

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, May 28,
4 2008.

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

Members Absent: Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Others Absent: Mr. David D. O'Kelly, Assistant Director of Planning

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

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

10

11 Mr. Jernigan - Good morning, ladies and gentlemen.

12

13 Mr. Archer - Good morning, Mr. Chairman.

14

15 Mr. Branin - Good morning, Mr. Chairman.

16

17 Mr. Jernigan - On behalf of staff and the Planning Commission, we'd like to
18 welcome you to the May 28, 2008 hearing for subdivisions and POD's. With that, I will
19 turn the meeting over to Mr. Emerson, our secretary.

20

21 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda
22 today is the requests for deferrals and withdrawals. Those will be handled by Ms. Leslie
23 News.

24
25 Mr. Jernigan - Good morning, Ms. News.

26
27 Ms. News - Good morning, Mr. Chairman, members of the Commission.
28 We have three requests for deferrals on our agenda this morning. The first is found on
29 page 8 of your agenda and is located in the Brookland District. This is POD-32-08,
30 Wallace Gymnasium. The applicant has requested a deferral until the June 25, 2008
31 meeting.

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33 **PLAN OF DEVELOPMENT**

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POD-32-08 Wallace Gymnasium – 2206 Westwood Avenue	Engineering Design Associates for BCW 45th, LLC and Gordon Construction, Inc.: 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, 22,220 square foot private basketball gymnasium. The 3.24-acre site is located on the north line of Westwood Avenue at the intersection with Westwood Trail on parcel 779-735-7361. The zoning is M-2, General Industrial District. County water and City sewer. (Brookland)
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35
36 Mr. Jernigan - Is there any opposition to the deferral of POD-32-08,
37 Wallace Gymnasium? There is no opposition.

38
39 Mr. Vanarsdall - With that, I move POD-32-08, Wallace Gymnasium, be
40 deferred to June 25, 2008, at the applicant's request.

41
42 Mr. Archer - Second.

43
44 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
45 favor say aye. All opposed say no. The ayes have it; the motion passes.

46
47 At the request of the applicant, the Planning Commission deferred POD-32-08, Wallace
48 Gymnasium, to its June 25, 2008 meeting.

49
50 Ms. News - The next item is found on page 11 of your agenda, and is
51 located in the Three Chopt District. This is POD-21-08, the architectural for Towne
52 Center West, Apartments over Retail. The applicant has requested a deferral to the
53 June 25, 2008 meeting.

55 **PLAN OF DEVELOPMENT ARCHITECTURALS**
56 ***(Deferred from the April 23, 2008 Meeting)***
57

POD-21-08 **Timmons Group for Towne Center West, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a five-story, mixed-use building with 25,400 square feet of retail/restaurant space and 72 apartment units with a 3,115 square foot clubhouse. The 4.85-acre site is located at the northwest intersection of W. Broad Street (U.S. Route 250) and Towne Center West Boulevard (private) on part of parcel 734-764-9340. The zoning is R-6C, General Residence District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

58
59 Mr. Jernigan - Is there any opposition to the deferral of the architecturals for
60 POD-21-08, Towne Center West – Apartments over Retail? There is no opposition.

61
62 Mr. Branin - Mr. Chairman, I'd like to move that POD-21-08, Towne
63 Center West – Apartments over Retail, be deferred to the June 25, 2008 meeting, per
64 the applicant's request.

65
66 Mr. Vanarsdall - Second.

67
68 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
69 favor say aye. All opposed say no. The ayes have it; the motion passes.

70
71 At the request of the applicant, the Planning Commission deferred the architecturals for
72 POD-21-08, Towne Center West – Apartments over Retail, to its June 25, 2008
73 meeting.

74
75 Ms. News - The final item is on page 17 of your agenda, and is located
76 in the Tuckahoe District. This is POD-30-08, CVS Pharmacy #1991 @ Patterson
77 Avenue and Lauderdale Drive. The applicant has requested a deferral to the June 25,
78 2008 meeting.

79

80 **PLAN OF DEVELOPMENT**

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POD-30-08 **Kimley-Horn & Associates, Inc. for Ridgeview
CVS Pharmacy # 1991 @ Incorporated and The Rebkee Company:** Request for
Patterson Avenue and approval of a plan of development, as required by Chapter
Lauderdale Drive 24, Section 24-106 of the Henrico County Code, to
construct a one-story, 13,540 square foot pharmacy with
drive-thru facilities. The 2.59-acre site is located on the
northeast corner of Patterson Avenue (State Route 6) and
Lauderdale Drive on parcels 738-742-5943, 6844 and
9542. The zoning is B-2C, Business District (Conditional).
County water and sewer **(Tuckahoe)**

82

83

84 Mr. Jernigan - I forgot to mention that Mrs. Jones is not with us this
85 morning, so I'm sure somebody is taking care of her case. Is there any opposition to
86 POD-30-08, CVS Pharmacy #1991 @ Patterson Avenue and Lauderdale Drive? There
87 is no opposition.

88

89 Mr. Archer - Mr. Chairman, at the request of the applicant, I move
90 deferral of POD-30-08, CVS Pharmacy #1991 @ Patterson Avenue and Lauderdale
91 Drive, to the June 25, 2008 meeting.

92

93 Mr. Vanarsdall - Second.

94

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

97

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

99

100 Mr. Jernigan - Thank you.

101

102 Mr. Emerson - Mr. Chairman, the next item on your agenda is the expedited
103 agenda. In order for items to be placed on the expedited agenda, staff must be
104 recommending approval, the applicant must submit a letter stating agreement with staff
105 recommendations and conditions, and there must be no known opposition to the case. If
106 there is opposition, the item will be removed from the expedited agenda and heard in
107 the order it appears on the regular agenda. Any member of the Commission can also
108 request items be removed from the expedited agenda. With that, Ms. News will present
109 your expedited agenda for today.

110

111 Ms. News - Yes sir. There are five items on our expedited agenda this
112 morning. The first item is on page 3 of your agenda and is located in the Fairfield
113 District. This is a transfer of approval for POD-94-99, Richmond Conference Center.
114 Staff recommends approval.

115

116 **TRANSFER OF APPROVAL**

117

POD-94-99 **McGuire Woods for Merritt Capital Investors, LLC:**
Richmond Conference Center – 1000 Virginia Center Parkway
Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Massachusetts Mutual Life Insurance Company to Merritt Capital Investors, LLC and U.S. REIF Merritt Virginia Crossings Fee, LLC. The 20-acre site is located at the northeast corner of the intersection of Virginia Center Parkway and Village View Parkway on parcel 788-767-4522. The zoning is O-3, Office District, B-2, Business District and A-1, Agricultural District. County water and sewer. **(Fairfield)**

118

119 Mr. Jernigan - Do we have any opposition to transfer of approval POD-94-
120 99, Richmond Conference Center? There is no opposition.

121

122 Mr. Archer - Mr. Chairman, I move for approval of transfer of approval
123 POD-94-99, Richmond Conference Center.

124

125 Mr. Branin - Second.

126

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

129

130 The Planning Commission approved the transfer of approval request for POD-94-99,
131 Richmond Conference Center, from Massachusetts Mutual Life Insurance Company to
132 Merritt Capital Investors, LLC and U.S. REIF Merritt Virginia Crossings Fee, LLC,
133 subject to the standard and added conditions previously approved and the following
134 additional condition:

135

- 136 1. The site deficiencies, as identified in the inspection report, dated **April 30, 2008**
137 shall be corrected by **June 30, 2008**.

138

139 Ms. News - The next item is on page 4 of your agenda and is located in
140 the Varina District. This is a landscape and lighting plan, LP/POD-56-06, Chickahominy
141 Professional Offices. Staff recommends approval.

