomplished. Thank you.

1136

1137 Mr. Archer - Are there any questions for Mr. Strauss?

1138

1139 Mr. Vanarsdall - I don't have any because we have talked about this several times. Jim,
1140 thank you for working it out the way you did, the landscape and lighting, that helped.

1141

1142 Mr. Archer - All right then, we are ready for a motion, Mr. Vanarsdall.

1143

1144 Mr. Vanarsdall - I move that the lighting plan for LP/POD-56-04, Aspen Park, be approved
1145 with the standard conditions for lighting and the annotations on the plan.

1146

1147 Mr. Branin - Second.

1148

1149 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.
1150 All those in favor say aye...all opposed say nay. The motion carries.

1151

1152 The Planning Commission approved the lighting plan for LP/POD-56-04, Aspen Park, subject to
1153 the standard conditions attached to these minutes and the annotations on the plans.

1154

1155 **PLAN OF DEVELOPMENT, LIGHTING PLAN & TRANSITIONAL BUFFER DEVIATION**

1156

POD-28-06

Ruby Tuesday Restaurant –
4902 Williamsburg Road east
of Allenshaw Drive

The RBA Group for Ruby Tuesday: Request for approval of a plan of development, lighting plan and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to construct a one-story, 5,362 square foot restaurant. The 1.54-acre site is located at 4902 Williamsburg Road (U.S. Route 60) on parcel. 817-714-1813. The zoning is B-3, Business District and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

1157

1158 Mr. Archer -

Is there anyone in the audience in opposition to POD-28-06, Ruby Tuesday Restaurant, in the Varina District? We see opposition. We will get to you in a moment, sir.

1160

1161 Mr. Jernigan -

Mr. Chairman, they are not in opposition, I think they just want to address

1163 it.

1164

1165 Mr. Archer -

Okay. Mr. McGarry.

1166

1167 Mr. McGarry -

A revised plan has been received and it is included in your packet. The review is complete. Probst Street transitional buffer screen alternative is proposed. This would provide a six-foot wall and a 12-foot reduction in the depth of the buffer off Probst Street. So, we will get a 23-foot buffer. No transitional buffer deviation is going to be required because this is an eligible screen. So, your approval today is for a plan of development and site lighting. The revised POD plan has been annotated to show a six-foot wall in the middle of the 23-foot buffer with landscaping on both sides of the wall. The other annotation on the revised plan has “electrical panels located on the west wall of the building will be screened with shrubbery and that will be shown on the landscape plan.” Staff can recommend the site lighting plan and requests that the two poles be removed out of the landscape islands to avoid conflict with trees. Staff can recommend approval subject to the standard conditions for developments of this type and the following additional conditions No. 11B and 24 through 35. I’ll be happy to answer any questions.

1180

1181 Mr. Archer -

Thank you, Mr. McGarry. Are there questions from the Commission?

1182

1183 Mr. Jernigan -

Mr. McGarry, first of all, you said that we don’t have to worry about the

1184 transitional buffer.

1185

1186 Mr. McGarry -

Deviation, that’s correct.

1187

1188 Mr. Jernigan -

I spoke to you yesterday afternoon about concerns from the neighborhood

1189 about the rear access to Probst Street. Are Ruby Tuesday’s people here?

1190

1191 Mr. McGarry -

They are here.

1192 Mr. Jernigan - Okay. Could one of you all come up here please. Good morning.
1193

1194 Ms. C. Jones - Good morning. I'm Carolyn Jones with The RBA Group.
1195

1196 Mr. Hurley - And I'm John Hurley Regional Construction Director for Ruby Tuesday.
1197

1198 Mr. Jernigan - I don't know if Mr. McGarry had a chance to speak to you all yesterday
1199 afternoon, but there is concern about the rear entrance to Probst Street which throws a lot of cut-
1200 thru traffic through this way. Do you all have objection to closing that and just having your
1201 main entrance off of Williamsburg Road, and just putting landscaping back there, where that
1202 driveway was?
1203

1204 Mr. Hurley - I only heard about the objection late yesterday and one of the
1205 considerations we had initially... evidentially there was an access there at some point in time.
1206 There was a chain across there. We were under the assumption that that was a permitted access
1207 and that is why we developed the plan this way. Certainly, we are sensitive to the neighborhood.
1208 Certainly, we are sensitive to how the traffic flows in and out. And since we are just finding out
1209 about this late yesterday, we would like to review it. The only problem that we foresee if we
1210 were to close that curb cut is the amount of traffic in and out of the one entrance on
1211 Williamsburg Road, and I would certainly like to, as I mentioned to Ted a little while ago, I
1212 would like to review this because I don't have it within my power to say that we could agree to
1213 not have that access at this point. I would like to hear from the neighbors as to what their
1214 concerns are and would like to work with them.
1215

1216 Mr. Jernigan - Well, I know for a fact that that neighborhood has been beat up there for a
1217 while because that entrance has been in for a long time. Actually, there was another entrance off
1218 the bowling alley too but since then, traffic has grown through that area and that road was
1219 widened to four lanes and there was cut-thru traffic and that's the reason they had the chain up
1220 there because people were running through their yards and all. What we'll do, and like I said,
1221 they are not opposed to Ruby Tuesday, they just want to clear this up. I can have them come up
1222 and speak but if you want I can defer this case myself for a month or two weeks, which ever you
1223 like.
1224

1225 Mr. Hurley - When is the next meeting?
1226

1227 Mr. Jernigan - Well, we have a zoning meeting on June 15.
1228

1229 Mr. Silber - Mr. Jernigan, our zoning meeting is extremely heavy. We have close to
1230 20 zoning cases.
1231

1232 Mr. Jernigan - Well, this is going to be a simple case. I mean, I'm going to have it
1233 worked out by then as to what we are going to do.

1234 Mr. Hurley - Could we do it the following meeting because what we will have to do is
1235 look at the curb cuts on Williamsburg Road and there are a lot of utilities there and I need to feel
1236 comfortable, if we were to do something with the rear, that one curb cut can handle all of the
1237 traffic in and out. So, could we do it at the following meeting?

1238

1239 Mr. Jernigan Well, that is a night meeting and it is a zoning meeting and we do have a
1240 heavy schedule.

1241

1242 Mr. Hurley - Okay.

1243

1244 Mr. Jernigan - Would 30 days bother you?

1245

1246 Mr. Hurley - No.

1247

1248 Mr. Vanarsdall - It's the 28th of June.

1249

1250 Mr. Jernigan - I know this project is running a little bit behind schedule anyway because
1251 you found the underground storage tanks.

1252

1253 Mr. Hurley - Well, that has been taken care of and we have had a few problems.

1254

1255 Mr. Jernigan - Well, let's do that then and we will go ahead and reschedule it to the next
1256 Commission hearing, like today, on a Wednesday and that will be June 28.

1257

1258 Mr. Hurley - That will be great and we can hear from our representatives.

1259

1260 Mr. Jernigan - And I'll tell you what, rather than bringing, if it is all right with you all I
1261 think I'll just have those two gentlemen back there, and talk to them in private, if that is okay
1262 with you. Would you speak to those two gentlemen right back there when you are finished and
1263 they will tell you their concerns regarding the neighborhood.

1264

1265 Mr. Hurley - Sure. Than you.

1266

1267 Mr. Jernigan - Thank you for coming. All right, Mr. Chairman, with that I will move for
1268 deferral of POD-28-06, Ruby Tuesday Restaurant – 4902 Williamsburg Road, to June 28, 2006
1269 by request of the Commission.

1270

1271 Mr. Branin - Second.

1272

1273 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All
1274 in favor say aye...all opposed say nay. The motion carries.

1275

1276 The Planning Commission deferred POD-28-06, Ruby Tuesday Restaurant – 4902 Williamsburg
1277 Road to its June 28, 2006 meeting.

1278

1279 **PLAN OF DEVELOPMENT**

1280

POD-31-06

Short Pump Station – Phase 2
- W. Broad Street and John
Rolfe Parkway
(POD-73-05 Revised)

McKinney & Company for Short Pump Station, LLC:
Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, ~~84,849~~ **88,110** square foot community shopping center. The 11.70-acre site is located at the southeast corner of W. Broad Street (U.S. Route 250) and John Rolfe Parkway (future) on parcels 741-761-2931, 3418, 4704 (pt.), 4645, 8112, and 8532, 741-760-4323(pt.), 5792 (pt.) and 6979 (pt.), 741-759-0697 (pt.) and 742-760-1598 (pt.). The zoning is B-2C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer.
(Three Chopt)

1281

1282 Mr. Archer -

Is there anyone in the audience in opposition to POD-31-06, Short Pump Station – Phase 2, in the Three Chopt District? No opposition. Mr. Wilhite.

1284

1285 Mr. Wilhite -

Thank you. Phase one involved the approval of the access roads leading to this development and the adjacent proposed West Broad Village development, that's POD-73-05. Phase 2 involves a shopping center that is before you now. There is a handout plan that we just received yesterday, so you would have to waive the time limits in order to approve it. Also, there is an increase in the total square footage in the entire center to 86,110 square feet. Staff has met with the applicant representatives over the course of last week and this week. The biggest issue is dealing with the design of the rear of the shopping center abutting the UMU District, back here (referring to map on screen), and trying to get enhanced landscaping opportunities and enhanced architectural design of the back of the center.

1294

The master plan for West Broad Village in this area anticipates that there will be residential development down in this area, here on the screen, either condo or apartment type development and also development along the other access road is actually facing onto the access road and facing into the back of the shopping center. So, staff talked to the applicant about increasing architectural detailing on the rear of buildings and trying to increase the green space in the back. The plan that is before you does show a widening of the green space in the rear of this building. They increased the planting strip to six feet, the sidewalk to five feet in the back to match what West Broad Village intended to have as their sidewalk design, and also an addition of nine feet of green space totalling 20 feet of planting strip in the back.

1304

We also discussed the construction of a wall in the rear. At this point the wall is shown there but it is only labeled as optional. We would recommend that the wall be extended to the back of buildings "A" and "B," as shown on the plan that you have before you, and if a wall is not installed, then enhanced landscaping will be done in these areas. And, with that, staff would probably recommend that the landscape plan come back to you for your approval.

1310

1311 There are revised elevations showing the rear. Staff believes that there is still opportunity to
1312 increase the detailing to more or less mirror what is proposed for buildings “E” and “F,” which
1313 are these two buildings that would back up against John Rolfe Parkway.

1314

1315 The revised plan also shows the location of screen walls at the end of the buildings to hide the
1316 wall mounted mechanical/electrical equipment. It also shows the location of dumpster screens
1317 that were not shown on the original plan. The sidewalk locations within the site are still sketchy,
1318 and staff is recommending connections to the sidewalks along W. Broad Street, John Rolfe
1319 Parkway and also the internal access drive.

1320

1321 The BMP is still changing. Originally, the BMP was proposed to be an underground structure.
1322 There is some discussion about their wanting to add an above ground basin. In the proffers for
1323 the rezoning case there is a requirement for an aeration feature if the structure is above ground.
1324 Their design may not, it probably precluded a wet pond there, and they would not be able to
1325 meet that proffered requirement. At this point the staff’s recommendation is that the BMP would
1326 stay underground.

1327

1328 Also included are complete architectural plans for building “J,” near W. Broad Street, which is
1329 the restaurant building. They have worked to tie the design more closely to the rest of the center.
1330 Staff is okay with what is being shown for that particular building. Sidewalks are going to be
1331 provided along W. Broad Street. They are shown within the public right-of-way at this point,
1332 except for this entrance where it would cross over into the 35-foot buffer and would be
1333 incorporated in an easement for the sidewalk. There is a concept that is still being looked at to
1334 move the sidewalk within the 35-foot W. Broad Street Overlay District buffer. I have a sketch
1335 plan for a curvilinear sidewalk with landscaping and a design that would tie into potentially what
1336 the West Broad Street Village development may propose. I’ll be happy to answer any other
1337 questions that you may have.

1338

1339 Mr. Archer - Thank you, Mr. Wilhite. Are there any questions by the Commission?

1340

1341 Mr. Silber - Mr. Wilhite, the utility screens or the utility walls being shown... would
1342 take care of all of these utility boxes and panels that may otherwise be on the back of buildings?

1343

1344 Mr. Wilhite - At this point, the applicant has indicated that they would locate the utility
1345 panels along the ends of the buildings as opposed to the rear of the buildings. They do show a
1346 number of screen walls, specifically, on the revised plan. And they all are in the locations on the
1347 sides of the buildings. There aren’t any that...except for building “H,” which is in the very
1348 corner here. That is the only one that I see that shows it in the rear.

1349

1350 Mr. Silber - I guess I’m less concerned with where the screen wall may be inasmuch as
1351 making sure that the panel boxes aren’t visible, so all of the panel boxes will be put behind these
1352 screen walls?

1353

1354 Mr. Wilhite - We would have to see the ultimate location with the building permit about
1355 how extensive the panels are going to be and that will determine exactly how long the wall
1356 would need to be in order to hide it. I think those details probably won't be forthcoming until
1357 the building permit sketch.

