

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, May 23, 2012.
4

Members Present: Mr. Tommy Branin, Chairman (Three Chopt)
Mrs. Bonnie-Leigh Jones, Vice-Chairperson, C.P.C. (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Eric Leabough (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
Board of Supervisors' Representative

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal 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
Ms. Aimee B. Crady, AICP, County Planner
Mr. Tommy Catlett, Traffic Engineering
Ms. Kim Vann, Henrico Police
Ms. Holly Zinn, Recording Secretary

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6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains from**
7 **voting on all cases unless otherwise noted.**
8

9 Mr. Branin - Good morning to everybody and welcome to the May 23,
10 2012 Subdivision and Plans of Development meeting for the Henrico Planning
11 Commission. I would like to recognize anyone that's in the media this morning and also
12 give a warm thanks to the Honorable Frank Thornton, who is our supervisor sitting with
13 us this year. If everyone would do the courtesy of turning your cell phones off or putting
14 them on vibrate now so there are no interruptions, I would appreciate it. With that, I
15 would like everybody to stand for the Pledge of Allegiance.
16

17 We're lucky enough to have everyone attending today. With that, Mr. Secretary, if you
18 would like to take over, please.
19

20 Mr. Emerson - Yes, thank you, Mr. Chairman. First, on your agenda today,
21 are the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie
22 News.
23

24 Ms. News - Good morning, Mr. Chairman, members of the Commission.
25 We have three items for deferral on our list, and a fourth has been added just this
26 morning. The first item is on page six of your agenda and is located in the Three Chopt
27 District. This is a transfer of approval for POD-35-76, 06-78, and 47-08 for the Laurels at
28 University Park. The applicant has requested a deferral to June 27, 2012.

29

30 **TRANSFER OF APPROVAL**

31

POD's 35-76, 06-78, and 47-08 (Part) POD2011-00446; POD2011-00448; POD2012-00008 Laurels at University Park (Formerly University Park) – 2420 Pemberton Road	Hirschler-Fleischer for The Laurels of University Park, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from University Park Health Investors, LLC to The Laurels of University Park, LLC. The 8.93-acre site is located at the northeast corner of the intersection of Pemberton Road (State Route 157) and Regirer Place, on parcel 752-753-4706 and part of parcel 752-753-0071. The zoning is R-6C, General Residential District (Conditional). County water and sewer. (Three Chopt)
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33 Mr. Branin - Is anyone in opposition to the deferral of transfer of approval
34 for POD's 35-76, 06-78, and 47-08 (Part), Laurels at University Park? No one? Then, I
35 would like to move that transfer of approval for POD's 35-76, 06-78, and 47-08 (Part),
36 Laurels at University Park, be deferred to the June 27, 2012 meeting per the applicant's
37 request.

38

39 Mrs. Jones - Second.

40

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

43

44 At the request of the applicant, the Planning Commission deferred transfer of approval
45 for POD's 35-76, 06-78, and 47-08 (Part), Laurels at University Park, to its June 27, 2012
46 meeting.

47

48 Ms. News - The next item is on page 33 of your agenda and is located in
49 the Fairfield District. This is POD2012-00149, Dunkin' Donuts at Glen Lea Shopping
50 Center. The applicant has requested a deferral to the June 27, 2012 meeting.

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52

53 **PLAN OF DEVELOPMENT**

54
POD2012-00149
Dunkin' Donuts at Glen
Lea Shopping Center –
3800 Mechanicsville
Turnpike (U.S. Route 360)

Vanesse, Hangen, Brustlin, Inc. for PCS Glen Lea, LLC and Dunkin' Brands, 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 1,800 square-foot restaurant with drive-through facilities. The 0.69-acre site is located on an outparcel in an existing shopping center on the west line of Mechanicsville Turnpike (U.S. Route 360), in the northwest quadrant of the intersection of Laburnum Avenue and Mechanicsville Turnpike, on part of parcel 802-736-8028. The zoning is B-2, Business District and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield)**

55
56 Mr. Branin - Is anyone in opposition the deferral of POD2012-00149,
57 Dunkin' Donuts at Glen Lea Shopping Center? No one?

58
59 Mr. Archer - Mr. Chairman, I move for deferral of POD2012-00149,
60 Dunkin' Donuts at Glen Lea Shopping Center, to the June 27, 2012 meeting per the
61 applicant's request.

62
63 Mrs. Jones - Second.

64
65 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
66 say aye. All opposed say no. The ayes have it; the motion passes.

67
68 At the request of the applicant, the Planning Commission deferred POD2012-00149,
69 Dunkin' Donuts at Glen Lea Shopping Center, to its June 27, 2012 meeting.

70
71 Ms. News - Next, on page 35 of your agenda and located in the Three
72 Chopt District, is SUB2012-00043, Pouncey Place (April 2012 Plan). The applicant is
73 requesting a deferral to the June 27, 2012 meeting.

74
75 **SUBDIVISION** *(Deferred from the April 25, 2012 Meeting)*

76
SUB2012-00043
Pouncey Place (April 2012
Plan) – 4521 Pouncey
Tract Road (State Route
271)

Bay Companies, Inc. for Pouncey Tract Company of Virginia, LLC and the Commonwealth of Virginia: The 12.72-acre site proposed for a public road dedication is located on the east line of Pouncey Tract Road (State Route 271), approximately 580 feet south of the intersection of Pouncey Tract Road and Twin Hickory Lake Drive, on part of parcels 740-765-2150 and 7333. The zoning is A-1, Agricultural District, B-2C, Business District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 0 Lot**

77
78 Mr. Branin - Is there any opposition to the deferral of SUB2012-
79 00043, Pouncey Place (April 2012 Plan)? No one? Then, I'd like to move that SUB2012-
80 00043, Pouncey Place (April 2012 Plan), be deferred to the June 27, 2012 meeting per
81 the applicant's request.

82
83 Mr. Leabough - Second.

84
85 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Leabough. All in favor
86 say aye. All opposed say no. The ayes have it; the motion passes.

87
88 At the request of the applicant, the Planning Commission deferred SUB2012-00043,
89 Pouncey Place (April 2012 Plan), to its June 27, 2012 meeting.

90
91 Ms. News - An item has been added from page nine of your agenda. It is
92 in the Varina District, LP/POD-02-09, Tuckaway Child Development Center landscape
93 plan. The applicant is requesting a deferral to the June 27, 2012 meeting.

94
95 **LANDSCAPE PLAN**

96
LP/POD-02-09 **Balzer and Associates for Karverly, Inc.:** Request for
POD2012-00177 approval of reconsideration of a landscape plan, as
Tuckaway Child required by Chapter 24, Sections 24-106 and 24-106.2 of
Development Center – the Henrico County Code. The 5.22-acre site is located at
New Market Road and the southeast corner of the intersection of New Market
Midview Road Road (State Route 5) and Midview Road on parcel 803-
(Reconsideration) 701-8673. The zoning is B-1C, Business District
(POD-48-06 Revised) (Conditional). County water and sewer. **(Varina)**
(POD-32-04 Expired)

97
98 Mr. Branin - Is anyone in opposition to the deferral of LP/POD-02-09,
99 Tuckaway Child Development Center? No one?

100
101 Mr. Leabough - Mr. Chairman, I'm going to abstain; I have a conflict.

102
103 Mr. Branin - Okay.

104
105 Mr. Archer - In that case, I will move for deferral of LP/POD-02-09,
106 Tuckaway Child Development Center, to the June 27, 2012 meeting at the applicant's
107 request.