142

143 **LANDSCAPE & LIGHTING PLAN**

144 LP/POD-56-06 **RK&K Engineers for Dr. Anup Gokli and Dr. Rich**
Chickahominy **Harden:** Request for approval of a landscape and lighting
Professional Offices – plan, as required by Chapter 24, Sections 24-106 and 24-
Whiteside Road 106.2 of the Henrico County Code. The 3.16-acre site is
located on the west side of Whiteside Road, approximately
100 feet north of the intersection of E. Williamsburg Road
(U.S. Route 60) and Whiteside Road on parcels 833-714-
7166, 0068 and 8648. The zoning is B-1C, Business
District (Conditional) and ASO, Airport Safety Overlay
District. **(Varina)**

145
146 Mr. Jernigan - Is there any opposition to the landscape and lighting plan,
147 LP/POD-56-06, Chickahominy Professional Offices? There is no opposition. With that,
148 I will move for approval of LP/POD-56-06, Chickahominy Professional Offices, the
149 landscape and lighting plan, subject to the annotations on the plans, and the standard
150 conditions for landscape and lighting plans.

151
152 Mr. Branin - Second.

153
154 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor
155 say aye. All opposed say no. The ayes have it; the motion passes.

156
157 The Planning Commission approved the landscape and lighting plan for LP/POD-56-06,
158 Chickahominy Professional Offices, subject to the standard conditions attached to these
159 minutes for landscape and lighting plans.

160
161 Ms. News - The next item is on page 10 of your agenda and is located in
162 the Varina District. This is SUB-28-06, Selph Ridge (May 2006 Plan), for eight lots. Staff
163 can recommend approval.

164
165 **SUBDIVISION RECONSIDERATION (Deferred from the February 27, 2008, Meeting)**

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

167
168 Mr. Jernigan - Is there any opposition to SUB-28-06, Selph Ridge (May
169 2006 Plan)? There is no opposition. With that, I will move for approval of SUB-28-06,
170 Selph Ridge (May 2006 Plan), subject to the annotations on the plans, and the standard
171 conditions for subdivisions not served by public utilities, and the following additional
172 conditions #12, #13, and #14.

173 Mr. Vanarsdall - Second.

174

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

177

178 The Planning Commission granted conditional approval to SUB-28-06, Selph Ridge
179 (May 2006 Plan), subject to the standard conditions attached to these minutes for
180 subdivisions not served by public utilities, the annotations on the plans, and the
181 following additional conditions:

182

183 12. Each lot shall contain at least 43,560 square feet.

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

186 14. Any future building lot containing a BMP, sediment basin or trap and located
187 within the buildable area for a principal structure or accessory structure, may be
188 developed with engineered fill. All material shall be deposited and compacted in
189 accordance with the Virginia Uniform Statewide Building Code and geotechnical
190 guidelines established by a professional engineer. A detailed engineering report
191 shall be submitted for the review and approval by the Building Official prior to the
192 issuance of a building permit on the affected lot. A copy of the report and
193 recommendations shall be furnished to the Directors of Planning and Public
194 Works.

195

196 Ms. News - Next on page 15 of your agenda, and located in the Varina
197 District, is POD-31-08, Coastal Towing @ Klockner. There is an addendum item on
198 page 1 of your addendum, which indicates that a revised plan shifting the vehicle
199 storage area out of the setback is in your addendum, and a revised staff
200 recommendation for approval.

201

202 **PLAN OF DEVELOPMENT**

203

POD-31-08 Coastal Towing @ Klockner – Charles City Road and Klockner Drive	Balzer & Associates, Inc. for D&R Associates, LLC. Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,000 square foot building for a towing service, with three bays for automotive servicing, and including a storage yard for inoperative vehicles waiting for repairs. The 3.0-acre site is located at the northwest corner of the intersection of Charles City Road and Klockner Drive on parcel 812-711-3575. The zoning is M-1, Light Industrial District and (ASO) Airport Safety Overlay District. County water and sewer. (Varina)
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205 Mr. Jernigan - Is there any opposition to—

206

207 Female - [Off mike] Yes there is.

208
209 Mr. Jernigan - Okay. Then we'll pull it off the expedited agenda and hear it
210 in the order it was placed in the regular agenda.

211
212 Female - [Off mike.] [Inaudible.]

213
214 Mr. Jernigan - All right. We're going to pull it off the expedited agenda and
215 then we'll hear it in its sequence with the rest of the cases. Okay. Next, Ms. News.

216
217 **SEE PAGE 21 WHERE THIS CASE COMES UP AGAIN.**

218
219 Ms. News - The final item is on page 19 of your agenda and is located in
220 the Varina District. This is POD-33-08, Techpark Warehouse III. Staff recommends
221 approval.

222
223 **PLAN OF DEVELOPMENT**

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226 **POD-33-08 Koontz-Bryant, P.C. for David R. Milligan and Billy**
227 **Techpark Warehouse III – Sowers:** Request for approval of a plan of development,
228 as required by Chapter 24, Section 24-106 of the Henrico
229 County Code, to construct two, one-story, 45,000 square
230 foot warehouses. The 8.05-acre site is located along the
231 east line of Tech Park Place, approximately 1,500 feet
232 south of Technology Boulevard on part of parcel 844-704-
233 9230. The zoning is M-2C, General Industrial District
234 (Conditional). County water and sewer. **(Varina)**

235
236 Mr. Jernigan - All right. Is there any opposition to POD-33-08, Techpark
237 Warehouse III? There is no opposition. With that, I will move for approval of POD-33-
238 08, Techpark Warehouse III in the Varina District, subject to the annotations on the
239 plans, the standard conditions for developments of this type, and the following additional
240 conditions #29 through #35.

241
242 Mr. Vanarsdall - Second.

243
244 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
245 favor say aye. All opposed say no. The ayes have it; the motion passes.

246
247 The Planning Commission approved POD-33-08, Techpark Warehouse III, subject to
248 the annotations on the plans, the standard conditions attached to these minutes for
249 developments of this type, and the following additional conditions:

- 250
251 29. All repair work shall be conducted entirely within the enclosed building.
252 30. Outside storage shall not be permitted.
253 31. The proffers approved as a part of zoning case C-60C-97 shall be incorporated in
254 this approval.

- 245 32. The certification of building permits, occupancy permits and change of occupancy
 246 permits for individual units shall be based on the number of parking spaces
 247 required for the proposed uses and the amount of parking available according to
 248 approved plans
- 249 33. The loading areas shall be subject to the requirements of Chapter 24, Section
 250 24-97(b) of the Henrico County Code.
- 251 34. The conceptual master plan, as submitted with this application, is for planning
 252 and information purposes only.
- 253 35. The location of all existing and proposed utility and mechanical equipment
 254 (including HVAC units, electric meters, junction and accessory boxes,
 255 transformers, and generators) shall be identified on the landscape plans. All
 256 equipment shall be screened by such measures as determined appropriate by
 257 the Director of Planning or the Planning Commission at the time of plan approval.

258
 259 Ms. News - That completes our expedited agenda.

260
 261 Mr. Jernigan - Thank you, Ms. News.

262
 263 Mr. Emerson - Mr. Chairman, the next items on your agenda are
 264 subdivision extensions of conditional approval. Those will be presented by Christina
 265 Goggin. You also have an additional subdivision on page 1 of your amended agenda.

266
 267 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 268
 269 **FOR INFORMATIONAL PURPOSES ONLY**
 270

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB-31-07 Grayson Hill (May 2007 Plan)	17	17	0	Tuckahoe	05/27/2009
SUB-08-05 Grey Oaks Meyer (October 2005 Plan)	34	34	0	Three Chopt	05/27/2009
Kingsland Green (May 2006 Plan)	56	56	1	Varina	05/27/2009
The Ridings @ Warner Farm (April 2006 Plan)	656	656	1	Varina	05/27/2009

271
 272 Mr. Jernigan - Good morning, Ms. Goggin.

273
 274 Ms. Goggin - Good morning. As Mr. Emerson said, we have four
 275 subdivisions today for informational purposes. We have two in Varina—one is in
 276 Tuckahoe, and one in Three Chopt. I would be happy to answer any questions the
 277 Commission may have.

278

279 Mr. Vanarsdall - Do you know what Mrs. Jones would like to do with the
280 Tuckahoe one?

281
282 Ms. Goggin - No sir, but these are normally for informational purposes
283 only, so it's letting the Commission know that they're up for extension.

284
285 Mr. Vanarsdall - All right.

286
287 Mr. Jernigan - Any more questions for Ms. Goggin?

288
289 Mr. Vanarsdall - No.

290
291 Mr. Jernigan - Thank you, Ms. Goggin.