1358

1359 Mr. Silber - Okay. But, there will be no panels visible. They will be behind screening
1360 walls.

1361

1362 Mr. Wilhite - That is our understanding at this point.

1363

1364 Mr. Silber - There is no condition that staff is recommending at this point?

1365

1366 Mr. Wilhite - Other than we included the general condition that we have that we can add
1367 language to that stating that there would not be any in the rear of the buildings adjacent to the
1368 access roads.

1369

1370 Mr. Silber - Which standard condition is that?

1371

1372 Mr. Wilhite - That won't appear on the agenda. It is a standard condition that's not
1373 printed on the agenda but it's one that we have been using for the past year or so. Proper
1374 screening of wall mounted mechanical equipment.

1375

1376 Mr. Silber - Okay. Maybe the applicant can....

1377

1378 Mr. Branin - Mr. Secretary, I'm going to be asking the applicant to speak because there
1379 are quite a few issues we want to address.

1380

1381 Mr. Silber - Okay.

1382

1383 Mrs. O'Bannon - I have an indirect question. Directly around this, and if my memory
1384 serves me correctly, in the rezoning case, aren't they going to be condos like townhouse-style
1385 condos, very close together?

1386

1387 Mr. Branin - There will be some condos down towards building "J" and "I."

1388

1389 Mrs. O'Bannon - So, they are adjacent to this property?

1390

1391 Mr. Silber - Yes, ma'am. If you go to the site layout buildings C, D and G, on the
1392 opposite side of that road, will be condominiums. And then the other road adjacent to buildings
1393 A and B would be townhouses. So there is sensitivity to that back edge of this development if it
1394 is going to be adjacent to residential.

1395

1396 Mrs. Jones- May I ask a basic question?

1397

1398 Mr. Archer - Go ahead, Mrs. Jones.

1399 Mrs. Jones- Mr. Wilhite, when staff recommends increasing detailing, can you just
1400 give me some general ideas of what kind of things you are talking about?

1401

1402 Mr. Wilhite - If you notice, at the rear of the buildings, that is E and F. Those are the
1403 two buildings that appear along John Rolfe Parkway. There are additional pilasters on the rear
1404 of the building, capitals on top of the pilasters, detailed cornice work, brick details and an
1405 entablature across the top of the pilaster columns. That level of detail does not appear in the rear
1406 of the buildings that face the access roads. Transfer of those types of elements and increased
1407 details the rear of those buildings, we feel would be appropriate in this instance.

1408

1409 Mrs. Jones - And the applicant had said that that would not be possible to do?

1410

1411 Mr. Wilhite- Well at this point, and like I said, we just received these plans yesterday
1412 afternoon. I have not heard any objection to adding additional detailing back there.

1413

1414 Mr. Silber - Staff just received these, Mrs. Jones, and we have annotated the plan that
1415 the back of those buildings should match the back of buildings E and F. The applicant may be
1416 perfectly willing to do that. We've annotated the plan.

1417

1418 Mrs. Jones - Okay. Thank you.

1419

1420 Mr. Archer - All right. Is there anything further?

1421

1422 Mr. Wilhite - I have the language for that condition, if you would like for me to read it.

1423

1424 Mr. Archer - Go right ahead.

1425

1426 Mr. Wilhite - And this is a standard condition that we are actually using on all PODs.
1427 "The location of all existing and proposed utility and mechanical equipment (including HVAC
1428 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
1429 identified on the landscape plans. All equipment shall be screened by such measures as
1430 determined appropriate by the Director of Planning or the Planning Commission at the time of
1431 plan approval."

1432

1433 Mr. Archer - Thank you, sir.

1434

1435 Mr. Wilhite - It does appear as No. 37 in the agenda.

1436

1437 Mr. Vanarsdall - I was wondering why you were reading it when it was already there.

1438

1439 Mr. Archer - All right, is there anything else for Mr. Wilhite? Mr. Branin, would you
1440 like to hear from the applicant?

1441

1442 Mr. Branin - I would, sir.

1443

1444 Mr. Archer - Would the applicant come forward, please. Good morning, Mr. Theobald.
1445

1446 Mr. Theobald - Good morning, Mr. Archer, members of the Commission. My name is
1447 Jim Theobald and I'm here on behalf of Collins Goodman and we have a number of folks here
1448 today who can answer your more detailed questions, probably better than I, Stacey Burcin and
1449 Jack Shady as well as the folks from Collins Goodman. I will say that we are in agreement with
1450 the conditions as set forth. We are also in agreement with the annotations on the plan, including
1451 the additional detailing for the backs of those buildings. We have worked very hard to resolve
1452 these issues, not only with staff but in close consultation with Unicorp who has reviewed our
1453 elevations and look forward to really making this a cohesive development. So, with that, I will
1454 be happy to answer any questions I'm capable of answering and look to others for help.

1455

1456 Mr. Archer - Thank you, Mr. Theobald. Are there any questions?

1457

1458 Mr. Branin- Mr. Theobald, in regard to the screening in the back. There has been talk
1459 of a wall or fencing. Have you guys given any thought as to the best thing?

1460

1461 Mr. Theobald - Well, I think at this point, we are still hoping we can accomplish what we
1462 need with landscaping, it seems to be Unicorp preference. I think we are willing to leave this
1463 wall alternative on there in order for it to be considered at landscape plan when we really know
1464 what the grades look like. By leaving the wall on there as an alternative, we are fully prepared if
1465 that is the best solution to do it.

1466

1467 Mr. Branin - Which I do appreciate because project has be juggled and bounced and I
1468 apologize and I want to publicly thank you for being so flexible in dealing with the project next
1469 to you as well as our concerns. It went well and meets the standards of Three Chopt District in
1470 Henrico County. We will be addressing that with the landscaping.

1471

1472 Mr. Theobald - Yes, the landscape plan will be brought back to you.

1473

1474 Mr. Branin - And you understand with the quality of development coming in around
1475 you our concerns with the backs of the buildings being dressed up.

1476

1477 Mr. Theobald - Yes, we agree to the annotation that Kevin has placed on there about
1478 providing additional architectural detailing that you see, I think, it's D and F, that's shown on
1479 some of the other rears, that's fine.

1480

1481 Mr. Branin - That's all I wanted to say.

1482

1483 Mr. Archer - Are there any further questions for Mr. Theobald?

1484

1485 Mrs. Jones - Will the sidewalks be discussed at the time of landscape plan?

1486

1487 Mr. Branin - There are sidewalks required under these conditions. I think it was some
1488 of the internal pedestrian matching that they were working through.

1489 Mrs. Jones - Okay.
1490

1491 Mr. Branin - We don't have the full POD from the other guys to....
1492

1493 Mrs. Jones- Connect. Okay.
1494

1495 Mr. Silber - Mr. Theobald, there is an annotation on here that basically ends up being a
1496 question. We met with the applicant's representative on Monday of this week and it involves an
1497 area right in front of buildings B and C. I'm trying to have some amenities placed in that area or
1498 somehow create an area that might be some opportunities for pedestrian gatherings, etc. That
1499 doesn't seem to be addressed by the plan, in fact if you look at the location of those entrance
1500 doors it looks like it would be difficult to have an area where amenities to be provided. Have
1501 you had any discussions along those lines?
1502

1503 Mr. Archer - Good morning, Mr. Burcin.
1504

1505 Mr. Burcin - Good morning. Randy, to address your question, since our meeting on
1506 Monday we have talked about that area in the crook of that building, if you will, as creating
1507 additional amenities. Those details are not shown on this plan. This plan was schematic in
1508 nature to address more bigger issues that you were looking, at to show utility connections
1509 coming in sides of the buildings and the intent for the screen walls to come adjacent to those as
1510 well as address some of the other concerns you have, but we intend to provide in that area
1511 amenities and gathering areas in that corner of the building and on the whole front of the
1512 building, for that matter. Those details are just not currently shown on this site plan.
1513

1514 Mr. Silber - I'm showing this as an annotation with amenities with a question mark.
1515

1516 Mr. Burcin - You can take the question mark off. There will be amenities there. There
1517 will be planters added and features and textures added to the sidewalks and those types of details
1518 will be provided in here. As you may recall from the discussion, this site is somewhat in flux
1519 because of some of the request from our neighbors and major changes they have asked for in
1520 grades. That's why we don't have the necessary answers for you today, on the BMP as well as
1521 some of the activity issues, and the coordinator for the landscaping and (unintelligible) are
1522 working closely to address those issues. While I'm here, I would like to point out one quick
1523 clarification from the addendum that Kevin gave earlier today. The square footage after the
1524 revisions of (unintelligible) would be 88,110 and not 86,110 as indicated.
1525

1526 Mr. Silber - Okay.
1527

1528 Mr. Archer - All right. Are there any further questions?
1529

1530 Mr. Collins - I'm Steve Collins of Collins & Goodman. I just want to let you all know
1531 that we are working hard with Unicorp to make this a cohesive type development. We met with
1532 these guys in Las Vegas here this week at the DICS Convention and talked through some of
1533 these issues and like I said, the grades have changed and we are working with them to make their

1534 site better and we are having to change our grades. So, everything is working fine and as far as
1535 that screen wall stuff, they are kind of opposed to that also as we are, but we are going to work
1536 with you on whatever we need to do but we would rather see more landscape there instead
1537 of...when you drive in you see the landscape instead of a wall for security reasons and other
1538 reasons. I just wanted to tell you that.

1539

1540 Mr. Silber - When we speak of the wall in this case I think we are talking about
1541 something decorative, it might be a wrought iron fence with brick pillars or something like that.
1542 I think we are talking about something that will be aesthetically pleasing, not something....

1543

1544 Mr. Collins - I guess I was under the impression of something like a brick solid wall.

1545

1546 Mr. Branin - And thank you so much for being so flexible to make this project work,
1547 yours as well as Unicorp. With the wall, we weren't looking for an eight-foot block wall. That
1548 wouldn't achieve the quality of architecture that we are looking for nor yourself.

1549

1550 Mr. Collins - Okay. Good.

1551

1552 Mr. Archer - All right, are there any further questions?

1553

1554 Mr. Silber - I guess one additional recommendation that I would make, maybe, if we
1555 could modify condition No. 37, if they are agreeable to that. It is a little open ended. I think if
1556 we could modify it, if they are agreeable to providing a screening wall for the utility panels and
1557 boxes. I think it would be best to commit to that at this time instead of leaving it up to some
1558 future determination. I think on No. 37 it could read: The location of all existing and proposed
1559 utility and mechanical equipment (including HVAC units, electric meters, junction and
1560 accessory boxes, transformers, and generators) shall be identified and screened with walls
1561 comparable to materials used in the principal buildings.

1562

1563 Mr. Branin- That may eliminate fences.

1564

1565 Mr. Silber - I'm talking about the walls to screen mechanical equipment on the back of
1566 the buildings. It's showing them on the plan. I think because this is kind of a fish bowl type of
1567 development, it's going to be visible from all sides, we don't want electrical boxes on the back
1568 of the buildings. They don't either. They indicated that they are going to move those to locations
1569 on the back of buildings and they will be behind some type of wall that's going to be built of
1570 material comparable to the principal building.

1571

1572 Mr. Branin- Randy, this condition talks about more than things in the back of the
1573 building, it talks about transformers, telephone paddles, everything that sits all over the site, so
1574 you just can't blast a screening wall over every mechanical or utility type thing. So, either we
1575 need to ...

1576

1577 Mr. Silber- Perhaps it needs to be modified to reflect electrical panel boxes that are
1578 normally in the back of the building, that's what we are referring to. Maybe it could be a
1579 separate condition.

1580

1581 Mr. Branin - Or any of the forgoing that is attached to the building shall be screened
1582 with a screening wall.

1583

1584 Mr. Silber - I'm fine with that.

1585

1586 Mrs. Jones - I have a question, possibly for Mr. Wilhite. I keep looking at these plans
1587 and I keep looking at these buildings and I was bothered by something and I think I finally put
1588 my finger on it. These are going to be next to residential areas, these are going to be somewhat
1589 of a jewel for Henrico County, certainly with the proximity to W. Broad Village and I think it is
1590 very, very, important that we make this the best we can. What I am looking at here certainly
1591 does fit with the commercial character of other Broad Street developments. What it doesn't do is
1592 reflect the residential character of the neighborhood it will be adjoining. The design discussions
1593 with Unicorp and the design decisions for this particular development, was there any attempt to
1594 make these more of a residential character as a blend to the entire UMU area or is this intended
1595 to be more like the Short Pump Towne Center look? I want to know, the flat roofs, these kinds
1596 of things, seems to be very, very commercial versus a nice blend to the residences that it will be
1597 next to. Can you talk about that a little?

1598

1599 Mr. Wilhite - I think one of the main things that staff was trying to do is to make sure
1600 that there is dialog going on back and forth between Collins/Goodman and the Unicorp people.
1601 We have been in contact with representatives from Unicorp, specifically about the architectural
1602 design of the center and what type of recommendations they had to try to make it blend in as one
1603 coordinated development. Something that staff has always been looking to do with this project.