108
109 Mr. Witte - Second

110
111 Mr. Branin - Motion by Mr. Archer, seconded by Mr. Witte, and abstained
112 by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
113 passes.

114
115 The vote was as follows:

116
117 Mr. Branin - Yes
118 Mrs. Jones - Yes
119 Mr. Archer - Yes
120 Mr. Leabough - Abstain
121 Mr. Witte - Yes

122
123 Ms. News - Staff is not aware of any further requests for deferral.

124
125 Mr. Emerson - Mr. Chairman, if the Planning Commission does not have any
126 further deferrals to bring forward, next, on your agenda, are the expedited items. Those
127 will also be presented by Ms. Leslie News.

128
129 Ms. News - Sir, we have ten items on our expedited agenda this morning.
130 The first is on page three of your agenda and is located in the Fairfield District. This is a
131 transfer of approval for POD-44-01 (Part), The Retail Shoppes at Virginia Center
132 (Formerly Silver Finance and Retail Buildings). Staff recommends approval.

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134 **TRANSFER OF APPROVAL**

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POD-44-01 (Part) POD2012-00017 The Retail Shoppes at Virginia Center (Formerly Silver Finance and Retail Buildings) - 9853 Brook Road (U.S. Route 1)	James G. Michael for 9853 Brook Road LLC: Request for transfer of approval of a portion of a Plan of Development as required by Chapter 24, Section 24-106 of the Henrico County Code from Cedar Va Commons, LLC to 9853 Brook Road LLC. The 1.31-acre site is located at the southeast corner of the intersection of Brook Road (U.S. Route 1) and Technology Park Drive, approximately 545 feet north of Virginia Center Parkway, on parcel 783-768-9750. The zoning is M-1, Light Industrial District. County water and sewer. (Fairfield)
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136
137 Mr. Branin - Is anyone in opposition to transfer of approval for POD-44-01
138 (Part), The Retail Shoppes at Virginia Center (Formerly Silver Finance and Retail
139 Buildings)? No one?

140
141 Mr. Archer - Mr. Chairman, I move for approval of transfer of approval for
142 POD-44-01 (Part), The Retail Shoppes at Virginia Center (Formerly Silver Finance and
143 Retail Buildings), subject to staff's recommendation and the additional Condition #1.

144
145 Mrs. Jones - Second.

146
147 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
148 say aye. All opposed say no. The ayes have it; the motion passes.

150 The Planning Commission approved the transfer of approval request for POD-44-01
151 (Part), The Retail Shoppes at Virginia Center (Formerly Silver Finance and Retail
152 Buildings), from Cedar Va Commons, LLC to 9853 Brook Road LLC, subject to the
153 standard and added conditions previously approved and the following additional
154 condition:

- 155
156 1. The site deficiencies, as identified in the inspection report dated January 30,
157 2012, shall be completed by October 1, 2012.

158
159 Ms. News - Next, on page four of your agenda and located in the
160 Tuckahoe District, is transfer of approval for POD-94-93, Village Shopping Center
161 Ukrop's Addition. Staff recommends approval.

162
163 **TRANSFER OF APPROVAL**

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166 **POD-94-93 ML Bell Construction for Regency Centers:** Request for
167 **POD2012-00109** transfer of approval as required by Chapter 24, Section 24-
168 **Village Shopping Center** 106 of the Henrico County Code from First Washington
169 **Ukrop's Addition – 7027** Realty LTD, US RP I, LLC, and Macquarie Countrywide to
170 **Three Chopt Road** Regency Centers. The 8.04-acre site is located at the
171 southwest corner of the intersection of Three Chopt Road
172 and Patterson Avenue (State Route 6), on parcel 763-739-
173 1375. The zoning is B-1, Business District. County water
174 and sewer. **(Tuckahoe)**

175
176
177 Mr. Branin - Is there any opposition to transfer of approval of POD-94-93,
178 Village Shopping Center Ukrop's Addition? No one?

179
180 Mrs. Jones - I recommend approval of transfer of approval of POD-94-93,
181 Village Shopping Center Ukrop's Addition, with staff's approval and the Condition #1.

182
183 Mr. Leabough - Second.

184
185 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Leabough. All in
186 favor say aye. All opposed say no. The ayes have it; the motion passes.

187
188 The Planning Commission approved the transfer of approval request for POD-94-93,
189 Village Shopping Center Ukrop's Addition, from First Washington Realty LTD, US RP I,
190 LLC, and Macquarie Countrywide to Regency Centers, subject to the standard and
191 added conditions previously approved and the following additional condition:

- 192
193 1. The site deficiencies, as identified in the inspection report dated April 3, 2012,
194 shall be corrected by June 1, 2012.

185 Ms. News - On page five of your agenda and located in the Three Chopt
186 District is transfer of approval for POD-57-89, Applebee's at Westpark Shopping Center.
187 Staff recommends approval.

188
189 **TRANSFER OF APPROVAL**

190
POD-057-89 **Albert Diradour for The Diradour, LLC:** Request for
POD2012-00097 transfer of approval as required by Chapter 24, Section 24-
Applebee's at Westpark 106 of the Henrico County Code from Apple South, Inc.,
Shopping Center – 9601 Applebee's of VA, Inc., and DBApplef, LLC to The
W. Broad Street (U.S. Diradour, LLC. The 1.35-acre site is located in an existing
Route 250) shopping center at the southwest corner of the intersection
of W. Broad Street (U.S. Route 250) and Pemberton Road
(State Route 157), on parcel 754-758-6408. The zoning is
B-2C, Business District (Conditional). County water and
sewer. **(Three Chopt)**

191
192 Mr. Branin - Is anyone in opposition to transfer of approval for POD-57-89,
193 Applebee's at Westpark Shopping Center? No one? Then, I would like to move that
194 transfer of approval for POD-57-89, Applebee's at Westpark Shopping Center, be
195 approved on the expedited agenda with Condition #1.

196
197 Mrs. Jones - Second.

198
199 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in
200 favor say aye. All opposed say no. The ayes have it; the motion passes.

201
202 The Planning Commission approved the transfer of approval request for POD-57-89,
203 Applebee's at Westpark Shopping Center, from Apple South, Inc., Applebee's of VA,
204 Inc., and DBApplef, LLC to The Diradour, LLC, subject to the standard and added
205 conditions previously approved and the following additional condition:

- 206
207 1. The site deficiencies, as identified in the inspection report dated March 26, 2012,
208 shall be corrected by July 1, 2012.

209
210 Ms. News - On page seven of your agenda and located in the Fairfield
211 District is a transfer of approval for POD-02-00 (Part), Park Central III. Staff recommends
212 approval.

213
214

243 **TRANSFER OF APPROVAL**

244
POD-14-79 and 54-94
POD2012-00123;
POD2012-00125
Performance Food Group,
Inc. (Formerly Taylor and
Sledd Warehouse and
Office Addition) – 7420
Ranco Road

Charles Nabit for Ranco-Ric, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from H.C. Sledd, Jr, Canners Warehouse, and E.D. Lewis and Associates to Ranco-Ric, LLC. The 13.08-acre site is located on the west line of Ranco Road, approximately 1,200 feet north of Vernon Road, on parcel 773-751-4043. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

245
246 Mr. Branin - Is anyone in opposition to transfer of approval for POD-14-79
247 and 54-94, Performance Food Group, Inc. (Formerly Taylor and Sledd Warehouse and
248 Office Addition)? No one?

249
250 Mr. Witte - Mr. Chairman, I move for approval of transfer of approval for
251 POD-14-79 and 54-94, Performance Food Group, Inc. (Formerly Taylor and Sledd
252 Warehouse and Office Addition), subject to staff’s recommendation and Condition #1.