292
293 Mr. Emerson - Mr. Chairman, that begins your regular agenda for today.

294
295 **PLAN OF DEVELOPMENT TRANSITIONAL BUFFER DEVIATION**

296
POD-76-07 **Vanasse, Hagen, Brustlin, Inc. for Retail South**
Laburnum Station **Development:** Request for approval for a transitional
Shopping Center – Gay buffer deviation for a plan of development, as required by
Avenue and S. Laburnum Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
Avenue County Code, to allow a 25-foot reduction in the width of
the required 25-foot buffer adjacent to an area of A-1
zoning within the shopping center. The 10.19 -acre site is
located at the southern corner of the intersection of S.
Laburnum and Gay Avenues on parcel 813-717-7951.
The zoning is B-2C, Business District (Conditional), A-1,
Agricultural District and ASO, Airport Safety Overlay
District. County water and sewer. **(Varina)**

297
298 Mr. Jernigan - Is there any opposition to POD-76-07, Laburnum Station
299 Shopping Center, for a transitional buffer deviation? There is no opposition.

300
301 Ms. Goggin - Good morning again.

302
303 There is a portion of land on this site that is zoned A-1 within the Laburnum Shopping
304 Center. The shopping center's plan of development was approved with a proposed
305 retail building, which met the required 25-foot transitional buffer from the A-1 zoning, in
306 addition to the proffered 35-foot buffer for a total of a 60-foot buffer. I'll put this up there
307 so you can see a close-up of the area. This is an illustration of the whole plan in
308 general. This is the area that the deviation request is for.

309
310 The developer has requested a 25-foot transitional buffer deviation to expand the retail
311 building adjacent to the A-1 zoning. Should this deviation be granted, the proffered 35-

312 foot buffer will be maintained. The adjacent property to this A-1 zoning is O-2, and is
313 currently used as a professional office building.

314
315 Staff has received two calls and one visit in person concerning this request. One was
316 from Mr. Wood on Metzger Avenue. He lives right here. Once he realized this was not
317 adjacent to his property, he was okay. One was from Mrs. Kay Evans. She came in
318 this morning. Once she saw this was not against her property, she was good, but she
319 would like to be notified when the landscape plan does come in for review. Mr. Deal did
320 call, and once he realized that this wasn't adjacent to his property, he was okay.

321
322 Should the Commission approve the revised plan to incorporate the transitional buffer
323 deviation, staff recommends approval subject to the annotations on the plan, and the
324 conditions previously approved for this plan of development by the Planning
325 Commission at their December 12, 2007 meeting. Jim Theobald is here, who is the
326 applicant's representative, should you have any questions for him. I would be happy to
327 answer any questions the Commission may have.

328
329 Mr. Jernigan - Are there any questions for Ms. Goggin from the
330 Commission? Okay, thank you, Ms. Goggin.

331
332 Ms. Goggin - You're welcome.

333
334 Mr. Jernigan - Being as we don't have opposition, and I've talked
335 extensively on this and I know there are no problems on this, I'm going to just move it
336 along now, unless Mr. Theobald, you wanted to make some statements. I didn't figure
337 you did. Okay. With that, I will move for approval of POD-76-07, Laburnum Station
338 Shopping Center, a transitional buffer deviation, subject to the annotations on the plan,
339 and the conditions previously approved for this plan by the Planning Commission on
340 December 12, 2007.

341
342 Mr. Vanarsdall - Second.

343
344 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
345 favor say aye. All opposed say no. The ayes have it; the motion passes.

346
347 The Planning Commission approved POD-76-07, Laburnum Station Shopping Center (a
348 transitional buffer deviation), subject to the annotations on the plans, the standard
349 conditions attached to these minutes for developments of this type, and the conditions
350 previously approved for this plan by the Planning Commission on December 12, 2007.

351
352 Mr. Emerson - Mr. Chairman, I inadvertently skipped over a transfer of approval on
353 page 2 of your agenda. I apologize. If we could go back to that item.

354

355 **TRANSFER OF APPROVAL**

356

POD-50-07 **Williams Mullen for Nobility Investments, LLC:** Request
Hampton Inn at Glenside for transfer of approval as required by Chapter 24, Section
Commons – Glenside 24-106 of the Henrico County Code from JLW Associates,
Drive LLC and Inn Keepers USA to Nobility Investments, LLC.
The 3.02-acre site is located along the north line of
Glenside Drive, approximately 325 feet west of Bethlehem
Road on parcel 767-747-9248. The zoning is B-2C,
Business District (Conditional). County water and sewer.
(Brookland)

357

358 Mr. Jernigan - Do we have any opposition for transfer of approval POD-50-
359 07, Hampton Inn at Glenside Commons? There is no opposition. Good morning, Mr.
360 Wilhite.

361

362 Mr. Wilhite - Good morning. Thank you, Mr. Chairman. Staff is still in the
363 signature review stage for this project. We have not approved the construction plans
364 yet. However, all the requirements for transfer of approval have been met, and staff can
365 recommend approval.

366

367 Mr. Jernigan - Okay, thank you. Are there any questions for Mr. Wilhite
368 from the Commission?

369

370 Mr. Vanarsdall - I don't have any.

371

372 Mr. Jernigan - All right. Would you like to make a motion, Mr. Vanarsdall?

373

374 Mr. Vanarsdall - I move that transfer of approval POD-50-07, Hampton Inn at
375 Glenside Commons, be approved. I'd like to read that the new owner accepts and
376 agrees to be responsible for continued compliance with the conditions of the original
377 approval.

378

379 Mr. Archer - Second.

380

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

383

384 The Planning Commission approved the transfer of approval request for POD-50-07,
385 Hampton Inn at Glenside Commons, from JLW Associates, LLC and Inn Keepers USA
386 to Nobility Investments, LLC, subject to the standard and added conditions previously
387 approved.

388

389 **PLAN OF DEVELOPMENT**

390

POD-17-08 **Engineering Design Associates for Mohammed Talib:**
Sosan Mart @ Fairfield Request for approval of a plan of development, as required
Shoppers World (POD-21- by Chapter 24, Section 24-106 of the Henrico County
78 Revised) – Nine Mile Code, to construct a one-story, 2,477, square foot
Road and E. Cedar Fork convenience store with fuel pumps and a car wash on an
Road outparcel in Fairfield Shoppers World Shopping Center.
The .70-acre site is located at the corner of Nine Mile
Road (State Route 33) and Cedar Fork Road on parcel
813-725-7628. The zoning is B-2, Business District and
ASO (Airport Safety Overlay District). County water and
sewer. **(Fairfield)**

391

392 Mr. Jernigan - Is there any opposition to POD-17-08, Sosan Mart @ Fairfield
393 Shoppers World (POD-21-78 Revised)? All right, we do have opposition. Sir, we'll get
394 with you as soon as we hear from our staff person. Good morning, Mr. Ward.

395

396 Mr. Ward - Good morning. The proposed convenience store with
397 carwash and fueling station meets all the shopping center code requirements. Upon
398 further review, staff finds that all the calculations provided by the applicant satisfy the
399 code requirements for outparcels in the shopping center. The building here does
400 provide an enhancement on that vacant outparcel at the corner of Cedar Fork and Nine
401 Mile Road.

402

403 Should the Commission choose to act on this request, staff recommends approval
404 subject to the annotations on the plan, and the conditions previously approved, standard
405 conditions for developments of this type, and the following conditions #29 through #39.

406

407 Randy Hooker is the engineer with Engineering Design Associations. He is here
408 representing the applicant, and I'm also here to answer any questions you may have.

409

410 Mr. Jernigan - All right. Any questions for Mr. Ward from the Commission?
411 All right, Mr. Archer, would you like to hear from the applicant?

412

413 Mr. Archer - Yes I would, if we have opposition, Mr. Chairman.

414

415 Mr. Jernigan - We'll get the applicant down first. Let's get the applicant
416 down first, and then I'll hear from you, sir. Is Randy here? Okay. All right. Well, sir, you
417 can come on down. The applicant's not here. Good morning. Would you state your
418 name for the record, please?

419

420 Mr. Talley - Bill Talley. The main thing we object to is the underground
421 tanks. We've had a lot of problems on other property we've owned by tanks leaking,
422 which imposes environmental problems. That's the main thing that we object to.