1604

1605 Mr. Silber - Mr. Theobald, would you like to comment?

1606

1607 Mr. Branin - Mrs. Jones, with it being Urban Mixed Use you are going to have a lot
1608 less likeability to change with softer tones going from commercial to residential when they are
1609 within close proximity. That's why they have taken the time to work on vegetation and
1610 screening. We are going from one project that has been preapproved, prior to Unicorp coming in,
1611 as a commercial strip mall and trying to blend that into what is now coming in around them. In a
1612 perfect world, it would have been one project to start with so this is in the architectural range of
1613 what Unicorp is doing and that's why we are pushing so hard for screening that station and
1614 soforth.

1615

1616 Mr. Theobald - Mr. Branin, you are absolutely correct. I started working on this piece
1617 three years ago for a Lazy Boy furniture store, that was it, just a Lazy Boy. The site was owned
1618 by Bill Goodwyn and Booty Armstrong who donated it to the Massey Cancer Center and with
1619 Mr. Hinson's efforts the site grew, we swapped land with what is now the Nissan Dealership,
1620 with Mr. Liesfield before there ever was a Unicorp. And so the Lazy Boy became basically a
1621 commercial development that you see here and when we proffered this case it was in conjunction

1622 with Liesfield but that part was doing offices behind it, not residential. So, what we have done
1623 through this process is really modified these plans beyond what, in my opinion, would be
1624 technically required under the existing zoning conditions in an effort to try to work with Unicorp
1625 and in fact have consulted with them every step of the way and they are comfortable with what
1626 you see. So, I think that that history is perhaps the explanation as to... This was never a site that
1627 was designed to key off of residential per se. It was a commercial site and somebody ended up
1628 putting residential behind it and we have worked to try to soften that edge.

1629

1630 Mrs. Jones - Well, I do agree the history is very, helpful. Thank you, Mr. Theobald,
1631 but I think we need to react to what's there right now and that's what should drive our decision.

1632

1633 Mr. Silber - Let me also comment, Mrs. Jones, because I think you raised a good point.
1634 I know that it was a Lazy Boy at one point. We have a transition to where we are now and the
1635 County is very concerned about how this development before you is going to be integrated into
1636 the larger development behind it. And, the larger development behind it, when zoning was
1637 approved, the UMU had a sketch book, it had all kinds of illustrations of what their commercial
1638 development would look like and what Collins/Goodman has attempted to do is take those
1639 elevations, take those ingredients and elements and characteristics and incorporate those into the
1640 design of this commercial area. So, if we could show the front elevations of these buildings and
1641 the buildings as a whole, they are much more reflective of what you are going to see in Unicorp.
1642 So, I think your concerns are good. They are valid, and I think that we have come along way to
1643 addressing many of those concerns and have begun to incorporate their design in a very similar
1644 fashion to what you can expect from Unicorp. There is a relationship between uses, commercial
1645 and residential and we are trying to work from that blend the best we can. I think your point is
1646 well taken. I think if you see the whole it's pretty well blended.

1647

1648 Mr. Vanarsdall - One of the things I think on this that you should watch for is screening of
1649 the back of building, behind it, because it is a restaurant and not a Lazy Boy. The restaurants
1650 when they first open are pretty and it's not long before the trays, the chairs and sometimes where
1651 they sit to smoke, sometimes broken down chairs and a whole bunch of junk. We went through
1652 this with Kabuto, when they re-did their restaurant. They were using the back even before they
1653 ever opened for junk. They screened the back of it nicely. What color is the sign, neon?

1654

1655 Mr. Wilhite - We don't have any details on the signage at this time.

1656

1657 Mr. Vanarsdall - I was just wondering. It is black on here. It wouldn't be a neon sign,
1658 would it?

1659

1660 Mr. Wilhite - If you are referring to the Longhorn sign, they have

1661

1662 Mr. Vanarsdall - They sealed the diner off because they had a neon sign.

1663

1664 Mr. Wilhite - The signs at this point are not a part of the approval. I don't have the
1665 details for that.

1666

1667 Mr. Vanarsdall - I was just wondering. I would watch that back because you will find out
1668 what I am talking about.
1669

1670 Mr. Archer - All right. Are there any further questions?
1671

1672 Mr. Wilhite - We do have some proposed language to add to No. 37 dealing with the
1673 screening of the mechanical and electrical equipment. It will be a separate sentence added to the
1674 end. It says: Those foregoing features attached to a building shall be screened by walls of a
1675 comparable design to the building.
1676

1677 Mr. Archer - And that's added to No. 37, right?
1678

1679 Mr. Wilhite - Yes, sir.
1680

1681 Mr. Silber - Sounds good.
1682

1683 Mr. Branin - Mrs. Jones, are you okay with that?
1684

1685 Mrs. Jones - I hear it.
1686

1687 Mr. Archer - So, that will become an addition to No. 37. All right. No further
1688 questions? Mr. Branin.
1689

1690 Mr. Branin - Mr. Chairman, I would like to waive the time limits on POD-31-06, Short
1691 Pump Station – Phase 2.
1692

1693 Mr. Jernigan - Second.
1694

1695 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan to
1696 waive the time limits. All in favor say aye...all opposed say nay. The motion carries.
1697

1698 The Planning Commission approved to waive the time limits for POD-31-06, Short Pump Station
1699 – Phase 2.
1700

1701 Mr. Branin - And with that, Mr. Chairman, I would like to move for approval of POD-
1702 31-06, Short Pump Station – Phase 2, with the annotations on the plans, the standard conditions
1703 including condition No. 24 through 39 as well as the stated changed on No. 37.
1704

1705 Mr. Wilhite - Would you like No. 9 amended?
1706

1707 Mr. Branin - Yes, and No. 9 amended.
1708

1709 Mr. Jernigan - Second.
1710

1711 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1712 in favor say aye...all opposed say nay. The motion carries.

1713

1714 The Planning Commission approved POD-31-06, Short Pump Station – Phase 2 (POD-73-05
1715 Revised) subject to the standard conditions attached to these minutes for developments of this
1716 type, the annotations on the plans and the following additional conditions:

1717

1718 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1719 Planning for review and Planning Commission approval prior to the issuance of any
1720 occupancy permits.

1721 24. The right-of-way for widening of John Rolfe Parkway and W. Broad Street as shown on
1722 approved plans shall be dedicated to the County prior to any occupancy permits being
1723 issued. The right-of-way dedication plat and any other required information shall be
1724 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1725 occupancy permits.

1726 25. The easements for drainage and utilities as shown on approved plans shall be granted to
1727 the County in a form acceptable to the County Attorney prior to any occupancy permits
1728 being issued. The easement plats and any other required information shall be submitted
1729 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1730 permits.

1731 26. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
1732 approved by the Virginia Department of Transportation and the County.

1733 27. A notice of completion form, certifying that the requirements of the Virginia Department
1734 of Transportation entrances permit have been completed, shall be submitted to the
1735 Department of Planning prior to any occupancy permits being issued.

1736 28. The developer shall provide fire hydrants as required by the Department of Public
1737 Utilities and Division of Fire.

1738 29. A standard concrete sidewalk shall be provided along the south side of W. Broad Street
1739 and the east side of John Rolfe Parkway.

1740 30. Outside storage shall not be permitted.

1741 31. The proffers approved as a part of zoning case C-18C-03 shall be incorporated in this
1742 approval.

1743 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
1744 approved by the County Engineer prior to final approval of the construction plans by the
1745 Department of Public Works.

1746 33. Insurance Services Office (ISO) calculations must be included with the plans and
1747 contracts and must be approved by the Department of Public Utilities prior to the
1748 issuance of a building permit.

1749 34. Approval of the construction plans by the Department of Public Works does not establish
1750 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1751 elevations will be set by Henrico County.

1752 35. Approval of the construction plans by the Department of Public Works does not establish
1753 the curb and gutter elevations along the Virginia Department of Transportation
1754 maintained right-of-way. The elevations will be set by the contractor and approved by
1755 the Virginia Department of Transportation.

1756 36. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1757 Department of Planning and approved prior to issuance of a certificate of occupancy for
1758 this development.

1759 37. The location of all existing and proposed utility and mechanical equipment (including
1760 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
1761 shall be identified on the landscape plans. All equipment shall be screened by such
1762 measures as determined appropriate by the Director of Planning or the Planning
1763 Commission at the time of plan approval. Those foregoing features attached to a building
1764 shall be screened by walls of comparable design to the buildings.

1765 38. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of
1766 the total site area.

1767 39. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

1768

1769 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & ALTERNATIVE FENCE HEIGHT**

1770

POD-33-06

Townes @ Wistar Glen –
Wistar Road and Shrader
Road

G. Stuart Grattan, P.E. and Richard I. Pruitt and CGS Properties Wistar, LLC: Request for approval of a plan of development, special exception and alternative fence height as required by Chapter 24, Sections 24-2, 24-94(b), 24-95(1)(7) and 24-106 of the Henrico County Code, to construct 66 townhouse units for sale. The special exception would authorize buildings exceeding 2½ stories in height. The alternative fence height would authorize a fence exceeding 42 inches in height in a front yard. The 15.17-acre site is located at 4613 Wistar Road on parcel 767-751-2632. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

1771

1772 Mr. Archer - Is there anyone in the audience in opposition to POD-33-06, Townes @
1773 Wistar Glen, in the Brookland District? No opposition. Mr. Kennedy.

1774

1775 Mr. Kennedy - Good morning, again. The Townes @ Wistar Glen is a proposed 66 unit
1776 townhouse for sale project located on the south side of Wistar Road behind the Merchant's Walk
1777 Shopping Center. Eight of the townhouse units would have third story lofts. Those lofts would
1778 have sprinklers. There is a condition that pertains to that for special exceptions, actually. The
1779 case is zoned RTHC. The zoning case is C-10C-05 and was adopted last year with significant
1780 proffers and I'm going to try to cover how those proffers are covered on this project as well.

1781

1782 Two point five two five (2.25) parking spaces are required per unit, and a total of 2.5-unit
1783 parking spaces are provided overall. In addition, two additional spaces per unit would be
1784 provided within garages.

1785

1786 Wistar Road is designated as a minor collector on the 2010 Major Thoroughfare Plan. The street
1787 will be constructed to its ultimate width with this project. Major thoroughfare setbacks will be
1788 satisfied.

1789 The plan satisfies the applicable zoning requirements and multi-family design standards and
1790 guidelines. The project has high quality architectural design, sound suppression, underground
1791 utilities, sidewalks adjacent to all buildings and the site will be secured by a combination of
1792 brickcrete walls, on the two interior sides and a metal picket fence on the outside along Wistar
1793 Road. The buildings will have a minimum of 50% of all facades as brick and anything facing the
1794 street will be a minimum of 40% brick.

1795

1796 A special exception is required to permit construction of a building in excess of 2½-stories in
1797 height. Eight of the units will have lofts and those lofts will have to have sprinklers as a
1798 requirement of the Fire Marshall. So a special exception is required for that and that is one of
1799 the things that you will have to vote on. In addition, condition numbers 37 and 38 pertains to
1800 the special exception.

1801

1802 In addition, an alternative fence height is required because the proffers actually require a six-
1803 foot-high brickcrete wall along the side lines. Those brickcrete walls actually extend into the
1804 front yard along Wistar. In addition, although the fence itself is only 42 inches high along
1805 Wistar Road, as it comes to the entrance an alternative fence height is required because the fence
1806 would be six feet high at the entrance. So, an alternative fence height is required to put in
1807 proffered features.

1808

1809 Along Wistar Road there will be a 42-inch metal picket fence on the two interior sides, to this
1810 side and this side. They will be six-foot high brickcrete walls. Inside these brickcrete walls
1811 would be ten-foot transitional buffer requirements. Wistar has a 25-foot setback planted to 35-
1812 foot transitional buffer landscaping requirements. Sidewalks will be provided on all interior
1813 roads in front of all units. The sidewalk section is actually provided in your packets. The
1814 proffers state that a four-foot sidewalk will be provided six feet from face of curb. It is a kind of
1815 unusual wording. This is a roll-face curb. Public Works says face of curb is one foot into roll-
1816 face curb, so therefore it is only a one-foot landscape strip, and normally we have a two-foot
1817 landscape strip. It technically complies with the proffers. We will have a full width street with
1818 roll-face curb, a one-foot landscape strip, four-foot sidewalks and 18-foot driveways.

1819

1820 There is a need for three motions. The motions are for the special exception, the alternative
1821 fence height and the case itself. The applicant is here to answer any questions. At this time staff
1822 can recommend approval. The one issue remaining from the original agenda has been addressed
1823 to Public Works' satisfaction. They can provide the underground detention on site. The
1824 applicant has provided sufficient information to justify that the underground detention will work.
1825 There were some questions on how it would work in the beginning.