253
254 Mr. Leabough - Second.

255
256 Mr. Branin - Motion by Mr. Witte, seconded by Mr. Leabough. All in favor
257 say aye. All opposed say no. The ayes have it; the motion passes.

258
259 The Planning Commission approved the transfer of approval request for POD-14-79 and
260 54-94, Performance Food Group, Inc. (Formerly Taylor and Sledd Warehouse and Office
261 Addition), from H.C. Sledd, Jr., Canners Warehouse, and E.D. Lewis and Associates to
262 Ranco-Ric, LLC, subject to the standard and added conditions previously approved and
263 the following additional condition:

- 264
265 1. All deficiencies, as identified in the inspection report dated April 15, 2012, shall be
266 corrected prior to the issuance of a permanent certificate of occupancy.

267
268 Ms. News - The next item is on page 11 of your agenda and is located in
269 the Brookland District. This is LP/POD-29-11, McDonald’s at 7118 West Broad Street.
270 There is an addendum item on page one of your addendum that includes a revised plan.
271 It shows revised landscaping that meets the transitional buffer required at the southeast
272 corner of Deep Run and Fountain Avenue and the addition of hedge rows and shrubs
273 along West Broad Street and Deep Run Avenue. Staff can recommend approval.

274
275

276 **LANDSCAPE PLAN**

277
POD-29-11
POD2012-00110
McDonald's at 7118 W.
Broad Street (U.S. Route
250)
(POD-101-84 Rev.)

Carter Design for McDonald's Corporation: 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 1.01-acre site is located at the northeast corner of the intersection of Deep Run Avenue and W. Broad Street (U.S. Route 250), on parcel 766-747-9382. The zoning is B-2C, Business District (Conditional), B-3, Business District, and B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

278
279 Mr. Branin - Is anyone in opposition to LP/POD-29-11, McDonald's? No
280 one?

281
282 Mr. Witte - Mr. Chairman, I move for approval of LP/POD-29-11,
283 McDonald's at 7118 West Broad Street, through a revised plan that is approved by staff.

284
285 Mrs. Jones - Second.

286
287 Mr. Branin - Motion by Mr. Witte, seconded by Mrs. Jones. All in favor say
288 aye. All opposed say no. The ayes have it; the motion passes.

289
290 The Planning Commission approved LP/POD-29-11, McDonald's at 7118 W. Broad
291 Street, subject to the annotations on the plans and the standard conditions attached to
292 these minutes for landscape plans.

293
294 Ms. News - Next, on page 12 of your agenda and located in the Three
295 Chopt District is SUB2012-00062, Duncan Park at Sadler Walk (May 2012 Plan) for 64
296 lots. There is an addendum item on page one of your addendum—a revised plan that
297 addresses Planning's and Public Works' comments. Traffic has determined the
298 northwest private road at the corner of Glasgow and Dublin Roads meets the access
299 standards and sight distance by relocation of an alley just to the south of the intersection
300 of future Sadler Walk Lane. The applicant has relocated the parking pads to common
301 area and adjusted the lots to provide the required 30-foot rear yard setback. Staff can
302 recommend approval.

303
304

305 **SUBDIVISION**

306

SUB2012-00062
Duncan Park at Sadler
Walk (May 2012 Plan) –
Glasgow Road

Youngblood, Tyler & Associates, P.C. for Oglethorpe Park, LLC: The 10.79-acre site proposed for a subdivision of 64 residential townhouses for sale is located on the east line of Glasgow Road at its intersection with Dublin Road, approximately 600 feet north of Ireland Lane, on parcels 746-763-1769, 2482, 2896, and 746-764-3818. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt) 64 Lots**

307

308 Mr. Branin - Is anyone in opposition to SUB2012-00062, Duncan Park at
309 Sadler Walk (May 2012 Plan)? No one? Then, I would like to recommend that SUB2012-
310 00062, Duncan Park at Sadler Walk (May 2012 Plan), be approved with the annotations
311 on the plans, the standard conditions for residential townhome subdivisions, the following
312 Conditions #15 through #21, and the revisions.

313

314 Mrs. Jones - Second.

315

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

318

319 The Planning Commission granted conditional approval to SUB2012-00062, Duncan
320 Park at Sadler Walk (May 2012 Plan), subject to the standard conditions attached to
321 these minutes for residential townhouses for sale subdivisions, the annotations on the
322 plans, and the following additional conditions:

323

324 15. The plat shall contain a statement that the common area is dedicated to the
325 common use and enjoyment of the homeowners of Duncan Park at Sadler Walk
326 and is not dedicated for use by the general public. This statement shall refer to the
327 applicable article in the covenants recorded with the plat.

328 16. The details for the landscaping to be provided along Sadler Road Relocated, Sadler
329 Walk Lane, and adjacent to A-1 zoned parcels shall be submitted to the
330 Department of Planning for review and approval prior to recordation of the plat.

331 17. A County standard sidewalk shall be constructed along both sides of Sadler Walk
332 Lane and the eastern property line of Glasgow Road.

333 18. Any necessary offsite drainage easements must be obtained prior to final approval
334 of the construction plan by the Department of Public Works.

335 19. The proffers approved as part of zoning case C-19C-06 shall be incorporated in this
336 approval.

337 20. The developer shall provide signage, the wording and location as deemed
338 appropriate by the Director of Public Works, which addresses the possible future
339 extension of the stub street.

340 21. Any future building lot containing a BMP, sediment basin or trap and located
341 within the buildable area for a principal structure or accessory structure, may be

342 developed with engineered fill. All material shall be deposited and compacted in
343 accordance with the Virginia Uniform Statewide Building Code and geotechnical
344 guidelines established by a professional engineer. A detailed engineering report
345 shall be submitted for the review and approval by the Building Official prior to the
346 issuance of a building permit on the affected lot. A copy of the report and
347 recommendations shall be furnished to the Directors of Planning and Public
348 Works

349
350 Ms. News - Next, on page 25 of your agenda and located in the
351 Brookland District is SUB-07-11, The Townes at Hunton Park (July 2011 Plan), for 12
352 lots. Staff can recommend approval.

353
354 **SUBDIVISION** (*Deferred from the April 25, 2012 Meeting*)
355

SUB-07-11 SUB2011-00055 The Townes at Hunton Park (July 2011 Plan) – Hunton Park Boulevard	Burgess & Niple for Hunton Park Land Partners, LC: The 3.38-acre site proposed for a subdivision of 12 residential townhouses for sale is located on the north line of Hunton Park Boulevard, approximately 150 feet west of the intersection of Hunton Park Boulevard and Abbots Cross Lane, on parcel 763-774-5187. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. (Brookland) 12 Lots
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356
357 Mr. Branin - Is there any opposition to SUB-07-11, The Townes at Hunton
358 Park (July 2011 Plan)? No one?

359
360 Mr. Witte - Mr. Chairman, I recommend approval of SUB-07-11, The
361 Townes at Hunton Park (July 2011 Plan), with the approval of staff, and Conditions #15
362 through #17.

363
364 Mr. Leabough - Second.

365
366 Mr. Branin - Motion by Mr. Witte, seconded by Mr. Leabough. All in favor
367 say aye. All opposed say no. The ayes have it; the motion passes.