423 Mr. Archer - Mr. Talley, I'm not an expert on this, but aren't the tanks that
424 are currently being used supposedly constructed of material that meets the DEQ
425 requirements, that they're not supposed to leak? I know some of the older metal ones
426 did, and for years they replaced them.

427
428 Mr. Talley - We've owned property in Carolina, and we've owned service
429 stations here in Henrico County, too. We've had problems with tanks leaking, and there
430 were environmental problems. The last problem we had was in Carolina. It took us
431 three years to straighten that out.

432
433 Mr. Archer - In Caroline County?

434
435 Mr. Talley - North Carolina.

436
437 Mr. Archer - Oh, Carolina. Okay. Mr. Secretary, I don't quite know how
438 to respond to that. I'm figuring that the tanks used are supposed to be checked by the
439 Department of Environmental Quality. If they pass, I don't know if there's very much we
440 can do about it.

441
442 Mr. Emerson - Yes sir, Mr. Archer, they're regulated by DEQ, and there are
443 monitoring wells that are put in place. The tanks are tested. The County doesn't really
444 get into the regulation of underground storage tanks, so that's purely a DEQ and maybe
445 also some federal involvement in that under the underground storage tank laws. While I
446 understand the gentleman's concern, that's really regulated by other agencies.

447
448 Mr. Jernigan - They're using a composite tank today, rather than the old
449 metal tanks. I know when they go in now, the DEQ is right on top of it, and they have
450 monitoring that constantly takes place on them.

451
452 Mr. Talley - Thank you.

453
454 Mr. Archer - Again, Mr. Talley, we do understand your concern, but it's
455 just something that this body does not have any regulatory authority over.

456
457 Mr. Talley - Thank you.

458
459 Mr. Jernigan - Thank you, sir.

460
461 Mr. Archer - All right, then, Mr. Chairman. If there is no further objection,
462 I will move for approval of POD-17-07 (sic POD-17-08), Sosan Mart @ Fairfield
463 Shoppers World (POD-21-78 Revised), subject to the staff recommendations, the
464 annotations on the plans, and the additional conditions 29 through 39.

465
466 Mr. Vanarsdall - Second.

467
468 Mr. Jernigan - You said POD-17-07; you meant POD-17-08.

469 Mr. Archer - I did mean POD-17-08.

470
471 Mr. Jernigan - Okay. All right. We have a motion by Mr. Archer, and a
472 second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it;
473 the motion passes.

474
475 The Planning Commission approved POD-17-08, Sosan Mart @ Fairfield Shoppers
476 World (POD-21-78 Revised), subject to the annotations on the plans, the standard
477 conditions attached to these minutes for developments of this type, and the following
478 additional conditions:

- 479
480 29. The ground area covered by all the buildings shall not exceed in the aggregate 25
481 percent of the total site area.
- 482 30. No merchandise shall be displayed or stored outside of the building(s) or on
483 sidewalk(s).
- 484 31. Bulk storage of fuel shall be underground.
- 485 32. Lighting fixtures shall not exceed a height greater than twenty (20) feet.
- 486 33. No temporary storage of wrecked or inoperative vehicles or rental of vehicles,
487 trailer campers, vans or similar equipment shall be permitted.
- 488 34. Not more than two (2) electronic amusement games shall be permitted.
- 489 35. Refuse containers or refuse storage facilities shall be serviced during business
490 hours only.
- 491 36. The owner or manager on duty shall be responsible for temporarily closing the car
492 wash facility when the on-site stacking space is inadequate to serve customer
493 demand to prevent a backup of vehicles onto the public right-of-way.
- 494 37. The developer shall install an adequate restaurant ventilating and exhaust
495 system to minimize smoke, odors, and grease vapors. The plans and
496 specifications shall be included with the building permit application for review and
497 approval. If, in the opinion of the County, the type system provided is not
498 effective, the Commission retains the rights to review and direct the type of
499 system to be used.
- 500 38. The location of all existing and proposed utility and mechanical equipment
501 (including HVAC units, electric meters, junctions and accessory boxes,
502 transformers, and generators) shall be identified on the landscape plan. All
503 building mounted equipment shall be painted to match the building, and all
504 equipment shall be screened by such measures as determine appropriate by the
505 Director of Planning or the Planning Commission at the time of plan approval.
- 506 39. Except for junction boxes, meters, and existing overhead utility lines, and for
507 technical or environmental reasons, all utility lines shall be underground.
- 508

509 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**
510 ***(Deferred from the April 23, 2008 Meeting)***
511

POD-25-08 **Timmons Group for W2005 WRL Realty, L.L.C.:**
The Corner @ Short Pump Request for approval of a plan of development and
– W. Broad Street and transitional buffer deviation, as required by Chapter 24,
Lauderdale Drive Sections 24-106 and 24-106.2 of the Henrico County
Code, to construct a shopping center consisting of 8, one-
story retail buildings totaling 234,000 square feet and 1,
one-story, 4,000 square foot bank building with 2 drive-thru
lanes. The transitional buffer deviation is for a 10-foot
reduction in the width of the required 35-foot transitional
buffer north of Three Chopt extended. The 41.07-acre site
is located on the southwest corner of W. Broad Street
(U.S. Route 250) and Lauderdale Drive on parcel 746-762-
2022. The zoning is B-2C, Business District (Conditional),
RTHC, Residential Townhouse District (Conditional) and
WBSO, West Broad Street Overlay District. County water
and sewer. **(Three Chopt)**

512
513 Mr. Jernigan - Is there any opposition to POD-25-08, The Corner @ Short
514 Pump? There is no opposition. Good morning, Mr. Garrison.
515

516 Mr. Garrison - Good morning. The applicant is requesting approval of eight
517 one-story retail buildings totaling 234,000 square feet, a 4,000-square-foot bank, and a
518 transitional buffer deviation to reduce the required 35-foot buffer north of Three Chopt
519 Road Extended by 10 feet. However, a 25-foot buffer shall be planted to meet the
520 transitional buffer 35 requirement.
521

522 Staff has received a revised layout that eliminates the service aisle behind Building E,
523 architectural drawings that address building façade treatments along West Broad Street
524 and Lauderdale, and a schematic landscape plan that addresses screening of the
525 service aisle behind Building F.
526

527 Staff has concerns regarding the screening of the service aisle adjacent to Three Chopt
528 Road Extended—a major thoroughfare plan road—and within close proximity to a
529 prominent entrance to the site. Staff has provided options to the applicant, one being a
530 masonry screen wall to act as an entrance feature, which the applicant would prefer to
531 address at the time of landscape plan review. An additional condition, #47, which has
532 been included in your addendum, has been proposed by the applicant to address the
533 screening. I'll go ahead and read that now:
534

535 Landscape screening, which may include a wall section, shall be
536 provided along the service road behind Building F and the service
537 court behind Building E, in order to mitigate visual impacts from Three

538 Chopt Road, as determined by the Planning Commission at the time
539 of landscape plan review and approval.

540
541 The applicant has agreed to provide a four-foot landscape strip between the sidewalk
542 and Lauderdale and Three Chopt Road Extended. However, since the sidewalk will be
543 out of County right-of-way, the applicant will be required to maintain the sidewalks, to
544 which he has agreed.

545
546 Staff can recommend approval subject to the annotations on the plans, standard
547 conditions for developments of this type, and 9 and 11 amended. Staff and
548 representatives of the applicant are available to answer any questions you may have.

549
550 Mr. Jernigan - Are there any questions for Mr. Garrison from the
551 Commission?

552
553 Mr. Branin - I have one. Mr. Garrison, on the plans right at the top, it
554 refers to—and you might have to get someone from Timmons to make reference to this.
555 The diversion dike on C3.2, should be moved north away from the proffered buffer, per
556 proffer 27. Could you tell me what proffer 27 says?

557
558 Mr. Garrison - There is a 20-foot buffer that's required along the RTH-
559 zoned property, 10 feet of which has to remain in a natural state. The diversion dike was
560 encroaching in on that, so we had them revise that to just move that out of that natural
561 buffer area.

562
563 Mr. Branin - Okay.

564
565 Mr. Jernigan - Any more questions for Mr. Garrison?