1826

1827 Mr. Archer - Thank you, Mr. Kennedy. Are there any questions from Mr. Kennedy by
1828 the Commission?

1829

1830 Mr. Vanarsdall - Mr. Kennedy, the metal, picket fence, which of course would be wrought
1831 iron type, how far are the columns on here?

1832

1833 Mr. Kennedy - It's shown on the plan as actually 50 feet.

1834 Mr. Vanarsdall - I don't know why I thought that was going to be changed. Thank you. I
1835 don't have any more questions. I would like to hear from the applicant, Mr. Chairman.
1836
1837 Mr. Archer - All right. Would the applicant please come forward.
1838
1839 Mr. Vanarsdall - Thank you for your work on this, Mike.
1840
1841 Mr. Grattan - Good morning, Mr. Chairman, members of the Commission. I'm Stuart
1842 Grattan with Grattan & Associates representing the applicant.
1843
1844 Mr. Vanarsdall - I just want to ask you if you are satisfied with the way it worked out?
1845
1846 Mr. Grattan - I think it did. There were a lot of challenges to it. The detention was one
1847 of them and I think we've got something that works.
1848
1849 Mr. Vanarsdall- Mike worked closely with Public Works to try to get it so that we could
1850 approve it today. Those are all the questions I have for him unless someone else does.
1851
1852 Mr. Archer- All right. Is there anyone else? Thank you, Mr. Grattan. All right, Mr.
1853 Vanarsdall.
1854
1855 Mr. Vanarsdall - All right. We have got three different sections and I think I will start off
1856 with the alternative fence height. I recommend approval of the fence height on POD-33-06,
1857 Townes @ Wistar Glen.
1858
1859 Mr. Jernigan - Second.
1860
1861 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan to
1862 allow the alternative fence height. All in favor say aye...all opposed say nay. The motion
1863 passes.
1864
1865 Mr. Vanarsdall - Then we will go ahead with the special exception for the building. I move
1866 that we approve the special exception for POD-33-06, Townes @ Wistar Glen, and in doing so
1867 we will pick up conditions Nos. 37 and 38. They are on here that they will have the fire
1868 sprinklers when over two stories and will have a 50-year roof for 110 miles per hour winds.
1869
1870 Mr. Jernigan - Second.
1871
1872 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan on
1873 the special exception for the building height. All in favor say aye...all opposed say nay. The
1874 motion passes.
1875
1876 Mr. Vanarsdall - Now, on the plan of development, I move that POD-33-06, Townes @
1877 Wistar Glen, be approved with the annotations on the plans the standard conditions for
1878 developments of this type, and additional conditions Nos. 24 through 38.

1879 Mr. Jernigan - Second, Mr. Chairman.
1880
1881 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
1882 All in favor say aye...all opposed say nay. The motion passes.
1883
1884 Mr. Vanarsdall - The addendum just states that the staff is recommending it.
1885
1886 Mr. Archer - All right.
1887
1888 The Planning Commission approved the alternative fence height for a fence over 42 inches, a
1889 special exception to permit construction of a building in excess of 2 ½ stories and the
1890 development of POD-33-06, Townes @ Wistar Glen, subject to the standard conditions attached
1891 to these minutes for developments of this type, the annotations on the plans and the following
1892 additional conditions:
1893
1894 24. The unit house numbers shall be visible from the parking areas and drives.
1895 25. The names of streets, drives, courts and parking areas shall be approved by the Richmond
1896 Regional Planning District Commission and such names shall be included on the
1897 construction plans prior to their approval. The standard street name signs shall be ordered
1898 from the County and installed prior to any occupancy permit approval.
1899 26. The subdivision plat for Townes @ Wistar Glen shall be recorded before any building
1900 permits are issued.
1901 27. The developer shall provide fire hydrants as required by the Department of Public
1902 Utilities and Division of Fire.
1903 28. A standard concrete sidewalk shall be provided along the south side of Wistar Road.
1904 29. The proffers approved as a part of zoning case C-10C-05 shall be incorporated in this
1905 approval.
1906 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1907 form acceptable to the County Attorney prior to final approval of the construction plans.
1908 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
1909 approved by the County Engineer prior to final approval of the construction plans by the
1910 Department of Public Works.
1911 32. The pavement shall be of an SM-2A type and shall be constructed in accordance with
1912 County standard and specifications. The developer shall post a defect bond for all
1913 pavement with the Department of Planning - the exact type, amount and implementation
1914 shall be determined by the Director of Planning, to protect the interest of the members of
1915 the Homeowners Association. The bond shall become effective as of the date that the
1916 Homeowners Association assumes responsibility for the common areas. Prior to the
1917 issuance of the last Certificate of Occupancy, a professional engineer must certify that the
1918 roads have been designed and constructed in accordance with County standards.
1919 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1920 drainage plans.
1921 34. Insurance Services Office (ISO) calculations must be included with the plans and
1922 contracts and must be approved by the Department of Public Utilities prior to the
1923 issuance of a building permit.

- 1924 35. Approval of the construction plans by the Department of Public Works does not
 1925 establish the curb and gutter elevations along the Henrico County maintained right-of-
 1926 way. The elevations will be set by Henrico County.
- 1927 36. The location of all existing and proposed utility and mechanical equipment (including
 1928 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 1929 shall be identified on the landscape plans. All equipment shall be screened by such
 1930 measures as determined appropriate by the Director of Planning or the Planning
 1931 Commission at the time of plan approval.
- 1932 37. All residential buildings over two stories shall have fire sprinkler systems in accordance
 1933 with the requirements of the Fire Marshall.
- 1934 38. All residential building roofs over two stories shall be finished with shingles having a 50-
 1935 year and 110-MPH warranty.

1936

1937 **SUBDIVISION & EXCEPTION**

1938

Fisher's Woods
 (May 2006 Plan)
 (Reconsideration of the July
 2005 Plan)

Engineering Design Associates for FJCB, LLC: The 31.416-
 acre site proposed for a subdivision of 15 single-family homes is
 located on the north line of Hughes Road, approximately 2,550
 feet east of the intersection of Hughes Road and Elko Road (U.
 S. Route 156) on parcels 860-696-3668 and 3434 and 860-695-
 3997. An exception to Section 19-115, to allow double frontage
 lots on residential roads is requested. The zoning is A-1,
 Agricultural District. Individual well and septic tank/drainfield.
(Varina) 15 Lots

1939

1940 Mr. Archer - Is there anyone present who is opposed to Fisher's Woods (May 2006
 1941 Plan) in the Varina District? No opposition. Mr. Greulich.

1942

1943 Mr. Greulich - Mr. Chairman, Planning Commission members, the applicant, FJCB LLC
 1944 is proposing a subdivision of approximately 31.5 acres into 15 lots fronting onto several
 1945 proposed roads. This subdivision was approved in July of last year, but after the appropriate
 1946 wetlands analysis was conducted, the proposed layout changed. It was determined that the
 1947 changes were substantial enough to merit the plan being presented to the Planning Commission
 1948 again for review and approval. All of the major issues with the proposal were addressed last
 1949 year, but the revised layout has resulted in a new concern. Per Section 19-115, lots are only
 1950 allowed to front on one right of way unless adjacent to a road that is classified as a Major
 1951 Collector or higher. With this proposed layout, lots 13 and 15 have multiple frontages and as a
 1952 result an exception to this section of Code must be approved by the Planning Commission. Staff
 1953 had originally requested several 25' no ingress/egress planting strip easements as shown on the
 1954 plan, however, only the ones adjoining lot 13 and 15 are required. No ingress/egress easements
 1955 are still required for lots 6 through 14 and their exact location will be determined during
 1956 construction plan and plat approval. With this, staff can recommend the plan for approval
 1957 contingent upon the Planning Commission granting the exception.

1958 Should the Planning Commission choose to approve this plan, including the exception, staff
1959 recommends approval subject to the annotations on the plan, the standard conditions for
1960 conditional subdivisions not served by public utilities and additional conditions 11 through 15.
1961 Please note that only one motion will be required for approval.

1962

1963 Staff and representatives of the applicant are available to answer any questions you may have.

1964 Thank you.

1965

1966 Mr. Archer - Are there questions for Mr. Greulich from the Commission?

1967

1968 Mr. Jernigan - Tony, you said they are going to screen lots 14 and 15. Are they going to
1969 do additional landscaping on that? Is that what we discussed yesterday?

1970

1971 Mr. Greulich - On lots 13 and 15 they will have no ingress/egress planting strips along
1972 here and along here (referring to rendering), and then these two lots we could simply have no
1973 ingress/egress.

1974

1975 Mr. Jernigan - OK.

1976

1977 Mr. Vanarsdall - My question was, since Courtney Fisher is handling this, could this be
1978 called Courtney Fisher's Woods, and Mr. Jernigan said no, it wasn't her woods.

1979

1980 Mr. Jernigan - No. She came in after this one was filed.

1981

1982 Mr. Archer - All right. Any further questions? Do you need to hear from the applicant?

1983

1984 Mr. Jernigan - No, sir. This case was changed because of wetlands delineation and the
1985 road structure changed, so that is the reason, and I am OK with it.

1986

1987 Mr. Archer - All right. Then I suppose you are ready if there is no further discussion.

1988

1989 Mr. Jernigan - I move for approval of subdivision and exception for Fisher's Woods
1990 (May 2006 Plan), which is the reconsideration of the July 2005 Plan), in the Varina District, 15
1991 lots, subject to the annotations on the plans and the standard conditions for subdivisions not
1992 served by Public Utilities and the following additional conditions Nos. 11 through 15.

1993

1994 Mr. Vanarsdall - Second.

1995

1996 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
1997 the motion say aye. All opposed say no. The ayes have it. The motion passes.

1998

1999 The Planning Commission granted conditional approval to subdivision Fisher's Woods (May
2000 2006 Plan) (Reconsideration of the July 2005 Plan), and approved the exception to allow double
2001 frontage lots, subject to the standard conditions attached to these minutes for subdivisions not
2002 served by public utilities, the annotations on the plan and the following additional conditions:

- 2003 11. Each lot shall contain at least 43,560 square feet, exclusive of the flood plain areas.
- 2004 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
 2005 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
 2006 floodplain as a "Variable Width Drainage & Utilities Easement."
- 2007 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
 2008 foot-wide no ingress/egress planting strip easements as shown on the conditional plan
 2009 shall be submitted to the Department of Planning for review and approval prior to
 2010 recordation of the plan.
- 2011 14. Any necessary offsite drainage easements must be obtained prior to approval of the
 2012 construction plan by the Department of Public Works.
- 2013 15. Any future building lot containing a BMP, sediment basin or trap and located within the
 2014 buildable area for a principal structure or accessory structure, may be developed with
 2015 engineered fill. All material shall be deposited and compacted in accordance with the
 2016 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
 2017 professional engineer. A detailed engineering report shall be submitted for the review and
 2018 approval by the Building Official prior to the issuance of a building permit on the affected
 2019 lot. A copy of the report and recommendations shall be furnished to the Directors of
 2020 Planning and Public Works.

2021
 2022 **SUBDIVISION**

2023

Kingsland Green
 (May 2006 Plan)

Engineering Design Associates for Lifestyle Homes @ Kingsland Green, LLC: The 79.813-acre site proposed for a subdivision of 56 single-family homes is located at 8950 Buffin Road at the northwest corner of Kingsland Road and Buffin Road on parcel 821-678-7061. The zoning is A-1, Agricultural District. County water and County sewer or septic tank/drainfield.**(Varina) 56 Lots**

2024

2025 Mr. Silber - I draw your attention to the Addendum that has an Amended Condition
 2026 No. 5 and a new condition No. 15.

2027

2028 Mr. Archer - Is there opposition to Kingsland Green, in the Varina District? No
 2029 opposition. Mr. McGarry.

2030

2031 Mr. McGarry - This is a second plan for this site. There was an original conditional
 2032 approved last year, and because of issues with utilities, they had to redesign it and that leads to
 2033 the No. 5 Amended on your Addendum and added Condition 15 to deal with utilities. The plan
 2034 is something that staff can recommend approval of, and the only thing that is unusual about this
 2035 is that there will be public water for all of the lots and public sewer for most of them, but not all
 2036 the lots will be served by public sewer. It will be septic tank drainfields. That was the reason for
 2037 No. 5 being amended the way it was to satisfy and make it clear for utilities as to what is
 2038 expected. I will be happy to answer any questions.

2039

2040 Mr. Archer - Thank you, Mr. McGarry. Are there questions?

2041 Mr. Jernigan - Just to clear this up, what happened on this, and I asked Mr. McGarry
2042 yesterday, it wasn't the developer that didn't want to hook up. It was the County that didn't
2043 want to hook all of these lots onto sewer. They say the force main comes through there, but they
2044 just said on some of it they can't hook in. So, this isn't the developer. This is Public Utilities
2045 making this call.

2046

2047 Mr. Silber - Mr. McGarry, on lot 31 that backs up to Ruffin Road, you have raised the
2048 question of additional setbacks because it is adjacent to a major road, and you have a double
2049 setback situation. Is lot 31 still a buildable lot?