368
369 The Planning Commission granted conditional approval to SUB-07-11, The Townes at
370 Hunton Park (July 2011 Plan), subject to the standard conditions attached to these
371 minutes for residential townhouse for sale subdivisions, the annotations on the plans,
372 and the following additional conditions:

373
374 15. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
375 noted on the plat and construction plans and labeled "Limits of Special Flood
376 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
377 Drainage & Utilities Easement."

378 16. The proffers approved as part of zoning cases C-25C-10 and C-18C-11 shall be
379 incorporated in this approval.

380 17. Any future building lot containing a BMP, sediment basin or trap and located within
381 the buildable area for a principal structure or accessory structure, may be
382 developed with engineered fill. All material shall be deposited and compacted in
383 accordance with the Virginia Uniform Statewide Building Code and geotechnical
384 guidelines established by a professional engineer. A detailed engineering report
385 shall be submitted for the review and approval by the Building Official prior to the
386 issuance of a building permit on the affected lot. A copy of the report and
387 recommendations shall be furnished to the Directors of Planning and Public Works.
388

389 Ms. News - On page 26 of your agenda and located in the Brookland
390 District is POD-25-11, The Townes at Hunton Park, Section E. Staff recommends
391 approval.
392

393 **PLAN OF DEVELOPMENT** (*Deferred from the April 25, 2012 Meeting*)
394

POD-25-11 POD2011-00230 The Townes at Hunton Park, Section E – Hunton Park Boulevard	Burgess & Niple for Hunton Park Land Partners, LC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 12 residential townhouses for sale. The 3.38-acre site is located on the north line of Hunton Park Boulevard, approximately 150 feet west of the intersection of Hunton Park Boulevard and Abbots Cross Lane, on parcel 763-774-5187. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. (Brookland)
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395
396 Mr. Branin - Is anyone in opposition to POD-25-11, The Townes at Hunton
397 Park, Section E? No one?
398

399 Mr. Witte - Mr. Chairman, I recommend approval of POD-25-11, The
400 Townes at Hunton Park, Section E, with additional Conditions #29 through #35, and with
401 staff's recommendation.
402

403 Mr. Archer - Second.
404

405 Mr. Branin - Motion by Mr. Witte, seconded by Mr. Archer. All in favor say
406 aye. All opposed say no. The ayes have it; the motion passes.
407

408 The Planning Commission approved POD-25-11, The Townes at Hunton Park, Section
409 E, subject to the annotations on the plans, the standard conditions attached to these
410 minutes for developments of this type, and the following additional conditions:
411

412 29. The subdivision plat for The Townes at Hunton Park, Section E shall be recorded
413 before any building permits are issued.

- 414 30. Prior to issuance of a certificate of occupancy for any building in this development,
 415 the engineer of record shall certify that the site has been graded in accordance
 416 with the approved grading plans.
- 417 31. The proffers approved as a part of zoning cases C-25C-10 and C-18C-11 shall be
 418 incorporated in this approval.
- 419 32. The pavement shall be of an SM-2A type and shall be constructed in accordance
 420 with County standard and specifications. The developer shall post a defect bond
 421 for all pavement with the Department of Planning - the exact type, amount and
 422 implementation shall be determined by the Director of Planning, to protect the
 423 interest of the members of the Homeowners Association. The defect bond shall
 424 remain in effect for a period of three years from the date of the issuance of the
 425 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,
 426 a professional engineer must certify that the roads have been designed and
 427 constructed in accordance with County standards.
- 428 33. The location of all existing and proposed utility and mechanical equipment
 429 (including HVAC units, electric meters, junctions and accessory boxes,
 430 transformers, and generators) shall be identified on the landscape plan. All
 431 building mounted equipment shall be painted to match the building, and all
 432 equipment shall be screened by such measures as determined appropriate by the
 433 Director of Planning or the Planning Commission at the time of plan approval.
- 434 34. Except for junction boxes, meters, and existing overhead utility lines, and for
 435 technical or environmental reasons, all utility lines shall be underground.
- 436 35. The limits and elevations of the Special Flood Hazard Area shall be conspicuously
 437 noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition,
 438 the delineated Special Flood Hazard Area must be labeled "Variable Width
 439 Drainage and Utility Easement." The easement shall be granted to the County
 440 prior to the issuance of any occupancy permits.

441
 442 Ms. News - The final item is on page 28 of your agenda and is located in
 443 the Brookland District. This is POD-13-11, The Cottages at Hunton Park, for the
 444 architectural plans. Staff recommends approval.

445
 446 **PLAN OF DEVELOPMENT – Architecturals Only**
 447 *(Deferred from the June 22, 2011 Meeting)*
 448

449 POD-13-11 POD2011-00093 The Cottages at Hunton Park – Hunton Park Boulevard	Burgess and Niple for Hunton Park Land Partners, LC: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 46 detached dwellings for sale with zero lot lines. The 13.294-acre site is located along the south line of Hunton Park Boulevard between Old Mountain Road and Hunton Park Lane, on parcels 760-774-7961, 761-774-1070 and 2729. The zoning is R-5AC, General Residential District. County water and sewer. (Brookland)
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450 Mr. Branin - Is anyone in opposition to POD-13-11, The Cottages at
451 Hunton Park? No one?

452
453 Mr. Witte - Once again, Mr. Chairman, I recommend approval of POD-
454 13-11, The Cottages at Hunton Park, subject to staff's recommendation.

455
456 Mr. Archer - Second.

457
458 Mr. Branin - Motion by Mr. Witte, seconded by Mr. Archer. All in favor say
459 aye. All opposed say no. The ayes have it; the motion passes.

460
461 The Planning Commission approved POD-13-11, The Cottages at Hunton Park, subject
462 to the annotations on the plans, and the terms and conditions of the original POD-13-11,
463 approved by the Planning Commission June 22, 2012.

464
465 Ms. News - That completes our expedited agenda.

466
467 Mr. Emerson - Mr. Chairman, that now takes you to the Subdivision
468 Extensions of Conditional Approval. Those will be presented by Mr. Lee Pambid.

469
470 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL: Lee Pambid**

471
472 **FOR INFORMATIONAL PURPOSES ONLY**

473

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2009-00048 (SUB-08-09) Staples Mill Centre (May 2009 Plan)	52	52	2	Brookland	5/22/2013

474
475 Mr. Branin - Good morning, Mr. Pambid.

476
477 Mr. Pambid - Good morning, Mr. Chairman, members of the Planning
478 Commission. This map indicates the location of one subdivision that is presented for an
479 extension of conditional approval. It is eligible for a one-year extension to May 22, 2013.
480 This is for informational purposes only and does not require Commission action at this
481 time. This concludes my presentation. I can answer any questions you might have
482 regarding this.

483
484 Mr. Branin - Does anybody have any questions for Mr. Pambid? Mr.
485 Pambid, thank you for all your hard work on that.

486
487 Mr. Pambid - You're welcome.

488
489 Mr. Emerson - Mr. Chairman, that now takes us into your regular agenda,
490 page 14.

491
492
493

SUBDIVISION

SUB2012-00042 **Youngblood, Tyler & Associates for Bacova, LLC:** The Liesfeld Farm Drive (April 2012 Plan) – Bacova Drive located beginning at the west at its intersection with N. Gayton Road, approximately 1,200 feet north of Bacova Drive continuing eastward to its intersection at Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive, on part of parcels 735-767-8435, 9459, 736-766-7163, 738-765-2372, 739-765-0785, 739-766-2504, and 739-765-0558. The zoning is A-1, Agricultural District, O-2C, Office District (Conditional), R-3C, One-Family Residential District (Conditional), R-5AC, General Residential District (Conditional), and R-6C, General Residential District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 0 Lots**

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498

Mr. Branin - Is there any opposition to POD2012-00042, Liesfeld Farm Drive? Would that be a yes, ma'am? Yes, ma'am. She's going to do a presentation, and then we'll hear opposition. I'll also have the secretary read the rules for opposition, and then you may speak.