566
567 Mr. Branin - No, I don't have any for Mr. Garrison. I would like to hear
568 from the applicant, though.

569
570 Mr. Jernigan - Would the applicant come down, please?

571
572 Mr. Theobald - Good morning, Mr. Chairman, members of the Commission.
573 I'm Jim Theobald here on behalf of the applicant.

574
575 Mr. Branin - Mr. Theobald, how are you this morning?

576
577 Mr. Theobald - I'm well, and you?

578
579 Mr. Branin - I'm quite well, thank you. In our community meetings that
580 we've had, and I think we've had on this case five or six, there are two things that are
581 most concerning to the neighborhood, as well as to myself and staff, is the view of this
582 shopping center and the rear facing Three Chopt. If you go behind the existing
583 shopping centers on the other side of Lauderdale, there is a lot of exposure to trash and

584 just unsightly buildings because of the road. This will be a major thoroughfare road, and
585 that concern has resonated with the community, as well as staff and myself. When we
586 get to landscaping, I need to know that you all are prepared to either fence, wall, or
587 vegetate to everyone's expectations, so that we don't have an unsightly shopping center
588 like we do in other areas.

589
590 Mr. Theobald - We've had those discussions with Wellesley and with staff.
591 As you know, the shopping center was designed to be focused internally, which by
592 definition gives you the backside. The backside elevations were proffered as a part of
593 the original zoning case, and the elevations are consistent with that. We do have a
594 service road. It's not really a loading dock area, but it's a service road behind this row of
595 buildings. Discussion has been along this area. There's sort of a slope up to grade, and
596 the treatment here. Please know that this is our main entrance, one of our main
597 entrances as well, so we're as concerned about the look and curb appeal of that
598 entrance as are the residents, keeping in mind that Wellesley is back here, and there
599 will be two rows of townhomes here, a four-lane divided with a landscape median in
600 between until you even get to the service road. But nonetheless, we've provided some
601 schematic drawings. This is part of the buffer where we've committed to plant to
602 transitional 35 standards. We hope to solve the screening issues with vegetation
603 because it's obviously a softer look. We have committed that if we can't do that to your
604 satisfaction, we will consider sections of wall or fence in here. We certainly intend to go
605 back to Wellesley, and present a landscape plan, as well as continuing to work with staff
606 once the final site engineering is done and we know what the challenges are in here. I
607 think we're on the same page with the same goal here.

608
609 Mr. Branin - You even covered my next one, being aware that we will go
610 back to Wellesley with the landscape.

611
612 Mr. Theobald - Right. We're committed to them every step of the way.

613
614 Mr. Branin - Okay. That's all I have for Mr. Theobald. Does anybody else
615 have any questions?

616
617 Mr. Jernigan - Any more questions for Mr. Theobald from the Commission?

618
619 Mr. Branin - Mr. Theobald, I'd like to thank your client for working with
620 Wellesley so diligently. I look forward to working with you on the landscaping with
621 Wellesley again.

622
623 Mr. Theobald - I appreciate it; thank you.

624
625 Mr. Jernigan - All right, thank you.

626
627 Mr. Vanarsdall - Thank you, Mr. Theobald.

628

629 Mr. Branin - Mr. Chairman, I'd like to move for approval of POD-25-08,
630 The Corner @ Short Pump, with standard conditions for developments of this type, and
631 the following additional conditions 9 through 47.

632 Mr. Vanarsdall - Second.

633

634 Mr. Jernigan - And on the addendum.

635

636 Mr. Branin - I included it.

637

638 Mr. Jernigan - All right. We have a motion by Mr. Branin, and a second by
639 Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
640 passes.

641

642 The Planning Commission approved POD-25-08, The Corner @ Short Pump, subject to
643 the annotations on the plans, the standard conditions attached to these minutes for
644 developments of this type, and the following additional conditions:

645

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

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

653 29. The right-of-way for widening of Lauderdale Drive as shown on approved plans
654 shall be dedicated to the County prior to any occupancy permits being issued.
655 The right-of-way dedication plat and any other required information shall be
656 submitted to the County Real Property Agent at least sixty (60) days prior to
657 requesting occupancy permits.

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

660 31. A notice of completion form, certifying that the requirements of the Virginia
661 Department of Transportation entrances permit have been completed, shall be
662 submitted to the Department of Planning prior to any occupancy permits being
663 issued.

664 32. A concrete sidewalk meeting County standards shall be provided along the west
665 side of Lauderdale Drive and the north side of Three Chopt Road.

666 33. There shall be no outdoor storage in moveable storage containers including, but
667 not limited to, cargo containers and portable on demand storage containers.

668 34. The proffers approved as a part of zoning case C-65C-07 shall be incorporated in
669 this approval.

670 35. A construction staging plan which includes details for traffic control, fire
671 protection, stockpile locations, construction fencing and hours of construction
672 shall be submitted for County review and prior to the approval of any final
673 construction plans.

- 674 36. The developer shall install an adequate restaurant ventilating and exhaust
675 system to minimize smoke, odors, and grease vapors. The plans and
676 specifications shall be included with the building permit application for review and
677 approval. If, in the opinion of the County, the type system provided is not
678 effective, the Commission retains the rights to review and direct the type of
679 system to be used.
- 680 37. The loading areas shall be subject to the requirements of Chapter 24, Section
681 24-97(b) of the Henrico County Code.
- 682 38. Approval of the construction plans by the Department of Public Works does not
683 establish the curb and gutter elevations along the Virginia Department of
684 Transportation maintained right-of-way. The elevations will be set by the
685 contractor and approved by the Virginia Department of Transportation.
- 686 39. Approval of the construction plans by the Department of Public Works does not
687 establish the curb and gutter elevations along the Henrico County maintained
688 right-of-way. The elevations will be set by Henrico County.
- 689 40. The location of all existing and proposed utility and mechanical equipment
690 (including HVAC units, electric meters, junctions and accessory boxes,
691 transformers, and generators) shall be identified on the landscape plan. All
692 building mounted equipment shall be painted to match the building, and all
693 equipment shall be screened by such measures as determine appropriate by the
694 Director of Planning or the Planning Commission at the time of plan approval.
- 695 41. Except for junction boxes, meters, and existing overhead utility lines, and for
696 technical or environmental reasons, all utility lines shall be underground.
- 697 42. The subdivision plat for Three Chopt Road Extended shall be recorded before
698 any occupancy permits are issued.
- 699 43. The limits and elevations of the Special Flood Hazard Area shall be
700 conspicuously noted on the plan and labels "Limits of Special Flood Hazard
701 Area." In addition, the delineated Special Flood Hazard Area must be labeled
702 "Variable Width Drainage and Utility Easement." The easement shall be granted
703 to the County prior to the issuance of any occupancy permits.
- 704 44. Only retail business establishments permitted in a B-2 zone may be located in this
705 center.
- 706 45. The ground area covered by all the buildings shall not exceed in the aggregate 25
707 percent of the total site area.
- 708 46. No merchandise shall be displayed or stored outside of the building(s) or on
709 sidewalk(s).
- 710 47. Landscape screening, which may include wall sections, shall be provided along
711 the service road behind Building F and the service court behind Building E in
712 order to mitigate visual impacts from Three Chopt Road as determined by the
713 Planning Commission at the time of Landscape Plan review and approval.
714

715 **SUBDIVISION**

716

SUB-11-08
Three Chopt Road
Extended
(May 2008 Plan)

Timmons Group for W2005 WRL Realty, LLC: The 2.935-acre site proposed for a public road extension is located on the southwest corner of W. Broad Street (U.S. Routes 250) and Lauderdale Drive on part of parcel 736-762-2022. The zoning is B-2C, Business District (Conditional) and RTHC, Residential Townhouse District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 0 Lot**

717

718 Mr. Jernigan - Is there any opposition to SUB-11-08, Three Chopt Road
719 Extended (May 2008 Plan)? There is no opposition. Mr. Garrison, you may proceed.

720

721 Mr. Garrison - Good morning again. As part of rezoning case C-65C-07 and
722 for the previously approved POD-25-08, the applicant is required to provide an
723 extension to Three Chopt Road, a major thoroughfare plan road. The plan is consistent
724 with POD-25-08; therefore, staff can recommend approval subject to the annotations on
725 the plan, and the standard conditions for developments of this type. Staff and
726 representatives of the applicant are available to answer any questions that you may
727 have.