2050

2051 Mr. McGarry - It is probably not and the applicant has been told. The plan has been
2052 annotated since you got your copy that 31 is not going to qualify for a buildable lot with the
2053 setbacks required. So, during the redesign of the final subdivision, when they get into looking at
2054 septic tank drainfields and what not, they will have to take that into consideration.

2055

2056 Ms. O'Bannon - Which one of these lots...

2057

2058 Mr. Silber - Ms. O'Bannon, you may recall that the Board of Supervisors drafted an
2059 ordinance three or four years ago that lots adjacent to major roads require an enhanced setback,
2060 and the normal setback, probably in this case, is probably an additional 25 or 35 feet on top of
2061 the normal setbacks and we have to make sure those lots are deeper and wider when they are
2062 adjacent to major roads.

2063

2064 Mr. Jernigan - Are we changing the caption to 55 lots or leaving it at 56?

2065

2066

2067 Mr. McGarry - Well, if they can get 56, they can always have a reduced number granted
2068 to them.

2069

2070 Mr. Jernigan - Well, we will leave it as posted then. I don't have anymore questions, Mr.
2071 Chairman.

2072

2073 Mr. Archer - All right. If no one else has any further questions, Mr. Jernigan, we are
2074 ready.

2075

2076 Mr. Jernigan - With that I will move for approval of Subdivision Kingsland Green (May
2077 2006 Plan), subject to the annotations on the plans, the standard conditions for subdivisions
2078 served by public utilities, and the following additional conditions.

2079

2080 Mr. Vanarsdall - Second.

2081

2082 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor of the
2083 motion say aye. All opposed say no. The ayes have it. The motion is granted.

2084 The Planning Commission granted conditional approval to subdivision Kingsland Green (May
2085 2006 Plan), subject to the standard conditions attached to these minutes for subdivisions served
2086 by public utilities, the annotations on the plans and the following additional conditions:

2087

2088 5. **AMENDED** - The owner shall enter into the necessary contracts with the Department of
2089 Public Utilities for sewer. For any lot that cannot be connected to the existing public trunk
2090 sewer crossing the site, a detailed soil analysis shall be performed and other requirements of
2091 the Health Department met before final plats are recorded. The developer shall have the
2092 center lines of all streets and lot corners staked to facilitate the examination of lots by the
2093 Health Department Sanitarians prior to filing for final approval and shall notify the
2094 Department of Planning and Health Department in writing when the staking has been done.
2095 Details of approved sewage disposal systems and reserved areas for such systems shall be
2096 included with the final construction plan prior to construction plan approval.

2097 12. Prior to requesting recordation, the developer shall furnish a letter from Dominion
2098 Virginia Power stating that this proposed development does not conflict with its facilities.

2099 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
2100 foot-wide planting strip easement along Kingsland and Buffin Roads shall be submitted
2101 to the Department of Planning for review and approval prior to recordation of the plat.

2102 14. Lots B1, B2 shall provide a single shared driveway connection to Buffin Road or as
2103 approved by the Director of Planning at time of final approval.

2104 15. Any future building lot containing a BMP, sediment basin or trap and located within the
2105 buildable area for a principal structure or accessory structure, may be developed with
2106 engineered fill. All material shall be deposited and compacted in accordance with the
2107 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2108 professional engineer. A detailed engineering report shall be submitted for the review and
2109 approval by the Building Official prior to the issuance of a building permit on the affected
2110 lot. A copy of the report and recommendations shall be furnished to the Directors of
2111 Planning and Public Works.

2112

2113 **SUBDIVISION (Deferred from the April 19, 2006 Meeting)**

2114

The Ridings @ Warner Farm **Foster & Miller, P.C. for KCA/Camp Hill Investments, LLC**
(April 2006 Plan) **and Route 5 Development Corporation, Inc.:** The 569.9-acre
site proposed for a subdivision of 656 single-family homes is
located on the northeast corner of New Market Road (Route 5)
and Turner Road on parcels 830-681-3665 (part), 832-688-9219,
833-686-7681 and part of 833-682-5297. The zoning is R-2AC,
One-Family Residence District (Conditional), A-1, Agricultural
District and C-1C, Conservation District (Conditional). County
water and sewer. **(Varina) 656 Lots**

2115

2116 Mr. Archer - Is there anyone here who is opposed to The Ridings @ Warner Farm, in the
2117 Varina District? I see no opposition. Mr. Wilhite.

2118 Mr. Wilhite - Thank you. You have a revised plan handout that that we received last
2119 week. This proposed development is shown to be developed in six phases. There are a couple of
2120 outstanding issues that do need to be addressed. Staff had been requesting information on
2121 development of two parcels. This one in particular, on the screen, (referring to rendering) is the
2122 location of a Civil War fort, Southard and the A-1, C-3 portion up here is designated as a potential
2123 private stable, a riding club type of development. We have been trying to get some information on
2124 the proposed layouts and they weren't included with the subdivision submittal, and, specifically,
2125 we do have concerns about this particular road in the subdivision and any impact on the Fort.
2126 There is quite a bit of topography change there and grading for the road could have some impact on
2127 the Fort site. Here, with the stable and the keeping of horses, there are extensive setback
2128 requirements from residential lots next to it, and 400 feet from the lots shown in this area could
2129 have quite an extensive impact on the development of the stable site. Not being able to get any
2130 type of sketch plans or any further information, staff had placed two additional conditions on the
2131 plan, Nos. 28 and 29, generally saying that the phasing in which these two parcels are located, final
2132 approval could not be granted until the site plans are approved for the fort site and the stable site,
2133 respectively.

2134

2135 The applicant does have problems with No. 29 specifically in relation to the stable site and wishes
2136 to discuss an alternative type of condition to address that. We do have a plan that shows the trail
2137 system going through here that is required by proffer. They have to accommodate jogging, biking
2138 and equestrian uses along the system. The plan that we had did not show any type of connection to
2139 the stable property. The revised plan now shows connections in the utility easement in this area
2140 right here (referring to rendering). Staff is OK with the trail as shown, however, we are lacking
2141 details as far as how they are going to accommodate all of the uses within the allotted area on the
2142 plans. We do have a condition that appears on your Addendum on page 8, No.31, that requires that
2143 details be submitted with the first set of construction plans for signature. The applicants would like
2144 to change the word "first" to "each". Staff does not have a problem with that change in the
2145 language. The revised plan did show the redesign of the Eberly Drive cul-de-sac, back down here
2146 near New Market Road. The original cul-de-sac was coming quite close to the adjacent property.
2147 We did ask them to shorten up the cul-de-sac design and change the lot's orientation, which they
2148 have done on the revised plan and that portion is acceptable although it does not show the street
2149 connection here at New Market Road, they have agreed to build a boulevard-style entrance onto
2150 New Market Road, which is something staff is requesting of developments up and down this
2151 particular roadway.

2152

2153 The one issue that does remain is we do have an instance where you have more than 50 lots on a
2154 single point of access of development and these are the lots that are along Turner Road in this
2155 location. The proffers with the zoning case prohibited a connection to Turner Road unless
2156 specifically requested by Henrico County. The number of lots on a single point of access as shown
2157 with this plan is 58. There is a condition No.23 that was carried over from the Camp Hill
2158 Subdivision which limits them to 50 lots on any single point of access which they don't meet in this
2159 particular case. It is possible that emergency access may be agreed upon and staff can suggest
2160 some alternative language if that is the way the Commission wants to go on that particular issue. I
2161 have covered everything unless you have a specific question.

2162 Mr. Jernigan - Kevin, we were discussing yesterday afternoon about the possibility of
2163 another road going into that.

2164

2165 Mr. Wilhite - Certainly there are other means, maybe emergency access to Turner Road.
2166 We do have the possibility of the C-1C parcels. The way the proffers are written on that does allow
2167 for access from Turner Road to the Fort Southard site. If possible, if that access is constructed, that
2168 emergency access can be connected to the end of this cul-de-sac street that runs parallel to Turner
2169 Road and connect there rather than having the emergency access directly onto Turner Road, and we
2170 do have alternative condition No. 23 worked up if the Planning Commission is thinking emergency
2171 access to Turner Road shall be included in the final subdivision plan submitted in for review and
2172 approval in Phase 4, which is this phase of the development, as shown on the plan dated April 14,
2173 2006.

2174

2175 Mr. Jernigan - All right. So you are OK now with changing 31 to each?

2176

2177 Mr. Archer - All right. Anything further questions?

2178

2179 Mr. Silber - Mr. Wilhite, did I understand you to say that as far as road improvements on
2180 existing roads in this area, what would be required. Maybe Mr. Jennings can answer that question.

2181

2182 Mr. Wilhite - Mr. Jennings probably would need to answer it. I can tell you that the
2183 proffers of the zoning case did require certain improvements to be done, mainly as far as turn lanes
2184 into the development along the roadways that border this. Public Works has requested widening of
2185 the right of way, but only at the points where you have access into the development and there really
2186 isn't any type of request from Public Works for widening the pavement and installing curb and
2187 gutter. Mr. Jennings can address that in more detail.

2188

2189 Mr. Silber - Maybe so. Mr. Jernigan, do you mind if we hear from Mr. Jennings? I
2190 guess, Mr. Jennings, my concern is that Varina is beginning to develop in a huge way. We have
2191 large scale developments coming on line. This is over 650 lots. It is going to impact some of these
2192 rural roads, back roads with challenged vertical and horizontal changes and curves in the roads and
2193 things, yet is only getting improvements right at the three or four intersections of public roads.
2194 Where is this leading us in the future if we are not requiring some road improvements adjacent to
2195 these edges before this development occurs?

2196

2197 Mr. Jennings - Per Public Works policy, that is what we can require, but I thought they
2198 were required to do more on the previous Camp Hill case. I thought they did some road
2199 improvements. I know we are getting the right of way, we are getting the minimum improvements,
2200 but I thought they were also proffered through additional improvements.

2201

2202 Mr. Silber - I am not sure what has been proffered. Have you reviewed the proffered
2203 conditions against this plan and are they proposing improvements on this?

2204 Mr. Jennings - Well, this plan does not show any construction details, the plan that we
2205 reviewed. It is basically a concept of lots and the right of way. They didn't show turn lanes or any
2206 improvements on this plan.

2207

2208 Mr. Silber - And when could we be expecting that?

2209

2210 Mr. Jennings - With construction plans once it goes to the Planning Commission.

2211

2212 Mrs. O'Bannon - Mr. Silber, do you mean would they show where the right of way, where
2213 they are digging in the right of way along the edges of all of these roads. That is what I think I am
2214 hearing from you and I agree with that.

2215

2216 Mr. Silber - Right. We think that..

2217

2218 Mrs. O'Bannon - Turner Road, for instance?

2219

2220 Mr. Silber - Along Turner Road and Yahley Mill Road.

2221

2222 Mr. Jennings - At Turner Road I don't think we can require any, by policy we can't require
2223 any improvements on Turner Road, because none of the lots are fronted or access it.

2224

2225 Mrs. O'Bannon - And would they dedicate right of way?

2226

2227 Mr. Jennings - They are dedicating right of way. Yes, ma'am.

2228

2229 Mr. Silber - I guess my question goes beyond that. Dedication of right of way is a good
2230 thing, but I think that it is the County's policy that there are not lots that front upon it and access it.
2231 Therefore, we don't get any road improvements. So be it. I am concerned though because in the
2232 future of these roads, we are not getting any widening. The problem is that many of these are two-
2233 lane roads, but they can be improved roads by straightening out some of the bends and
2234 improvement of the shoulders. It seems like even where lots don't front them on Turner Road, it
2235 seems we could be getting an improved road, Turner Road, at least on their side of the development
2236 so that when traffic is increased out here and roads are impacted and we are creating a safer
2237 environment than the situation we are reading about in Chesterfield where development is
2238 occurring, the roads are inferior. There are a lot of accidents in Chesterfield and the State has to
2239 come back and deal with those situations. So, I guess what you are saying is, you would need to
2240 check at the time of construction plan approval what from the proffer may be required. A
2241 development of this scale almost seems like...

2242

2243 Mr. Jernigan- I know those turn lanes that had to be widened and put in curb and gutter
2244 and sidewalks, but, you know, this came through Public Works and I thought we were OK on
2245 this. Mr. Theobald may be able to enlighten us a little bit.

2246

2247 Mr. Jennings - It is not upgrading the roads, as Mr. Silber was requesting. It is the improvements
2248 that Mr. Jernigan is talking about.

2249 Mrs. O'Bannon - I think Mr. Silber is speaking about the long-range plans that we have
2250 been working on and that whole concept. For instance, is Turner Road on the Major
2251 Thoroughfare Plan?