499
500
501
502
503
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505

Mr. Emerson - Yes, sir, Mr. Chairman. The Commission does have rules regarding procedures in terms of their public hearings. The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed ten minutes to present its concerns. Commission questions do not count into the time limits. The Commission may waive time limits for either party at its discretion.

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511

I also will note that this meeting is more of an administrative meeting; it is not similar to a rezoning meeting where recommendations are being made to the Board of Supervisors. In this case, the rezonings have been done; the Board has made final approval; and if the request meets the parameters of the zoning code, then the Commission is compelled to approve these. So, I just want to make sure everybody is aware of that.

512
513
514
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516

Ms. Crady - Good morning. The proposed Liesfeld Farm Drive will serve as a spine road for the overall development subject to proffers of Zoning case C-9C-11, approved by the Board of Supervisors on December 13, 2011.

517
518
519
520
521

The road will be designed as a four-lane thoroughfare divided by a 14-foot-wide landscape median connecting Pouncey Tract Road at its intersection with Twin Hickory Lake Drive, at the eastern edge, all the way to North Gayton Road Extended, at the western end, as shown on the staff plan.

522 Road construction phasing is dictated by the detailed proffered phasing plan approved at
523 the time of rezoning. Recommended Condition #19 in your agenda reinforces that
524 Bacova Drive will be maintained open for through traffic until such time that Liesfeld
525 Farm Drive is open for public use from Pouncey Tract Road to North Gayton Road.

526
527 Pedestrian connectivity is to be provided on both sides of the road and is to include a
528 ten-foot multiuse path along the entire south line of the proposed Liesfeld Farm Drive to
529 be constructed with each phase of road construction. In addition, a five-foot-wide
530 sidewalk will be provided along the entire north side of the road as those adjacent
531 properties are developed.

532
533 Provisions have been made to coordinate improvements to the intersection where
534 Bacova Drive will intersect Liesfeld Farm Drive. The realignment of entrances to Colonial
535 Trail Elementary School will include a dedicated right-turn lane into the main school
536 entrance. The developer has agreed to the relocation of any school marquee or signage
537 required during construction and also has agreed to work closely with the director of
538 Henrico County Public Schools Department of Construction and Maintenance, to provide
539 a substantial 25-foot landscape buffer along the east line of Bacova Drive and the south
540 line of Liesfeld Farm Drive where adjacent to the school property. That is shown on the
541 conceptual landscape plan.

542
543 Final details of all landscape plans for median landscaping and streetscape buffers will
544 return to the Planning Commission for review and approval during construction plan
545 review and prior to the recordation of the subdivision plat.

546
547 With this, staff recommends approval subject to the annotations on the plan, the
548 standard conditions for a subdivision road dedication, and additional Conditions #11
549 through #19 on the staff plan. The applicant's representative, Andy Condlin of Williams
550 Mullen, is here to answer any questions you may have of the applicant, and I'm happy to
551 answer any questions the Commission may have of me.

552
553 Mr. Branin - Does anyone have any questions for staff? None? Mr.
554 Condlin, I'm going to hear from opposition first. Then, if necessary, we'll call you down.
555 Good morning, ma'am. Would you state your name for the record?

556
557 Ms. Hamilton - My name is Karen Hamilton, and I have a speech that I have
558 in the computer if you'll pull it up. There we go.

559
560 You have no legal basis for approving this development. Development on Bacova Road
561 was approved despite the fact that the plans were incomplete and soundproofing was
562 not up to code for the apartments, and Henrico's Comprehensive Plan does not allow
563 apartments.

564
565 You say that a person can do whatever he wants with his land. David Kaechele loves to
566 say that. But if that were true, I would not be here today because 62 landowners just
567 wanted to live on their land or keep it. You took their property using eminent domain to

568 build the Gayton Extension just for the sake of development. Torrey Breeden admitted to
569 the *Richmond Times-Dispatch* that the Gayton Road Extension makes the whole
570 development work. These meetings exist so that individuals can defend their rights. I
571 presented a petition against this development on October 13, 2011. After I handed my
572 petition to your associate, I sat down. Later, she walked to my seat and she whispered
573 twice, "Don't mess with me." I collected those signatures in good faith, and yesterday
574 after I was protesting this development, my front yard was vandalized. If you vote to
575 approve this development, it will appear that she influenced your decision.

576
577 Threats were also made by one of the people who negotiated the land purchases for
578 Gayton Extension. They wrote, "Landowners are greedy on Kain Road...so I hope their
579 land is worth nothing! Pigs get slaughtered." These vicious words were written on the
580 website, downtownshortpump.com. I will give you a copy of their slanderous remarks
581 after this meeting. If you approve this development, you let your bullies win.

582
583 The Gayton Road Extension, and most of the development in Virginia, could have been
584 prevented or slowed by the Migratory Bird Treaty Act and the Ramsar Convention. The
585 U. S. Army Corps of Engineers wrote that the Gayton Road Extension created excessive
586 impacts to wetlands; therefore, these developments that you're proposing—the road,
587 Bacova, houses, the office on Pouncey Tract, and the apartments—they all will create
588 excessive impacts to wetlands.

589
590 Henrico County interferes with environmental reports by biologists for the state of
591 Virginia. Henrico employees participate in walking through a piece of property while the
592 state biologist is supposed to be looking for endangered species and migratory birds.
593 The presence of Henrico County employees during an environmental study influences
594 the outcome because movement and noise will frighten birds away, and the biologist
595 may feel pressure to give the development his approval. Furthermore, an expert biologist
596 would know that bird-watching is performed quietly, listening for bird songs to identify
597 birds. I spoke to a biologist for the state of Virginia who says that his routine is to take a
598 brief walk through the property. He admitted that he does not look for migratory birds or
599 bird nests. That is not a proper study. It violates the very essence of the Migratory Bird
600 Treaty, which protects bird nests with eggs or chicks present. For a study to be legal, it
601 must be performed immediately before cutting down trees. A person cannot look in
602 winter and then allow trees to be cut later. The law is clear; timing is the significance of
603 the law. The moment a bird lays an egg, any previous study is invalid.

604
605 It is nesting season now. Birds migrate here from Mexico, Cuba, South America, and
606 Canada to reproduce. Birding tourism is big. Henrico and the state of Virginia are
607 depriving poor countries of tourism and a natural treasure. Are Henrico and Virginia
608 trying to start a war with Mexico, Cuba, or Canada? Wildlife does not belong to anyone.
609 The reason for this law is to ensure that birds can reproduce. Since migratory birds
610 reproduce in one nation and return to a different nation, they are a shared asset. Nesting
611 season begins in late January for owls, eagles, great blue herons, and other large birds.
612 Nesting continues through spring and ends in September when goldfinches are nesting.
613 It is ironic that Henrico County employees take trips to foreign cities, including Seoul,

614 Korea, claiming to look for sister cities and approving formal agreements with countries,
615 because 100 years ago, politicians created laws, real laws, when they signed the
616 migratory bird treaties with Canada, Mexico, and eventually other countries.