728

729 Mr. Jernigan - All right. Are there any questions for Mr. Garrison from the
730 Commission?

731

732 Mr. Branin - I have none.

733

734 Mr. Jernigan - Okay. Mr. Branin?

735

736 Mr. Branin - Mr. Chairman, I'd like move that SUB-11-08, Three Chopt
737 Road Extended (May 2008 Plan), be approved subject to the annotations on the plans,
738 standard conditions for zero lot subdivisions served by public utilities, and condition #11.

739

740 Mr. Archer - Second.

741

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

744

745 The Planning Commission granted conditional approval to SUB-11-08, Three Chopt
746 Road Extended (May 2008 Plan), subject to the standard conditions attached to these
747 minutes for subdivisions served by public utilities, the annotations on the plans, and the
748 following additional condition:

749

750 11. The proffers approved as part of zoning case C-65C-07 shall be incorporated in
751 this approval.

752 Mr. Emerson - Mr. Chairman, the next item on your agenda is the item that
753 was removed from the expedited agenda. It is on page 15. It is POD-31-08, Coastal
754 Towing @ Klockner.

755
756 **PLAN OF DEVELOPMENT**
757

POD-31-08 Coastal Towing @ Klockner – Charles City Road and Klockner Drive	Balzer & Associates, Inc. for D&R Associates, LLC. Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,000 square foot building for a towing service, with three bays for automotive servicing, and including a storage yard for inoperative vehicles waiting for repairs. The 3.0-acre site is located at the northwest corner of the intersection of Charles City Road and Klockner Drive on parcel 812-711-3575. The zoning is M-1, Light Industrial District and (ASO) Airport Safety Overlay District. County water and sewer. (Varina)
---	---

758
759 Mr. Jernigan - We have opposition on this case. Good morning, how are
760 you this morning?

761
762 Ms. Berndt - Good morning. I'm great, thanks.

763
764 As you can see, you have a revised staff plan in your addendum that shows that all
765 vehicle storage areas will be outside of the required setbacks and the 50-foot
766 transitional buffer adjacent to the A-1 property. Otherwise, the property is surrounded by
767 M-1 zoning. The vehicle storage area is fully enclosed within a seven-foot opaque
768 fence. That's required by code, that it's screened and fully enclosed. The use is
769 permitted within the M-1 zoning.

770
771 Staff is recommending approval subject to the annotations on the plans, the standard
772 conditions for developments of this type, and additional conditions listed in your agenda.
773 The applicant's representative, Andrew Bowman, is here from Balzer and Associates, if
774 you have any questions for him, and I'm happy to answer any questions that the
775 Commission may have of me.

776
777 Mr. Jernigan - Okay. Are there any questions for Ms. Berndt from the
778 Commission? All right. I think what I'll do is hear from the opposition first. Okay, thank
779 you. Ma'am, you may come down now. Good morning. Would you state your name for
780 the record, please?

781
782 Ms. Arnold - Nancy Arnold, 2210 Charles City Road.

783
784 Mr. Jernigan - Before you get started, Mr. Emerson, would you explain the
785 guidelines?

786 Mr. Emerson - Yes sir, Mr. Chairman. The public hearing guidelines, that
787 the Commission follows, allows the applicant 10 minutes to present the request, and
788 time may be reserved for responses to testimony. Opposition is allowed 10 minutes to
789 present its concerns. Commission questions do not count into the time limits, and the
790 Commission may waive the limits for either part at its discretion.

791
792 Mr. Jernigan - Thank you. Okay, ma'am, you may proceed.

793
794 Ms. Arnold - My property joins this property. They have a Coastal about
795 a mile up the road from me, and I've seen it. He's been cited with many, many
796 violations. It's noisy. They want to bring tractor-trailers in that are wrecked to repair
797 them. He does not leave them 30 days like you're supposed to; he does it much longer.
798 He wants to put a pumping station to pump gas, which he told me. It's noisy. We have
799 small children in the neighborhood. They're going to be interested in tractor-trailers. It's
800 going to make it so that there's more thievery in the neighborhood. We won't be able to
801 give our property away, we really won't, in the future. It's not a good idea. I'm not M-1.
802 It says the surrounding property was all M-1. No, it's not. They do not have sewage in
803 this area either. It states they have sewage and water; they don't. We have no sewage;
804 we have septic tanks. He has to hook up to the post office, which they've never allowed
805 anybody else to do.

806
807 Mr. Jernigan - All right. Let me clear up a couple of things on it first. The
808 zoning is M-1, which has been from some years ago. It was a zoning case then, so as
809 long as they do what's required by code, there's not much that we can do on that. The
810 Coastal down the road has had some problems. We just had a meeting probably within
811 the last three or four weeks where they're clearing up a lot of things up there. They've
812 had the inspectors out there and met with them. We've met here. They're cleaning that
813 site up.

814
815 The filling station is not going to be his; it's Little Oil Company. They've already
816 approached me and talked to me about that, about having an unmanned service center
817 there. That's not part of his operation; that's Little Oil Company, Lloyd Little.

818
819 I met with these people and they showed me the building. They've put brick on it to try
820 to make it look better for the neighborhood. But by law, as long as they meet code, we
821 can't deny it.

822
823 Ms. Arnold - I know that.

824
825 Mr. Jernigan - If they follow the codes of Henrico—if they're doing
826 something that's wrong, then we can go down and cite them and get it straight, but we
827 just can't turn it down.

828
829 Ms. Arnold - They're going to be bringing tractor-trailers in, day and night.
830 It's right at my bedroom window. The noise is going to be—it's enough we have the BFI
831 trucks going up and down, but that's public, that's for the public. The tractor-trailers?

832 Mr. Jernigan - I understand your situation and, like I said, that property was
833 zoned M-1 many years ago. Your property, which is right next door, when you do sell
834 that property, it will be for a business and not for residential.

835
836 Ms. Arnold - Oh, I know that, I know that.

837
838 Mr. Jernigan - That follows the trend along Charles City Road.

839
840 Ms. Arnold - Yes. Well, I told him to buy my property if you want to do
841 this and just extend yours. I don't want to be next to it, and nobody else does either.

842
843 [Several people talking off mike.]

844
845 Mr. Jernigan - You all will have to—You can come down. All these
846 hearings are taped, so I'll have to get you down here to pick you up on the microphone.

847
848 Ms. Arnold - I know we can't stop them, and I know progress goes on, but
849 we won't be able to give our property away.

850
851 Mr. Jernigan - Not really because when you do sell your property, as I said,
852 I'll be sold for commercial. Nobody's going to buy it for residential, you're right, but
853 somebody will buy it for commercial.

854
855 Ms. Arnold - I know that. Their property has been for sale for about 20
856 years before the last person bought it. He was going to put storage units there, which
857 was no problem. Nobody objected. Then he decided that he wasn't going to. Everybody
858 that's owned that property has not been able to do what they wanted to do with it for
859 some reason. Then he got rid of it and sold it to Coastal. There's a drainage problem
860 there terrible. There's a ditch that goes all the way across my property and all the way
861 across this property that Coastal has. It's this deep. If he fills that ditch in, all that
862 property is going to flood.

863
864 Mr. Jernigan - That's handled through Public Works. They're going to make
865 sure. That's one thing that the engineers have to do. They have to prove an outfall for
866 any drainage water that comes off, so that's all handled by Public Works. They make
867 sure that it'll work before they give them their okay to do the project. Ma'am, state your
868 name, please.

869
870 Ms. Sharpe - Jennifer Sharpe. I'm at 2211 Charles City Road.

871
872 Mr. Jernigan - What's your last name?

873
874 Ms. Sharpe - Sharpe.

875
876 Mr. Jernigan - Okay. Thank you.

877

878 Ms. Sharpe - My property is right directly across the street from Ms.
879 Arnold. What's that going to do to that whole subdivision's property value when it
880 comes time to resell? No business is going to come in and buy just one piece of
881 property that's across the street surrounded by other houses; the land's not big enough
882 for it. It's going to depreciate all of our value.