2252

2253 Mr. Jennings - Yes, ma'am.

2254

2255 Mrs. O'Bannon - OK. And where is it and things like that. I know what your concern is.
2256 We are going to have more than 600 homeowners and we know the number of cars per day and
2257 that sort of thing, and yet even with New Market Road and Darbytown being major collectors, I
2258 guess that is what they are, obviously end up being the ones that will end up with most of the
2259 traffic. What can be done? Is that what you are asking, Mr. Silber?

2260

2261 Mr. Silber- Yes. What can be done? There are a lot of edges of this development
2262 along a public road, yet it sounds like we are not getting any road improvements along those
2263 edges. That will then fall back on the County at some point and time to come in and improve
2264 these roads to provide safety. I guess I am just asking Mr. Jennings if that is something that at
2265 some point in time we would be asking the developer to step up to the plate and provide those
2266 road improvements, or are we only getting those road improvements at the entrances with turn
2267 lanes and widening just at those entrances.

2268

2269 Mr. Jennings - Currently that is our policy with subdivisions.

2270

2271 Mrs. O'Bannon - So, Mr. Silber, are you thinking about changing policy?

2272

2273 Mr. Jernigan - I want to say something. If we are going to change this now right at this
2274 meeting, we are going to start putting road improvements in when we don't face the road, and
2275 that has got to be County wide. We can't just do this in the East End.

2276

2277 Mr. Silber - I am not asking that, Mr. Jernigan. I think I am just raising a larger
2278 question, wanting to make sure that I am clear as to what is being expected in this case.

2279

2280 Mr. Jennings - I understand your concerns, but at this time that is all we can require of the
2281 developer of the subdivision.

2282

2283 Mr. Silber - Maybe it may be something the County may want to consider more
2284 seriously in the near future, and we are working on the Major Thoroughfare Plan Update. We
2285 will be meeting one on one with Board members and Commission members in the coming weeks
2286 and this may be something we may want to talk more about.

2287

2288 Mr. Jernigan - Well, one reason that we did not access Turner was because the neighbors
2289 really didn't want access, so that was a proffered condition, and unless you demanded and Public
2290 Works said that it had to be in there, We wanted to try to work it out without having access to
2291 Turner. So, they just didn't want the access traffic coming through there either.

2292 Mr. Silber - Right. I am aware there is no access to Turner, but there is a lot of road
2293 frontage there and Turner will be impacted by this development even though there is no access
2294 there. There would be no road improvements along Turner Road itself.

2295

2296 Mrs. O'Bannon - I think the folks leaving the subdivision and going up to that area up there
2297 by Darbytown, isn't that a shopping area? (Unintelligible)

2298

2299 Mr. Silber - There is an area of commercial development associated with this
2300 development as well and that has not come in yet, but the B-2C that you see at the bottom of the
2301 screen.

2302

2303 Mr. Vanarsdall - So what do we need to do now?

2304

2305 Mr. Silber - I don't think we need to do anything. I think I am clear.

2306

2307 Ms. Jones - May I ask a question of Mr. Wilhite?

2308

2309 Mr. Archer - Sure, go right ahead.

2310

2311 Ms. Jones - Mr. Wilhite, may I ask you, this is not as heavy a subject as traffic. This is
2312 about the equestrian nature of this development, I was trying to follow what you were saying
2313 about the stables and setbacks, and if I recall at zoning this was somewhat an equestrian
2314 community that would reflect the gracious rural nature of Varina, and it would be a subdivision a
2315 little bit set apart because of those considerations, and what I am looking at here is a small area,
2316 if I am understanding it...

2317

2318 Mr. Jernigan - Fifteen acres.

2319

2320 Ms. Jones - But you have over 650 homes and (unintelligible), there won't be an
2321 ability for many folks to have horses here, and I am also not sure, tell me about any riding trails
2322 through the area. This is kind of an issue.

2323

2324 Mr. Jernigan - Riding trails are proffered. That was in the case. Ms. Jones, this case goes
2325 back so far that we really had to do some negotiating to even get the horses in there. That
2326 property right there was right next to Camp Holly Springs, and we agreed that there would be no
2327 building of houses or no development on there, and Mr. Dowdy, who owns Diamond Springs
2328 and then Mr. Attack came along with the idea of the horse penning, and that is the way this is
2329 designed, but the horse penning is not proffered. They want to do that, because I have discussed
2330 it with him. The little problem that we had today, and I was off base on this myself, I thought
2331 there was 100 foot between stables and residential. Well, it is in A-1 but in the R District it is
2332 400 feet that you have to be away from a stable, so the reason we were a little late starting the
2333 meeting this morning, and, Mr. Theobald, Mr. Wilhite and I were all having a discussion about
2334 how to knock out a few of these, we want to try to get the plan approved and started, but this
2335 plan is like a UMU. It is approved in land bays, too, and each phase has to come back to the
2336 Planning Commission for approval. But we are still working with the horses.

2337 Ms. Jones - Well, when something is presented to the Commission with kind of a
2338 general feeling that this is going to be the flavor of this development, and then we discover that,
2339 “Well, that was a nice way to package it, but it isn’t quite panning out,” I feel like we need to be
2340 really careful about approving something with one expectation and then finding really that is not
2341 a practical issue for the eventual development.

2342

2343 Mr. Jernigan- Well, in my last conversation with Mr. Attack, everything was as is, but
2344 this problem blew up about the 400 foot setback yesterday. Actually, I thought it was 100 feet,
2345 because I knew another case, but they were an A-1 case, and I didn’t realize that R cases have an
2346 additional setback.

2347

2348 Ms. Jones - Well, if we approve this today, will we still have further discussion in the
2349 phasing about trying to retain it?

2350

2351 Mr. Jernigan - Yes, ma’am. Because they can’t, I know, roughly where the horse stables
2352 are supposed to be. They are supposed to be up in the northern end of this, but what we want to
2353 do today, we had the whole case here to approve conceptual. Phase 1 is the only thing that gets
2354 done now. So we would have to approve the whole plan, and I will be working with Mr.
2355 Theobald and Mr. Attack to work on the Phase 5 of this portion to get the horses straight, and that
2356 is the reason that we changed the wording on condition No. 31.

2357

2358 Mr. Wilhite - The conditional plan was for all 656 lots. It shows six phases all under the
2359 plan. I am not sure and Mr. Silber might have to correct me, but the rest of it is administrative
2360 from this point on. The stables would have to come back because they would require
2361 Conditional Use Permit approval and the same for the Manor House, which is the recreation
2362 center for the development at the main entrance, but the lots themselves and the trail system, I
2363 believe, are done administratively from this point forward.

2364

2365 Mrs. O’Bannon - Would there be some annotations, like a square to let the people know...

2366

2367 Mr. Wilhite - The staff had tried to get at least some type of sketch plan to be able to
2368 check to make sure that the proposed layout of the subdivision was not going to have a negative
2369 impact upon the parcels. The potential that the road that runs next to the fort, grading for it may
2370 have some impact on it, so we had put a condition on there saying that that phase of the
2371 development could not be done until the site plans for it had been approved, but in the same way
2372 that we have done it with the stable’s property as well, saying that phase, which is roughly 142
2373 lots, could not get final approval until the site plan for the stable’s property is approved so that
2374 we would not run into any situations where the setback requirements for lots getting final
2375 approval would prohibit the development of the stable site.

2376

2377 Mr. Silber- I think Ms. Jones may be asking a different question. I think she is trying
2378 to get some commitment that “are we going to have a stable here” and is this going to be an
2379 equestrian subdivision? Is there any condition or obligation that they provide the stable? Staff is
2380 asking to have the details as to how the horses are going to be integrated in the development,
2381 how the stables are going to be integrated in the development. They don’t have those details yet.

2382 We have got a condition saying we will get those details, but is there any requirement that they
2383 do this?

2384

2385 Mr. Jernigan - The horses are not a proffered condition.

2386

2387 Mr. Silber - But the equestrian trail is and it is shown in the slides. So they would
2388 have to build the trail even if there were no horses. Mr. Theobald says he can clear this up. I
2389 don't know why he didn't say that 10 minutes ago.

2390

2391 Mr. Jernigan - Well, I will tell you that the horse stable has to come back to the Planning
2392 Commission for approval. That is in the proffers.

2393

2394 Mrs. O'Bannon- If there is one.

2395

2396 Mr. Silber - Mr. Theobald, can you help us, please?

2397

2398 Mr. Wilhite - That may actually be Board of Zoning Appeals approval of a conditional
2399 use permit.

2400

2401 Mr. Theobald - Good morning. Least but not last. Mr. Chairman, ladies and gentlemen, I
2402 am Jim Theobald here on behalf of Attack Properties and the developers of The Ridings. A little
2403 bit of background, once again, Ms. Jones, and first of all, the fort and the stable are really
2404 separate underlying issues. They proffered a commitment to preserve the fort in the proffers and
2405 to provide for a parking lot and a commemorative plaque and the reason we haven't shown you
2406 in detail is because we have to go through, as part of our research, a pile of archeological and
2407 historical findings exercised with the Federal government. So, until we do that and we know
2408 what the Park Service, etc. wants in terms of the interpretation of this, but we can't possibly
2409 show you a plan. But there is a proffered amendment to do that, and we are OK with Condition
2410 28 the way it is written, so that is really not an issue. But it is not the same as the stable. The
2411 Stable, as we went through the process, it is important that this is an equestrian theme
2412 community, not necessarily one where everybody will have two horses next to their garage, and
2413 that was accomplished through the streetscape, the entrance features that were proffered, if you
2414 recall. I think it was before you were on the Commission. You may have seen the case being
2415 tried, but in any event it was the fencing along the roadway and the open space areas. It was the
2416 architecture of the community building behind all to look like a horse farm, but it was not a
2417 commitment that the people had to have horses or whatever. In fact, in talking with the The
2418 Ridings Recreation Committee, part of what was discussed was that we really thought that
2419 perhaps somebody in the area would run a commercial stable rather than this little private stable.
2420 That is relevant because Mr. Dowdy, the owner of Diamond Springs, did not want to see
2421 anything in this space because of its proximity to the Springs, and so the case you see is actually
2422 zoned A-1C. They added proffered conditions to an A-1 case to assure Mr. Dowdy we wouldn't
2423 build any homes there, and the only uses we can do there are practically storm water retention,
2424 ponds, lakes and then to the extent that governmental approvals are received for a private non-
2425 commercial stable, which would require a conditional use permit and going back to the Board of
2426 Zoning Appeals, because they could do that, and that was subject to an additional condition that

2427 horses are permitted and manure stored, and no more than 15 horses, and so that was our
2428 definition of a private stable, but there was no proffer that it had to be a stable. In fact, we didn't
2429 know if the community association would want to have a private stable as part of the HOA, and
2430 there are use and liability issues, so it was absolutely not a proffer that there would be a stable to
2431 accomplish the equestrian thing. So, that being said, the way this condition is drafted now is that
2432 we can't just get final approval on 142 lots in Stage 5 until we have a site plan approved for the
2433 stables, which we are not required to have. So, that condition doesn't work. The issue is, I think
2434 in staff's mind, is "well, if you want to do a stable and you do all these approvals for it, how can
2435 we be assured that it can be accommodated given the setbacks, and the language we've been
2436 working on. I sent some language yesterday to Kevin where I was attempting to basically not
2437 allow final subdivision approval of any of the lots adjacent to that piece, until either we did do
2438 site plan approval, deciding we were going to have one, or we provided him with a written notice
2439 that we weren't going to do a stable in which case the lot would be able to be finalized, and what
2440 we were debating this morning was there was a 400 foot, I think, setback from a dwelling unit
2441 itself to the stable itself. This piece is more than 400 feet in its width. The stable is not
2442 proffered. You would have to be in the northern end up by that easement area that you see, and
2443 so what we were trying to do was come up with a way that would accommodate a stable up there
2444 if we did that without messing with the setbacks. So the lots that are adjacent to it, depending
2445 upon whether they back up onto that in the northern part, and for the most part they do, those lots
2446 are 120 feet deep by 80 feet wide, and if you come south where the stable is not allowed to be,
2447 those lots actually side up to the adjacent builders, and those are still 80 foot lots. So, I think that
2448 by carving out all of the lots along the adjacency until we know for sure, would allow the
2449 setbacks to be accomplished. I will commit that we will give you a concept plan, a sketch as to
2450 how a stable could be laid in there with the pipe line easement and the setback within the next 10
2451 days to two weeks, so at least we can start talking about how that would settle in, but what I
2452 can't agree to do is set aside 142 lots waiting on something to happen, that we are not obligated
2453 to provide. That is a little background on the stable, and if I could just continue for a moment,
2454 we are in agreement with the rewording of Condition No. 23 regarding emergency access. We
2455 did make a commitment to the folks along Turner Road. It was discussed with them that an
2456 emergency access might be required at the meetings, however, so no problem with how that has
2457 worded and I assume Kevin wrote that wording. If it were to go up to C-1 with the fort, the
2458 wording would still allow that as long as they get the (unintelligible) of the road there. So, 23 as
2459 proposed would work, 29 I would like you to use the language I provided. I think I mis-
2460 numbered it when I e-mailed it to Kevin yesterday. So, 29 as I provided to staff not allowing
2461 finals for the lots adjacent until we either said no stable or showed you how, or had a site plan
2462 approved, and then, lastly, condition 31 as discussed by Kevin with the amendment so that we
2463 were providing details on the trails with each section, rather than all sections in advance of the
2464 final engineering. I will say that those trails, the way the proffer was written, they were designed
2465 not to be three separate trails for equestrian or pedestrian bikes, but really a combination to
2466 appear throughout, and there may be some areas where there are solely equestrian trails, solely
2467 pedestrian trails, all three functions may be combined, and a lot of that will depend on,
2468 obviously, environmental features and how we can accommodate the horses in different
2469 environments when they are not on a hard surface, so that is going to take a little more work, and
2470 will obviously be shown to you in great detail with each section with a change in the language,
2471 which Kevin indicated for 31, so, I believe with that, that would conclude my comments and I'd

2472 be happy to try to respond to any other issues you may have.