617
618 Henrico County has a Permit Department. Since permits have a time period, Henrico has
619 the power to stop trees from being cut down during nesting season. The Forestry
620 Department gives approval to cut down trees without regard to nesting season. With
621 power comes responsibility. Virginia's Conservation and Recreation Department claims
622 to update their Biotics database every ten years. I have never seen a biologist here or on
623 any of my neighbors' private property, looking for birds or any other species. They have
624 to ask permission to come on your property, by the way. Due to shrinking habitat, they
625 should look carefully and frequently. Owls are easier to locate at night, and it's obvious
626 that Virginia biologists are not looking here at night.

627
628 I have seen the following birds in the woods bordering Kain Road, Bacova Drive, Axe
629 Handle, Periwinkle, and Pouncey Tract. As you can see, there's quite a list here: Indigo
630 Bunting, Ruby-throated Hummingbird, Dark-eyed Junco, Eastern Towhee, Barn Swallow,
631 Great Blue Heron, Chirping Sparrow, House Wren, Sharp-Shinned Hawk, Yellow-
632 Rumped Warbler, Cedar Waxwing, many types of woodpeckers, the Chimney Swift, and,
633 you can see, I have a quite a list. This list is not complete. I have not identified the owls
634 and many birdsongs. I know that government sometimes gives permission to kill birds,
635 but these are not nuisance birds. Besides, the government biologist denies the presence
636 of endangered and migratory birds, so he certainly cannot give permission to kill
637 something that he says does not exist. The Endangered Species Act was written to
638 protect many species, including several birds, but it does not replace the Migratory Bird
639 Treaty.

640
641 At the December 13, 2011 meeting, Henrico Board members approved a rezoning case.
642 David Kaechele said that this development is exactly what we've been looking for on
643 Bacova Road. This proves that Henrico took land from Ms. Waller and 61 others for the
644 sake of development, which is illegal. The Virginia Constitution does not allow cities to
645 use eminent domain for economic development. Land ownership is a right, whereas
646 driving is really a privilege under the law. Henrico used eminent domain to take land from
647 62 homeowners. However, the County refused to use eminent domain to take land from
648 Richard Attack on Kain Road. A secret meeting was held between Virgil Hazelett and
649 Attack wherein Hazelett agreed to pay Attack double for 205 acres on Kain Road. For
650 over a decade, Henrico County paid developers double for land. Henrico has a
651 department called Land Acquisition. Henrico creates the comprehensive plans, so they
652 know where Henrico needs future schools and fire stations. So, why does Henrico wait
653 until a developer comes to them with an offer of double what the developer paid for land?
654 Andy Condlin represented both the developer and a landowner on Kain Road, which is a
655 conflict of interest.

656
657 Developers, Bacova LLC, and the Breeden Group benefit from Ms. Leake-Waller's loss.
658 Andy Condlin also represented a landfill in this County which was detrimental to Ms.
659 Leake-Waller and this neighborhood. Enlarging the landfill affects our well water, as does

660 runoff from the Gayton Road Extension. Mr. Condlin has heard me speak at meetings
661 explaining the Migratory Bird Treaty law and risking migratory birds. Mr. Condlin never
662 tried to protect the wildlife and environment, which in turn would have protected Ms.
663 Leake-Waller and the rest of us. Mr. Condlin helped developers to violate federal law
664 because he has the knowledge of the presence of migratory birds after listening to me.
665

666 Virgil Hazelett said that the Gayton Road Extension was needed to improve traffic
667 distribution, and now you want to make traffic worse, adding over 1,000 cars a day.
668 Safety is not your concern, as evidenced where the road connects with Kain Road.
669 English Construction did not level out the road, which is dangerous because Kain rises to
670 a hill, and drivers cannot see what is on the other side. Even if they eventually install a
671 full traffic signal, there will be accidents. Henrico has never been concerned about safety
672 for Kain Road because residents have been requesting a traffic signal at Pouncey Tract
673 and Kain for years. The purpose of this new Gayton Road Extension is to aid developers.
674 In contrast, Henrico County has other areas where the Breeden Company could build
675 apartments, such as Staples Mill Road where Suburban Apartments were demolished.
676 Utility lines are already in place, and the GRTC buses run past there.
677

678 Henrico gives rich people preferential treatment. A neighborhood off River Road in
679 Colony Bluff wanted Pump Road closed. Drivers previously could go from Patterson
680 Avenue to River Road through their neighborhood. Henrico County created a dead end
681 for Pump Road. Most new developments have cul-de-sac streets which hinder police,
682 fire, and rescue personnel. West Broad Village has narrow streets. Why couldn't Kain
683 and Bacova Road be allowed to remain rural? I enjoy having well water, not municipal
684 water. If our narrow street causes people to slow down, well, isn't that the purpose of all
685 the aforementioned roads? Other neighborhoods get traffic calming speed bumps. By
686 allowing these developers to put more than one house on one acre, government
687 encourages them to clear-cut trees. Also, when the County makes developers grade the
688 land for storm drainage, more trees are destroyed.
689

690 Mr. Branin - Ms. Hamilton, you've hit your ten minutes, but I'm going to
691 extend you. How many more minutes would you need?
692

693 Ms. Hamilton - I'll skip some of this, if we can go on down a little bit to like
694 the last page. I'll skip over some of this.
695

696 I have listed here the migratory treaties, some of them. There are other treaties; I did not
697 type them all in here. We have a treaty with Canada which prohibits hunting
698 insectivorous birds. The migratory treaty with Mexico also provides for enactment of laws
699 and regulations to protect birds by establishment of closed seasons and refuge zones,
700 and prohibits the killing of insectivorous birds. The Ramsar Convention, which you all
701 know as wetland treaties, also is written for the sake of birds and my well water, and for
702 the sake of the planet. The Western Hemisphere Convention is probably one you're not
703 familiar with. This convention is to "protect and preserve in their natural habitat
704 representatives of all species and genera of their native flora and fauna, including
705 migratory birds."

706
707 My point is that you have no legal basis for approving any of this development, and this
708 will greatly impact the wetlands. Right now especially, it is nesting season, and the
709 minute that you give your approval, these developers are going to believe that they have
710 the permission to clear-cut these trees. They cannot get permission from you to destroy
711 migratory birds. You can't give them that permission. They think you do, but I want you to
712 know that if you give them permission here today, if you violate the Comprehensive Plan,
713 that this isn't over for me, that I'm still going to try to get Fish and Wildlife to do their job,
714 which I've been trying to get them to do for years. This does not stop here because you
715 cannot give them permission to kill these birds. These are not nuisance birds. These are
716 migratory birds, and they don't belong to you, these people, or Mexico. They don't
717 belong to anybody. When you stood up here and you said the Pledge of Allegiance
718 today, you said one nation, which we're not; we're very divided. Every county and city is
719 out for their own little dollars. And you said "under God," so you recognize that you're
720 holding to a higher authority. I want you to remember that.

721
722 Mr. Branin - Thank you, Ms. Hamilton. Mr. Condlin?

723
724 Mr. Condlin - Mr. Chairman, members of the Commission, Mr. Secretary,
725 Andrew Condlin from Williams Mullen here representing Mr. Babock, We've got the
726 applicant, and Andrew Browning is here as well to discuss any technical details. I'll just
727 take a minute of your time.

728
729 First off, as I said to this Commission before, I checked with the Virginia State Bar; I don't
730 have a conflict of interest. I feel very comfortable in that respect, with all due respect to
731 Ms. Hamilton's opinion on that otherwise.