883
884 Mr. Jernigan - Well, as I stated to Ms. Arnold—

885
886 Ms. Sharpe - Not to mention, like she was saying, the noise from the
887 tractor-trailers. I have four children—6, 8, 11, and 16. That's going to affect their
888 sleeping from the lights, and the traffic, and the noise in the middle of the night bringing
889 in the tractor-trailers. As far as this place up the street, it's an eyesore that is not hidden
890 at all. The fence is rickety, it's broken. It's an eyesore.

891
892 Mr. Jernigan - They're having to get that cleaned up. As I've said, the
893 County's been out there numerous times, and working with them now to get that
894 operation straight. My hands are tied on this. By code, I can't deny it.

895
896 Ms. Sharpe - So, basically, we have to deal with it, and deal with the
897 depreciation of our property value.

898
899 Mr. Jernigan - As I stated with Ms. Arnold, in the future, whoever buys that
900 property—

901
902 Ms. Sharpe - I've been living at that house my whole life. My whole life I've
903 lived there. It was my parents' house and it was left to me. We've been waiting all this
904 time for someone to do that, which has not happened. How long is it going to be?

905
906 Ms. Arnold - Yes, we thought BFI would buy.

907
908 Ms. Sharpe - Yes. I'm 33 years old, and nothing has been done on it. BFI
909 came in, Henrico County Landfill came in when I was little. "Oh, we're only going to be
910 here this amount of time and we'll be out. What are we supposed to do with it? Nothing
911 but sit here and just wait forever.

912
913 Ms. Arnold - Oh, they can drop our real estate taxes.

914
915 Mr. Jernigan - Well, if you feel the house isn't worth what it's assessed, you
916 can go to the Real Estate Board and try to get them to reduce it for you. That's one
917 thing. There is nothing that I can do legally to prevent somebody coming in that meets
918 code.

919
920 Mr. Branin - Mr. Chairman, can I ask a question of Ms. Sharpe and Ms.
921 Arnold? I hope you understand what it was zoned prior, that it's M-1, and it meets code,
922 so there's nothing that we can do to prevent M-1 from going in there. What would you
923 guys like to see done—other than it not going in there—to help protect you?

924 Ms. Sharpe - If could be a quieter business. He's directly across the
925 street.

926
927 Mr. Branin - What I'm asking is, you see problems with the other
928 Coastal—fencing wise, treeline wise—what would be better? What the Chairman is
929 saying is that it meets all the criteria business-wise that that land has been approved
930 for. So, how can we help you ensure quality of life? If the business is coming there,
931 what can we do to help protect you better?

932
933 Ms. Sharpe - Put in a quieter business. Something that isn't going to be
934 operating at all hours of the night. A fence isn't going to stop the noise.

935
936 Ms. Arnold - I bet a proper fence all the way around it would help.

937
938 Mr. Jernigan - It has that. It's a seven-foot fence all the way around.

939
940 Ms. Sharpe - But that's still not going to stop the noise.

941
942 Ms. Arnold - Yes, I know. When a tractor-trailer comes in off of Charles
943 City Road and tries to make that turn—

944
945 Ms. Sharpe - The road's not wide enough.

946
947 Ms. Arnold - —right there on Charles City Road, it's not wide enough.
948 You don't know the number of times that a tractor-trailer tried to make that turn, goes
949 into a ditch. Then we have to hear the sirens, the police, the wreckers trying to get it out.
950 This has happened numerous times, and recently. They come in off Klockner and they
951 go right into the ditch, right in front of somebody's house. They can't make that turn; it's
952 not wide enough. So, he's going to have to not come in off of Klockner onto Charles
953 City Road. They're going to have to go back the other way. It'll cut down on the sirens,
954 the police, and at 12:00 at night trying to get the tractor-trailer out of the ditch. This
955 happens a lot. Unless they're going to widen Charles City Road, which I don't think
956 they're going to do anytime soon.

957
958 Mr. Jernigan - I don't think there are any plans for that.

959
960 Ms. Arnold - I know we can't stop it, and I know you have to approve. I
961 know that. But still. And her kids. Little kids love tractor-trailers. They're going to be
962 running over. We've already got some thievery in the neighborhood. This is just going to
963 increase it. People are going to be going in there and stealing aluminum and copper
964 from his facility. I don't even know if it's going to have an on-site person there to take
965 care of it at night, which he's going to almost have to do because it's going to create a
966 lot of problems. I know we can't stop it, but there are things they can do to cut down on
967 some the noise. He's going to have to have an on-site person there day and night to
968 take care of it.

969

970 Mr. Jernigan - Thieves we can't stop.
971
972 Ms. Arnold - Yes, I know.
973
974 Mr. Jernigan - They have the seven-foot fence around it. As Mr. Branin
975 said, is there anything else that we can do that would help you out. I can't control the
976 noise. If somebody wrecks on the road, comes through there and turns shallow, we
977 can't—
978
979 Ms. Arnold - Maybe just pulling during the night, not all night long.
980
981 Mr. Emerson - Mr. Chairman, we have exceeded the ten minutes at this
982 point. As you stated, the code is pretty explicit. This is an unrestricted zoning, and the
983 Commission does have certain parameters that they can examine. While many of the
984 concerns raised are valid, we can't address them, as you stated.
985
986 Mr. Jernigan - Do you have anything else to say, ma'am?
987
988 Ms. Arnold - No I don't.
989
990 Mr. Jernigan - All right. I do appreciate you coming down. I want you to
991 understand our position on this.
992
993 Ms. Arnold - I do understand.
994
995 Mr. Jernigan - I've looked this over. It's been quite a while. They are
996 limited to the amount of things that they can do. They are a storage yard. They have
997 been cited before because they've had vehicles in there longer than 30 days on the
998 other operation. The problem with that is insurance companies don't always have their
999 things straight in 30 days. This creates a problem for everybody and it trickles on down.
1000 If you have problems with anything that—I can't say noise. If they're pulling somebody
1001 in at 2:00 in the morning, I can't do anything. They haul for Henrico County, too.
1002 They're on the call list.
1003
1004 Ms. Arnold - I understand, I do. I understand all that. We were just trying
1005 to cut down on some of the problem, and to make it as decent looking as possible, so it
1006 won't depreciate our property so much. We have a storage unit next door. You don't
1007 even know they're there. I mean a warehouse. They have tractor-trailers. You wouldn't
1008 even know they were there. They're not noisy. Most of what they do is during the day,
1009 and it's all enclosed. No problem.
1010
1011 Mr. Jernigan - Ms. Arnold, I appreciate you coming down.
1012
1013 Ms. Arnold - Okay, thank you.
1014
1015 Mr. Jernigan - Thank you so much.

1016 Mr. Vanarsdall - We do have some conditions on here, such as no outside
1017 storage. You might want to ask her to show you those conditions.
1018
1019 Mr. Jernigan - All right. Is the applicant here?
1020
1021 Mr. Branin - Yes.
1022
1023 Mr. Jernigan - He is here.
1024
1025 Mr. Bowman - Good morning.
1026
1027 Mr. Jernigan - Good morning.
1028
1029 Mr. Bowman - Andrew Bowman with Balzer and Associates.
1030
1031 Mr. Jernigan - Is there anything that you can add into this? That's why I
1032 had them come down first, so we can address any concerns.
1033
1034 Mr. Bowman - Right. If there are any technical questions that they have, I'll
1035 be more than happy to answer those. I think you explained it very well, the previous
1036 meetings we've had with Danny with Coastal. He's well aware that he'll be watched
1037 very closely with this new business of his.
1038
1039 Mr. Jernigan - Okay. Any questions for the applicant?
1040
1041 Mr. Archer - No, but I just wanted to add that in view of what you've heard
1042 here today, could you sort of get with your client and just have them in some way try to
1043 reassure these people that they'll do the best that they can to try to keep this from being
1044 a nuisance anyway.
1045
1046 Mr. Bowman - Absolutely.
1047
1048 Mr. Jernigan - Are you familiar with the ditch in the back?
1049
1050 Mr. Bowman - It's actually in the front of the property. It doesn't affect this
1051 project, but it may come up on the Little Oil project, though.
1052
1053 Mr. Jernigan - Okay. So, it's not in with Coastal.
1054
1055 Mr. Bowman - No.
1056
1057 Mr. Jernigan - All right, thank you.
1058
1059 Mr. Bowman - No problem.
1060

1061 Mr. Jernigan - With that, I would like to move for approval of POD-31-08,
1062 Coastal Towing @ Klockner and Charles City Road, subject to the standard conditions
1063 for developments of this type, the following additional conditions #29 through #35, and
1064 on the addendum.