2473

2474 Mr. Archer - Thank you, Mr. Theobald. Any questions from the Commission?

2475

2476 Mr. Silber - What is the correct verbiage for No. 23?

2477

2478 Mr. Wilhite - If the Planning Commission were to approve the emergency access, 58
2479 lots at that particular area, No. 23 could read, "Emergency access to Turner Road shall be
2480 included in the final subdivision plans subject to review and approval in Phase 4, as shown on
2481 the phasing plan received on April 14, 2006."

2482

2483 Mrs. O'Bannon- What does emergency access mean, is that temporary or post and pillar?

2484

2485 Mr. Wilhite - We have done it in a number of different situations, allowing Fire and
2486 Police access if there might be any accident or emergency within the subdivision that will allow
2487 them to get in and out if the regular road system is blocked.

2488

2489 Mrs. O'Bannon - Is there a chain across the road or bollards or what?

2490

2491 Mr. Wilhite - It would be something less than your typical street section with some type
2492 of limitation of access in and out of subdivisions as determined by Police and Fire.

2493

2494 Mr. Silber- I think it would be important in this case to design it in an attractive
2495 fashion and probably it would be tied into some type of access into the fort property. I think it
2496 could be done very tastefully. So, No. 23 would be revised as you just read, and No. 28 the
2497 applicant is comfortable with, and 29 is offered suggested language that seems reasonable if we
2498 hold off those lots on that side, the adjacent lots. I guess the question I have with that is, I want
2499 the Commission to realize that you are still locking yourself in to a certain extent, because that
2500 road network will be set. You are holding off those lots, but I don't think they are willing to give
2501 up all of that land to lots, but we would not be approving those additional lots in the conditional
2502 subdivision until we have some ideas as to how that stable is going to be designed, if there is a
2503 stable.

2504

2505 Mr. Jernigan - We are going to work on that.

2506

2507 Mr. Theobald - You can take some comfort, too, because the easement I referred to
2508 happened to be a Plantation Pipe Line easement. Are you familiar with those? And we are
2509 actually looking at the possibility of taking a couple of those lots that you see on here on the side
2510 of that easement away and turn it into buffer just to make a nice entry into the stable area if that
2511 would happen, so this is going to work out.

2512

2513 Mr. Silber- And there is the revision to 31 that staff is agreeable to.

2514

2515 Mr. Archer - All right. Any further discussion?

2516

2517 Mr. Jernigan - Is everybody OK?
2518

2519 Mr. Silber- I didn't hear Mr. Theobald say he'd make road improvements along those
2520 roads.
2521

2522 Mr. Theobald - Let's not talk about it. This is dangerous getting back up. I violated my
2523 primary rule of never getting back up unless I have to. What we have overlooked is that we had
2524 to do a full traffic impact study with the rezoning that the County signed off that contained a list
2525 of improvements that they felt would be necessary to accommodate the traffic, which was
2526 reflected in the proffers, and they do not include widening roads all around the perimeter but
2527 they are reflected in the proffers, and, in fact, this week Foster and Miller has met with Tim
2528 Foster about the alignment treatment of the proffered conditions, so we are both consistent with
2529 the traffic study, proffered conditions and policy, then you probably ought to check the State
2530 Code first.
2531

2532 Mr. Silber- Of course, we would do that.
2533

2534 Mr. Archer - All right. Mr. Jernigan. I am putting this in your hands.
2535

2536 Mr. Jernigan - All right, well, I think we met the intent of everybody. I think staff is
2537 comfortable now, Mr. Theobald is comfortable, I am comfortable, and I will be working with
2538 Mr. Attack shortly and Mr. Theobald and staff to put together the stable program, as it is still in
2539 the works. OK. With that, I will move for approval of Subdivision The Ridings @ Warner Farm
2540 (April 2006 Plan), with the standard conditions for subdivisions served by water and sewer and
2541 the following conditional conditions Nos. 12 through 22, No. 23 Revised, 24, 25, 26, 27 and 28,
2542 No. 29 Revised, 30 and the addition of No. 31 on the Addendum, and that is revised also, and we
2543 have added revised. Did I cover that OK?
2544

2545 Mr. Archer - I think you did. Is there a second?
2546

2547 Mr. Branin - Motion by Mr. Jernigan and seconded by Mr. Branin. All in favor of the
2548 motion say aye. All opposed say no. The ayes have it. The motion passes.
2549

2550 The Planning Commission granted conditional approval to subdivision The Ridings @ Warner
2551 Farm (April 2006 Plan), subject to the standard conditions attached to these minutes for
2552 subdivisions served by public utilities, the annotations on the plan and the following additional
2553 conditions:
2554

2555 12. Prior to requesting recordation, the developer shall furnish a letter from Dominion
2556 Virginia Power stating that this proposed development does not conflict with its facilities.
2557 13. Prior to requesting recordation, the developer shall furnish a letter from Colonial Gas
2558 stating that this proposed development does not conflict with its facilities.
2559 14. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.

- 2560 15. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
2561 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
2562 floodplain as a "Variable Width Drainage & Utilities Easement."
- 2563 16. Any necessary offsite drainage easements must be obtained prior to approval of the
2564 construction plan by the Department of Public Works.
- 2565 17. The proffers approved as part of zoning case C-18C-05 shall be incorporated in this
2566 approval.
- 2567 18. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
2568 maintenance of the common area by a homeowners association shall be submitted to the
2569 Department of Planning for review. Such covenants and restrictions shall be in form and
2570 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
2571 the subdivision plat.
- 2572 19. Any future building lot containing a BMP, sediment basin or trap and located within the
2573 buildable area for a principal structure or accessory structure, may be developed with
2574 engineered fill. All material shall be deposited and compacted in accordance with the
2575 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2576 professional engineer. A detailed engineering report shall be submitted for the review and
2577 approval by the Building Official prior to the issuance of a building permit on the affected
2578 lot. A copy of the report and recommendations shall be furnished to the Directors of
2579 Planning and Public Works.
- 2580 20. A county standard sidewalk shall be constructed along the north sides of New Market and
2581 Long Bridge Roads, the east side of Turner Road, and the west side of Yahley Mill Road,
2582 wherever curb and gutter is required.
- 2583 21. Final approval shall not be granted to any lots containing any portion of the private
2584 access road, Camp Hill Road, or any lots which may be directly impacted by the redesign
2585 of the aforementioned lots, until the legal status of this roadway is determined by the
2586 applicant to the satisfaction of the Director of Planning and the County Attorney. No
2587 portion of the private roadway shall be located on any proposed lot.
- 2588 22. A subdivision landscape plan shall be submitted to the Planning Department for review
2589 and approval prior to recordation of the subdivision plat for each section.
- 2590 23. Emergency access to Turner Road shall be included in the final subdivision plan
2591 submitted for review and approval in Phase 4, as shown on the phasing plan received
2592 on April 14, 2006.
- 2593 24. The applicant shall consult with the Division of Recreation and Parks on any historical
2594 findings as development progresses. A copy of any study identifying and protecting
2595 historic resources which may be required by a state or federal agency through its
2596 permitting process shall be submitted to the Planning Department and the Division of
2597 Recreation and Parks prior to final approval of the construction plans.
- 2598 25. If a geological exploration and a geo-technical study is to be performed by a geo-
2599 technical firm representing the applicant to determine if the proposed development may
2600 impact groundwater quality and quantity at Camp Holly Springs, a copy of the study and
2601 recommendations shall be submitted to the Planning Department prior to final approval
2602 of the construction plans.

- 2603 26. Utility easements for future County sanitary sewer main extensions, including permanent
 2604 and construction easements, shall be shown on the final construction plans in locations
 2605 mutually acceptable to the applicant and the Director of Public Utilities. Such easements
 2606 shall be shown on the subdivision plat prior to recordation.
- 2607 27. Any application for final approval which does not substantially conform to the plat as
 2608 approved for conditional approval as determined by the Director of Planning, shall be
 2609 submitted for reconsideration by the Planning Commission.
- 2610 28. Final subdivision approval shall not be granted for Phase 3, as shown on the phasing plan
 2611 received on April 14, 2006, until site plan approval has been granted for the Fort
 2612 Southard parcel.
- 2613 29. Final subdivision approval shall not be granted for the lots in Phase 5, as shown on the
 2614 phasing plan received on April 14, 2006, that are immediately adjacent to the stable
 2615 parcel until either site plan approval has been granted for the stable parcel or the
 2616 applicant has provided written notice to the Planning Department that the stable will not
 2617 be constructed.
- 2618 30. Certificates of occupancy shall not be granted for any lots in Phase 6, as shown on the
 2619 phasing plan received on April 14, 2006, until the northernmost access to Yahley Mill
 2620 Road is constructed and open to vehicular traffic.
- 2621 31. Complete details for the construction of the proffered trail shall be included with the
 2622 construction plans for each section of this development submitted for final subdivision
 2623 approval.
 2624

2625 **SUBDIVISION**
 2626

Shurm Heights
 (May 2006 Plan)

Bay Design Group, P.C. for James M. Shurm, III, John S. and Sylvia Shurm, Sydney & Sydney Development, LLC and Virginia Vaughan Shurm and Shurm Construction: The 16.598-acre site proposed for a subdivision of 53 single-family homes is located at the northern terminus of Shurm Street and the eastern terminus of Bromby Street on parcels 807-715-7090, 807-716-7324, 807-715-3769 and 807-714-2826. The zoning is R-4, One-Family Residence District. County water and sewer. (Varina)
 52 Lots

2627
 2628 Mr. Archer - All right. Is there anyone present who is opposed to Subdivision Shurm
 2629 Heights (May 2006 Plan) in the Brookland District? No opposition. Ms. Goggin.

2630
 2631 Ms. Goggin - Good morning. The last case on a long agenda was inadvertently left off
 2632 the Expedited Agenda. The applicant has submitted a revised plan that addresses Public Works'
 2633 and Planning's concerns defining the delineation and location of RPA and SPA buffers, and
 2634 adequate buildable areas. The revised plan also addresses Public Works' concern for providing a
 2635 cul-de-sac connecting Bromby Street to the road on the eastern side of Bromby, over here to
 2636 Road B. There are two additional conditions in your addendum. Condition 16 is requesting that
 2637 they show a dwelling situated on lot 12, block B to show that it has adequate buildable area and

2638 the other is condition, No. 17. You can understand it better if you look at the handout plan. You
2639 can see that the applicant is required to obtain written consent from the people next to the
2640 existing right of way to make that area into a cul-de-sac and if they do not obtain consent prior to
2641 final approval, they will connect Bromby Street to Road B.

2642

2643 Staff recommends approval subject to the annotations on the revised plans, the standard
2644 conditions for subdivisions served by Public Utilities, the conditions listed in the agenda and
2645 additional conditions Nos. 16 and 17 in your handout Addendum. I'd be happy to answer any
2646 questions, and the engineer is here as well.

2647

2648 Mr. Archer - Thank you so much, Ms. Goggin. Are there questions?

2649

2650 Mr. Jernigan - No, sir. Thank you, Christina.

2651

2652 Mr. Archer - Do other Commission members have questions? Do you want to hear
2653 from the applicant?

2654

2655 Mr. Jernigan - No, sir. I think we are straight now. Conditions 16 and 17 took care of
2656 any concerns they had yesterday. With that I will move for approval of Subdivision Shurm
2657 Heights (May 2006 Plan), 52 lots, subject to the annotations on the plans and the standard
2658 conditions for subdivisions served by Public Utilities and the following additional conditions
2659 Nos. 12 through 15 and No. 16 and 17 on the Addendum.

2660

2661 Mr. Branin - Second.

2662

2663 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Branin. All in favor of the
2664 motion say aye. All opposed say no. The motion passes.

2665

2666 The Planning Commission granted conditional approval to subdivision Shurm Heights (May
2667 2006 Plan), subject to the standard conditions attached to these minutes for subdivisions served
2668 by public utilities, the annotations on the plan and the following additional conditions:

2669

2670 12. Each lot shall contain at least 8,000 square feet, exclusive of the flood plain areas.