732
733 I will say that this is simply a subdivision just like any other subdivision. It's consistent
734 with the zoning. It's consistent with, I would say, a pretty substantial set of proffers,
735 including showing on the site plan this exact road as it runs through the property. So,
736 we're not asking you to do anything that's outside of your jurisdiction. As a matter of fact,
737 we believe we've met all jurisdictional prerequisites for anything that's applicable with
738 respect to federal, state, and local laws, and we will do so as we go through the process.
739 The only thing we're asking for you to do is to abide by the necessary Henrico
740 ordinances that allow for this subdivision and this road. We have met all jurisdictional
741 prerequisites. We have met all the requirements of Henrico County. I'm standing before
742 you agreeing with staff, not asking for any waivers, and ask you to follow the
743 recommendation.

744
745 With that, I'll be happy to answer any questions.

746
747 Mr. Branin - Mr. Condlin, when will this project, if approved, begin?

748
749 Mr. Condlin - Construction, of course, is coordinating with the school, which
750 we'd like to have the construction when they're not in session. We're going to be doing it
751 during the summer, towards the late summer. By the time construction starts, it will be—

752 by the time we get the rest of our permits. This is just one of the next steps that we have
753 to accomplish. We have a number of other steps, including getting approvals that will be
754 reviewed by the Army Corps of Engineers, DEQ, and all the other necessary
755 administrative requirements from here. So, it's going to be a little bit more time before we
756 actually can start construction towards the end of summer.

757

758 Mr. Branin - Okay, thank you.

759

760 Mr. Condlin - Thank you.

761

762 Mr. Branin - Does anybody have any questions for Mr. Condlin?

763

764 Mrs. Jones - I do not.

765

766 Mr. Branin - Okay. Then, I would like to move for approval of SUB2012-
767 00043, Liesfeld Farm Drive (April 2012 Plan), with the standard conditions for a
768 subdivision road dedication, and the following additional Conditions #11 through #19.

769

770 Mrs. Jones - Second.

771

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

774

775 The Planning Commission granted conditional approval to SUB2012-00043, Liesfeld
776 Farm Drive (April 2012 Plan), subject to the standard conditions attached to these
777 minutes for a subdivision road dedication, the annotations on the plans, and the following
778 additional conditions:

779

780 11. Prior to requesting the final approval, a draft of the covenants and deed
781 restrictions for the maintenance of the privately maintained improvements in the
782 right-of-way by a homeowners association shall be submitted to the Department
783 of Planning for review. Such covenants and restrictions shall be in a form and
784 substance satisfactory to the County Attorney and shall be recorded prior to
785 recordation of the subdivision plat.

786 12. Prior to requesting recordation, the developer must furnish a letter from Dominion
787 Virginia Power, stating that this proposed development does not conflict with its
788 facilities.

789 13. The details for the landscaped median and 25-foot buffer along portions of the
790 north line and entire south line of Liesfeld Farm Drive and along the east line of
791 Bacova Drive adjacent to Colonial Trail Elementary School, as shown on the
792 conceptual landscape plan, shall be submitted to the Department of Planning for
793 Planning Commission review and approval prior to recordation of the plat.

794 14. A 10-foot wide multi-use path with a 5-foot wide grass strip shall be constructed
795 along the south side of Liesfeld Farm Drive.

796 15. The proffers approved as part of zoning case C-9C-11 shall be incorporated in
797 this approval.

- 798 16. The owner shall not begin clearing of the site until the following conditions have
799 been met:
800 (a) The site engineer shall conspicuously illustrate on the plan of development
801 or subdivision construction plan and the Erosion and Sediment Control Plan,
802 the limits of the areas to be cleared and the methods of protecting the
803 required buffer areas. The location of utility lines, drainage structures and
804 easements shall be shown.
805 (b) After the Erosion and Sediment Control Plan has been approved but prior to
806 any clearing or grading operations on the site, the owner shall have the limits
807 of clearing delineated with approved methods such as flagging, silt fencing,
808 or temporary fencing.
809 (c) The site engineer shall certify in writing to the owner that the limits of
810 clearing have been staked in accordance with the approved plans. A copy of
811 this letter shall be sent to the Department of Planning and the Department of
812 Public Works.
- 813 17. A construction staging plan, which includes details for traffic control, fire protection,
814 stockpile locations, construction fencing, hours of construction, construction
815 access routes, and coordination with Henrico County Schools, shall be submitted
816 to the Department of Planning for review and included in the construction plans
817 prior to approval of any construction plans.
- 818 18. The developer shall be responsible for the relocation of any school marquee or
819 signage on the Colonial Trail Elementary School property necessary with
820 construction of Liesfeld Farm Drive or the realignment of Bacova Drive.
- 821 19. Bacova Drive shall be maintained open for through traffic to Gayton Road until
822 such time as Liesfeld Farm Road is open for public use from Pouncey Tract Road
823 to North Gayton Road.

824
825 **SUBDIVISION**
826

827 SUB2012-00041 **Youngblood, Tyler & Associates for Lawrence H. Liesfeld, Et Al., Trustees, and Liesfeld Bacova Farm, Inc.:** The 32.35-acre site proposed for a subdivision of 60 single-family homes is located on the north and west lines of Bacova Drive, approximately 750 feet west of Pouncey Tract Road (State Route 271), on part of parcels 736-766-7163, 737-766-1902, and 738-765-2372. The zoning is R-3C, One-Family Residential District and WBSO, West Broad Street Overlay District. County water and sewer.
(Three Chopt) 60 Lots

828
829 Mr. Branin - Is anyone in opposition to SUB2012-00041, Liesfeld Farm at
830 Bacova (April 2012 Plan)? You are? Okay. Ms. Hamilton, the only thing I'm going to ask
831 is that—and we have you down for the record of what you have written—you not repeat
832 the same thing over again. Okay? Thank you.
833

834 Ms. Crady - Good morning, again. All right. The proposed 60-lot
835 subdivision would be the first of the single-family residential tracts proposed along
836 Liesfeld Farm Drive, and located at the intersection of the proposed spine road and
837 Bacova Drive realigned.

838
839 The plan provides proffered amenities, including a park with pedestrian path that will tie
840 into the overall pedestrian network for the Bacova developments contemplated with the
841 overall Zoning case C-9C-11. The plan is consistent with the layout shown at the time of
842 rezoning.

843
844 The applicant requests an exception to Section 19-131 of the Subdivision Ordinance to
845 allow proposed Lots 1-12 on Block C to have double frontage along Bacova Drive. These
846 double-frontage lots shown on the staff plan were also shown on the proffered layout. In
847 addition, these lots would require an exception to Section 24-94 of the Zoning Ordinance
848 to waive the 25-foot increased rear setback along Bacova Drive currently classified as a
849 minor collector on the Major Thoroughfare Plan. Once constructed, Liesfeld Farm Drive
850 is designed to replace Bacova Drive as the major thoroughfare-planned road. As a
851 result, Bacova Drive will no longer be classified as a minor collector on the Major
852 Thoroughfare Plan. The overall road plans for zoning case C-9C-11 include the
853 termination of the eastern portion of Bacova Drive with a cul-de-sac adjacent to this
854 proposed Lot 3.

855
856 Their whole plans will show this cul-de-sac right here. In effect, Lots 4 through 12 will no
857 longer classify as double-frontage lots. Ultimately, only Lots 1 through 3 will remain
858 double-frontage but along a non-major-thoroughfare-planned road. With this, the
859 applicant also provides for a 25-foot proffered buffer that will include a continuous
860 wooden fence and will preclude any access to or from Bacova Drive through the rear of
861 those lots.