1065
1066 Mr. Branin - Second.

1067
1068 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor
1069 say aye. All opposed say no. The ayes have it; the motion passes.

1070
1071 The Planning Commission approved POD-31-08, Coastal Towing @ Klockner and
1072 Charles City Road, subject to the annotations on the plans, the standard conditions
1073 attached to these minutes for developments of this type, and the following additional
1074 conditions:

- 1075
1076 29. All repair work shall be conducted entirely within the enclosed building.
1077 30. Outside storage shall not be permitted.
1078 31. There shall be no outdoor storage in moveable storage containers including, but
1079 not limited to, cargo containers, truck trailers, and portable on demand storage
1080 containers.
1081 32. Approval of the construction plans by the Department of Public Works does not
1082 establish the curb and gutter elevations along the Henrico County maintained
1083 right-of-way. The elevations will be set by Henrico County.
1084 33. The location of all existing and proposed utility and mechanical equipment
1085 (including HVAC units, electric meters, junction and accessory boxes,
1086 transformers, and generators) shall be identified on the landscape plans. All
1087 equipment shall be screened by such measures as determined appropriate by
1088 the Director of Planning or the Planning Commission at the time of plan approval.
1089 34. Storage of damaged and inoperable vehicles is limited to a maximum of 30 days
1090 provided they are located within an enclosed area and screened by an opaque
1091 fence from public view.
1092 35. Dismantling of vehicles shall not be permitted on site.

1093
1094 **PLAN OF DEVELOPMENT**

1095
1096
POD-29-08
Mt. Olive Baptist Church – 8775 Mount Olive Avenue (POD-21-01 Revised)
Carter Design for Mt. Olive Baptist Church: 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, 15,883 square foot fellowship hall for an existing church. The 8.64-acre site is located at the terminus of Mt. Olive Avenue, approximately 740 feet from the intersection with Mountain Road on parcel 781-760-9426. The zoning is R-3, One-Family Residence District. County water and sewer. **(Fairfield)**

1097 Mr. Jernigan - Is there any opposition to POD-29-08, Mt. Olive Baptist
1098 Church (POD-21-01 Revised)? There is no opposition. Good morning, Mr. Pambid.

1099
1100 Mr. Pambid - Good morning ladies and gentlemen of the Commission.

1101
1102 The proposed fellowship hall will be in addition to an existing 800-seat sanctuary, which
1103 was approved by the Planning Commission with POD-21-01 on March 28, 2001.
1104 The original sanctuary that existed prior to the construction of POD-21-01 will be
1105 demolished in order to make room for this new fellowship hall.

1106
1107 Major components of the floor plan include three classrooms, a library and media area,
1108 offices, a kitchen, storage space, and a banquet hall with platform. The proposed
1109 building and the new recently constructed sanctuary—POD-21-01—were designed by
1110 the DG Group and will be similar in style, colors, and materials to the existing sanctuary.
1111 That's a picture of POD-21-01.

1112
1113 An annotation on the staff plan suggests that the frame shed should be removed, and
1114 staff believes that this is no longer necessary.

1115
1116 With the exception of the frame shed annotation, staff recommends approval subject to
1117 the annotations on the plans, the standard conditions for developments of this type, and
1118 conditions 29 through 31 in your agenda.

1119
1120 I'm happy to answer any questions you may have, and Michele Carter with Carter
1121 Design, Wayne Redman with Mt. Olive Church, and Roy Delph with the DG Group are
1122 also here to answer any questions. That concludes my presentation.

1123
1124 Mr. Jernigan - Are there any questions for Mr. Pambid from the
1125 Commission? All right. Thank you, Mr. Pambid.

1126
1127 Mr. Pambid - Thank you, sir.

1128
1129 Mr. Archer - I do have one. For the record, do we need to remove that
1130 annotation referring to the shed?

1131
1132 Mr. Pambid - That was part of my staff report. If you want to include that
1133 in your motion, that would be an acceptable—

1134
1135 Mr. Archer - Does it do anything if we leave it in there? It's a moot point,
1136 it seems like, right?

1137
1138 Mr. Pambid - I think just to cover it, we should probably put that in the
1139 motion as well, to just have that annotation removed, and we will make that change.

1140
1141 Mr. Archer - Okay, that's what I'll do. Thank you, Lee.

1142

1143 Mr. Pambid - Yes sir.
1144
1145 Mr. Archer - I have nothing else.
1146
1147 Mr. Jernigan - Okay. Thank you, Mr. Pambid.
1148
1149 Mr. Archer - All right, Mr. Chairman. With that, I move for approval of
1150 POD-29-08, Mt. Olive Baptist Church (POD-21-01 Revised), subject to the annotations
1151 on the plans (with the exception of the annotation removing the frame shed), the
1152 standard conditions for developments of this type, and the additional conditions 29
1153 through 31.
1154
1155 Mr. Vanarsdall - Second.
1156
1157 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
1158 favor say aye. All opposed say no. The ayes have it; the motion passes.
1159
1160 The Planning Commission approved POD-29-08, Mt. Olive Baptist Church (POD-21-01
1161 Revised), subject to the annotations on the plans (with the exception of the annotation
1162 removing the frame shed), the standard conditions attached to these minutes for
1163 developments of this type, and the following additional conditions:
1164
1165 29. Outside storage shall not be permitted.
1166 30. The existing utility easement in conflict with the proposed fellowship hall building
1167 footprint shall be vacated prior to approval of the building permit for the said
1168 building.
1169 31. The location of all existing and proposed utility and mechanical equipment
1170 (including HVAC units, electric meters, junction and accessory boxes,
1171 transformers, and generators) shall be identified on the landscape plans. All
1172 equipment shall be screened by such measures as determined appropriate by
1173 the Director of Planning or the Planning Commission at the time of plan approval.
1174
1175 Mr. Emerson - Mr. Chairman, that completes the public hearing for today.
1176 The next item on your agenda is the approval of the minutes from the April 23, 2008
1177 meeting.
1178
1179 **APPROVAL OF MINUTES: April 23, 2008**
1180
1181 Mr. Jernigan - I had one correction on page 18, line 651. It would be "I
1182 think," not "I'm think." It's "I think."
1183
1184 Mr. Archer - Line—What was it again?
1185
1186 Mr. Jernigan - 651 where it says, "I'm think," right in the beginning. Strike
1187 the "m."
1188 Mr. Archer - Okay.

1189
1190 Mr. Jernigan - That's it. Any more corrections to the minutes?
1191
1192 Mr. Vanarsdall - I recommend approval.
1193
1194 Mr. Archer - Second.
1195
1196 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer to
1197 approve the minutes of April 23, 2008. All in favor say aye. All opposed say no. The
1198 ayes have it; the motion passes.
1199
1200 The Planning Commission approved the April 23, 2008 minutes as corrected.
1201
1202 Mr. Jernigan - Is there any other business?
1203
1204 Mr. Emerson - Mr. Chairman, I would like to remind you that we do have
1205 one last open house on the Comp Plan. It will be in this room in this building tomorrow
1206 evening, the 29th, from 4:30 to 7:30 p.m.
1207
1208 Mr. Jernigan - Okay. Thank you, Mr. Emerson. Do we have a motion to
1209 adjourn?
1210
1211 Mr. Archer - So moved, Mr. Chairman.
1212
1213 Mr. Vanarsdall - Second.
1214
1215 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
1216 favor say aye. All opposed say no. The ayes have it; the motion passes.
1217
1218 We're adjourned.
1219
1220 The Planning Commission adjourned its May 28, 2008 meeting at 9:58 a.m.
1221
1222
1223
1224
1225

E. Ray Jernigan, Chairperson
1226
1227
1228
1229
1230

R. Joseph Emerson, Jr., Secretary