2671 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
2672 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
2673 floodplain as a "Variable Width Drainage & Utilities Easement."

2674 14. Any necessary offsite drainage easements must be obtained prior to approval of the
2675 construction plan by the Department of Public Works.

2676 15. Any future building lot containing a BMP, sediment basin or trap and located within the
2677 buildable area for a principal structure or accessory structure, may be developed with
2678 engineered fill. All material shall be deposited and compacted in accordance with the
2679 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2680 professional engineer. A detailed engineering report shall be submitted for the review and
2681 approval by the Building Official prior to the issuance of a building permit on the affected

2682 lot. A copy of the report and recommendations shall be furnished to the Directors of
2683 Planning and Public Works.
2684 16. Prior to requesting final approval, the engineer shall furnish the Department of
2685 Planning's staff a plan showing a dwelling situated on Lot 12, Block B, to determine if
2686 the lot design is adequate to meet the requirements of Chapter 24, of the Henrico County
2687 Code.
2688 17. Prior to final plat approval, the applicant shall either obtain written consent for
2689 construction of a cul-de-sac, from the property owners adjacent to the proposed cul-de-
2690 sac at the intersection of Bromby Street and Craddock Avenue, or shall be required to
2691 connect Bromby Street to proposed Road B.

2692

2693 **APPROVAL OF MINUTES: April 19, 2006**

2694

2695 Mr. Silber - The last item on our agenda would be approval of minutes. This would be
2696 the Planning Commission minutes of April 19, 2006.

2697

2698 Mr. Archer - Are there any additions or corrections to the minutes of April 19, 2006?
2699 All right. May we have a motion for approval.

2700

2701 Mr. Branin - So moved.

2702

2703 Mr. Jernigan - Second.

2704

2705 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan to
2706 approve the minutes of April 19, 2006. All in favor say aye. All opposed say no. The minutes
2707 are approved.

2708

2709 Mr. Secretary, before we adjourn I would like to express congratulations to you and staff for
2710 handling this very heavy agenda in good fashion today. I think the agenda went very smoothly
2711 and we moved right along. I have seen the time we'd be here until 3:00 p.m. trying to handle all
2712 of this.

2713

2714 Mrs. O'Bannon - I have one thing I wanted to add before we adjourn. In the Municipal
2715 Magazine Sewer and Water, Henrico County was featured and the article's title is "Off Road
2716 Warriors." There is a team in the Sewer Department that does the analysis, they put little
2717 cameras down into it and make sure there are no cracks or problems. And the team came to Mr.
2718 Petrini and said that we are having difficulty in checking out the sewers and making sure that
2719 they are okay in areas that are under water in certain swampy areas and so on. So they
2720 purchased equipment and developed it themselves, altered the equipment on their own and made
2721 it so that it would go through swampy areas and they were featured in the magazine. I think the
2722 best comment in the article is that the company, where they brought the original equipment and
2723 then altered it to suit their needs, is now thinking about producing these separately, their newer
2724 piece of equipment. I think they should get a patent on it. However, they are featured in this
2725 magazine and it is a great article. I've marked it and I'm going to pass it on so that you can take
2726 a look at it.

2727

2728 Mr. Archer - Thank you, Mrs. O'Bannon.

2729

2730 Mrs. O'Bannon - We often talk about sprinkling, you know, buildings and water and sewer
2731 hook ups and all, and I think we sometimes forget how much effort has to go into producing
2732 those pipes and to preparing the water. And then my favorite question to third graders, when I
2733 talk to them, is what happens when you flush the toilet? And they all say it goes away. But,
2734 where does it go? This is an excellent article and it shows the ability of You were talking
2735 about, and I agree, the Planning staff, I think they deserve a round of applause, actually, for
2736 handling so many cases that they received yesterday and they have annotations on plans and that
2737 sort of thing, but this shows you have the ability to be creative in solving problems. And, I like
2738 the fact that the County allows that leeway. I think that's what that article says. And, I also
2739 want to thank the Planning staff and their hard work too. That's the kind of thing that I like to
2740 see.

2741

2742 Mr. Archer- Thank you so much for those observations, Mrs. O'Bannon.

2743

2744 Mr. Silber - Thank you for the information. It was presented last night at the Board
2745 Meeting and some of the staff was recognized. I do appreciate the comments. I don't deserve
2746 any appreciations. The staff did work very hard this month in preparing this agenda.

2747

2748 Mr. Jernigan - Yes, the staff did work very hard this month.

2749

2750 Mr. Archer - Thank you, staff.

2751

2752 Mrs. O'Bannon - I do have one other comment I want to make. I sit on the State Building
2753 Code Technical Review Board, and in that capacity we are beginning to look at the, instead of
2754 the Statewide Building Codes, the current Statewide Building Codes, this is the Technical
2755 Review Board that reviews it for the future, and an item came before us that concerns me and I
2756 want to pass it on to the staff as well as everybody else that.... The concern is for producing
2757 affordable housing in the future and that was a part of it. I will say that I have attended
2758 Affordable Housing conferences and have heard a lot of information that I am going to pass on
2759 to the Board, but in this case it has to do with building codes.

2760

2761 The current Building Code, and no this isn't exactly what the Planning Department goes on, but
2762 our Building Code Department does look at these. The current Building Codes states that a
2763 house built in an area has to withstand a 120 miles per hour wind and with that you have to put
2764 the timbers a certain distance apart and they have to be a certain, like, not real two by fours, I
2765 think now they are one and three quarters by four and three quarters or something, there is a little
2766 bit of standard that's changed. But, there are organizations working to change that standard, that
2767 houses have to be built only to withstand a 90 miles per hour wind. Now my concern with that is
2768 that they will move the beams that are holding up the house further apart, and we talked about a
2769 roof withstanding a certain number, 50-year roofs, or withstand certain mile per hour winds, if
2770 they are up high, could that assist them through their insurance, getting it repaired and so on,
2771 particularly condominiums, we talked about that a lot. In this case, I'm hoping the County will

2772 step forward and encourage that the building and construction be to the highest standards and be
2773 maintained to the highest standards because I fear that when the construction folks get through
2774 building these houses with the timbers farther apart and to that lesser standard of having to only
2775 withstand a 90 mile per hour wind, they will either start falling down with the winds that we may
2776 have in the future. Not only that, but I fear that they won't pass on the saving in costs to the
2777 people who are purchasing these houses. They will build them to a lesser standard and it won't
2778 be passed on, they will just pocket the difference. They will build them in with the nice houses
2779 that we have approved and so on, and that savings will not either be passed on, or the
2780 construction will not withstand 120 miles per hour winds.

2781 This is a major thing that is coming up at the State Building Code level and it is according to the
2782 Code, so I know Mr. Revels' office will weigh into it, but I hope the Planning staff will also look
2783 at this very seriously because I believe when we talk in the County about quality construction
2784 and how we want quality construction but also weigh that with affordable housing, I personally
2785 don't think that's the way to approach it. I wanted to make that comment to the Planning
2786 Commission and to the staff that are here today because I know this is going to come up and I
2787 would like those comments passed on if the State Building Code people are beginning to look at
2788 that effort. Thank you.

2789

2790 Mr. Jernigan - Mrs. O'Bannon, you are right, but a lot of times they follow the BOCA
2791 Code and that's kind of set throughout the country. They had a reduction some years ago in
2792 quality. Floor joists at 24 inches rather than 18 inches, the same way with your side walls and all
2793 that. Talk to carpet people and they will tell you that the new houses that they are building now,
2794 the houses shake when you walk through them. A floor in the old days used to have to be an
2795 inch and a quarter, today it is three quarters. It's been reduced to that. I know in my house...
2796 The guy told me when he put the carpet in, you can tell this house was built a long time ago.
2797 And it was because we had an inch and a quarter floor.

2798

2799 Mrs. O'Bannon - And that was one of the things that was going to be a part of that, to
2800 withstand the winds. Currently, the Code requires things such as you have to envelope or cover
2801 the exterior walls first with plywood, which is just plywood, I mean, it's not brick or block or
2802 something. However, the new standard would mean you would only have to wrap it in Tyvex.
2803 And, the flip side of this is, in areas such as Florida, and I don't know if you have received your
2804 insurance bill lately, but I did for my homeowners insurance and it almost doubled because now,
2805 the Building Codes in Florida require, if a piece of wood, you've seen with the tornados or the
2806 high winds, will put a piece of wood straight through, even a brick wall, I mean, sometimes you
2807 cannot construct things for everything. But, in Florida the Building Code is changing and I'm
2808 not totally aware of how it's all changing. But here their comment was we don't get such high
2809 winds, and we did have a hurricane, it was a tropical storm by the time it got to our area, and it
2810 was 70 mph and 80 mph gust. So, if you only build it to a 90 mph standard our insurance rates
2811 will go up. That's a part of the other, as I said, not passing on the savings to the person buying
2812 the house. You and I, even though our houses may be built, and mine was built in the 1950's,
2813 and it's pink, that's the description they've used, but your insurance will still go up as we would
2814 allow this lesser quality construction to come in. So, that's another offset of it. We would still
2815 be impacted even though our houses may be built great, we would still end up paying more
2816 insurance because they would have to pay off on the lesser quality houses. But, that's the

2817 argument that's being given. It's, oh, you don't get those kind of winds in this part of the state,
2818 and so on, and I'm going to say I beg to differ. But I still would like it built to 125 mph winds
2819 standards instead of 90 mph standards. That's the type of thing that is going to be coming up
2820 and I would like the County to be aware of this.

2821

2822 Mr. Vanarsdall - Mrs. O'Bannon, who is behind this and where did this first appear?

2823

2824 Mrs. O'Bannon - It is my understanding, and I'm not absolutely positive, except that it has
2825 been brought up, I'm not sure, I would say the Homebuilders Association, but I'm not sure of
2826 that, and it is related to the discussion of affordable housing.

2827

2828 Mr. Vanarsdall - Yes. It is supposed to be under that.

2829

2830 Mr. Jernigan - That little bit of money there, first of all, is not going to get passed down,
2831 and the second thing is that it is not that much difference. I mean, we are looking at a few
2832 hundred dollars here.

2833

2834 Mrs. O'Bannon - Well, it gets right back to your insurance will be higher. Your
2835 homeowners insurance would end up being more expensive, so that's the trade off there. So, this
2836 is going to be one of the arguments at the State Building Code office.

2837

2838 Mr. Branin - And one that you probably haven't seen yet, Mrs. O'Bannon, which you
2839 will probably see in about five to eight years is Tyvex with fabric that is non wicking, it does not
2840 wick and allow water to pass through, so what they are seeing now throughout the country, but
2841 they are trying not to let it become public, is that Tyvex will actually create mold and rotting.

2842

2843 Mr. Archer - DuPont's stock just went down.

2844

2845 Mrs. O'Bannon - This was just the type of thing we discussed years ago about EIFS and not
2846 putting it at the lower level and putting on a foundation and through the years we found that it
2847 does wick, you know, the EIFS that goes, and so we talked about foundations being brick, that
2848 kind of thing and that the EIFS needs to be a little higher off the ground because they were
2849 loving to wrap the houses in it. Yes, that's what I mean, that's the type of things you discuss at
2850 the State Building Code Office as well.

2851

2852 Mr. Branin - Well, the good news is that there is a new fabric that will wick it through
2853 that has a mold protection built in.

2854

2855 Mr. Archer - All right, interesting discussion.

2856

2857 Mr. Silber - I have one additional item.

2858

2859 Mr. Archer - Go ahead, Mr. Silber.

2860

2861 Mr. Silber - I just want to remind you that we are beginning to set up one-on-one

2862 meetings with each Board member and their Planning Commission representative to begin to talk
2863 to you about the next phase of the 20/26 Plan. This will be discussion on the Major
2864 Thoroughfare Plan and Special Strategy Areas. We are still working on the Major Thoroughfare
2865 Plan with the consultant and there are still some matters being worked out, some details being
2866 worked out, so we are hoping that we can still hold the schedule with the one-on-one meetings.
2867 While they have been set up, we may need to bump them. I just wanted to give you a heads up,
2868 but we are hoping to do those real soon. And then there will be a work session with the Board
2869 and the Planning Commission on the 21st of June. It would be about a half of a day work
2870 session.

2871

2872 Mr. Vanarsdall - And also, as a reminder, the Richmond Regional District on the 9th is
2873 having their annual thing out at, this time, in Goochland at the Capital One Facility. Last year it
2874 was in Ashland at Randolph Macon. It would be good to attend. It's for the Planning
2875 Commissioners, for the whole metropolitan area.

2876

2877 Mr. Archer - All right. Do we have a motion for adjournment?

2878

2879 Mr. Jernigan - So moved.

2880

2881 Mrs. Jones - Second.

2882

2883 On a motion by Mr. Jernigan and seconded by Mrs. Jones, the Planning Commission adjourned
2884 its May 24, 2006 meeting at 11:46 a.m.

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C. W. Archer, C.P.C., Chairman

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Randall R. Silber, Secretary

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