862
863 While staff does not customarily make a recommendation on exception requests, staff
864 has no objection to either exception request as presented. Should the Commission act
865 on these exception requests, staff recommends conditional approval subject to the
866 annotations on the plan, the standard conditions for subdivisions served by public
867 utilities, and additional Conditions #13 through #19 in the agenda. The applicant's
868 representative, Andrew Browning with Youngblood, Tyler, and Associates is here to
869 answer any questions you may have of the applicant, and I'm happy to answer any
870 questions the Commission may have of me.

871
872 Mr. Branin - Does anybody have any question for Ms. Crady? None?

873
874 Mrs. Jones - Not at all.

875
876 Mr. Branin - Okay. Mr. Browning, I'm going to do the same. I'm going to
877 hear from opposition before we hear from the applicant, if necessary. Ms. Hamilton?

878

879 Ms. Hamilton - I'd like to see a show of hands of how many of you have been
880 traveling to places like Austin, Texas, and Boston recently at taxpayers' expense. Mr.
881 Emerson, did you not go on these trips?

882
883 Mr. Emerson - No, ma'am, I did not.

884
885 Ms. Hamilton - Okay. Well, I know that many Henrico people did. I believe
886 Kaechele did, and I certainly know Virgil Hazelett has been traveling at taxpayers'
887 expense. What makes all this development possible is the Gayton Road Extension, and
888 two of the Board of Supervisors who approved the Gayton Road Extension did not even
889 come to Kain Road to see the damage they were going to do before they approved that.
890 They went to foreign countries like Seoul, Korea. They've been to Germany, England.
891 They've been to Austin, Texas, Boston—but they couldn't come to Kain Road to see the
892 damage that they were going to do. So, the traffic out there is already horrendous.

893
894 Mr. Branin - Ms. Hamilton, I'm going to interrupt you. You're referring to
895 two supervisors from Henrico County. Who would they be?

896
897 Ms. Hamilton - Donati did not come. I had it in my speech but—name a
898 supervisor for me. There's Donati; there's Kaechele. O'Bannon had seen it; Kaechele
899 had seen it. Donati had not. Thornton. Thornton and Donati did not bother to see it. So,
900 I'm saying you can take—

901
902 Mr. Branin - Because I know for a fact before that road was built that Mr.
903 Kaechele and I both walked 90 percent of it together on several occasions, which he—

904
905 Ms. Hamilton - Well, then you have seen the migratory birds.

906
907 Mr. Branin - —is the one who represents the district.

908
909 Ms. Hamilton - Right. Then—

910
911 Mr. Branin - Please—I'm speaking, so please don't—I did not step on you
912 when you were speaking, so please give me the same courtesy. We did walk it. We
913 represent that district. Now, you may speak.

914
915 Ms. Hamilton - And what I'm saying to you is that even you would have seen
916 birds rustling, flying away when they detected your movement and your noise. So you
917 weren't looking either. So, I'm saying that you're guilty, too. You just incorporated into the
918 guilt there, because I'm saying that the Migratory Bird Treaty Act is a law that is all about
919 timing, and it's all about protecting habitat. The wetland treaties are all about protecting
920 habitat, and you have an obligation. The Board of Supervisors goes out to foreign
921 countries and other cities. They want to make sister cities. And they say they were
922 signing agreements with these other cities. I'm telling you that there were laws written
923 100 years ago—laws, not formal agreements, not these trivial little matters that you're

924 talking about. I'm talking about serious law here written for the benefit of the animals and
925 the planet.

926
927 This is a planet. The earth is not flat, but you prefer to take all these developments. You
928 grade the land, and you have curb and gutter. You forget that you also agreed to protect
929 the Chesapeake Bay. When you have curb and gutter, all that water, the runoff from the
930 rain, goes not only into my well water, but it also goes into the Chesapeake Bay. It ends
931 up on the seafood that's on your dinner plate. There is a consequence to what you're
932 doing here today. I'm just trying to get you to think with your humanity and not with your
933 pocketbooks and not think about developers. You don't owe these developers anything.
934 You don't owe Andy Condlin anything. These agreements, these migratory treaties, and
935 Ramsar treaties, and all these hemisphere treaties, they were written long before Andy
936 Condlin and these developers were ever born. You have an obligation to follow these.
937 But more than that, as I said before, traffic is going to be horrendous. I walk everywhere.
938 I haven't owned a car in nine and one-half years, and I'm actually proud of that. I felt
939 guilty all those years that I was driving and polluting the earth. It amazes me when I'm
940 walking out there in Short Pump how many times I see one car with one driver. No
941 passengers. We're using up our oil resources, and everybody just keeps crying for more.
942 It just amazes me that people have this attitude that there will always be more oil, not
943 thinking about future generations and not thinking about the earth.

944
945 There were biologists in—well, geologist; excuse me—geologists in the state of Alabama
946 a couple years ago who decided that the reason that we have earthquakes now is
947 because we're depleting resources from the earth like oil, and that there are shifts in the
948 earth because we're removing granite from the underground and we're removing oil from
949 the earth. All these things that we do have an impact. What you're doing today has an
950 impact not just on me and my well water and the birds but on the greater environment.
951 Traffic is so bad out there. It's not my big concern because I don't drive, but I'll tell you, I
952 could walk faster than people can drive out there in Short Pump sometimes. Traffic
953 backed up the other day at the traffic light, and not because I was holding a protest sign,
954 but because people aren't willing to share. You are unwilling—Henrico is unwilling to
955 allow buses out there. You're afraid the buses are going to bring in the wrong element.
956 Well, what do you think this is going to do? Any time you have a large number of people,
957 you increase the density of people. You're going to have crime. We already have more
958 crime in Short Pump, thanks to you. By the way, we had prostitutes in the news in Short
959 Pump at a hotel last year. Thanks to you, last fall they were in the news. Short Pump
960 makes the news for crime, but you all want to keep it hush-hush.

961
962 Mr. Emerson - Ms. Hamilton, could you keep your comments specific to the
963 case?

964
965 Ms. Hamilton - I am. You're making it worse by adding this density—adding
966 this kind of density with this many houses, and townhomes, and office buildings—all of
967 this—you're adding to the traffic problem.

968

969 Mr. Emerson - Ms. Hamilton, with all due respect, at the beginning of the
970 meeting I stated that this was already approved at the rezoning stage. This Commission
971 is mandated to approve if it meets the stipulations of the subdivision and zoning
972 ordinances. That's what we're talking about today. I'm not saying that your issues don't
973 have merit, but they were properly brought up and considered by the Commission and
974 the Board of Supervisors at the time of rezoning.

975
976 Ms. Hamilton - I'm telling you they were not considered at the time of
977 rezoning.

978
979 Mr. Emerson - But that decision has been made.

980
981 Ms. Hamilton - And I'm telling you that you need to look at new law—you're
982 basing this only on the lack of County law; you forget about everybody else. Henrico
983 County wants to be their own country. You forget about state law, Virginia state law. You
984 forget about federal law. You look at only yourselves. That's why when you stand up and
985 you say the Pledge of Allegiance and you say we're one nation, we're not one nation.
986 We couldn't be more divided. I'm telling you that you do not need to approve this
987 development. You don't owe this to the developers at all, but you owe it to me and my
988 well water. You owe it to the migratory birds to preserve this land for them. There is so
989 little land left.

990
991 Mr. Emerson, when you said at the October 13th meeting, oh, very—very offhanded and
992 very casually said, "Well, Henrico has parks." Henrico's parks are not wildlife
993 sanctuaries. And you keep making them noisier and noisier by adding dog parks, by
994 tearing down trees to put up buildings like you did in Deep Run. So, they're not wildlife
995 sanctuaries. I'm talking about a habitat that is still pristine, that—well, except for the fact
996 that you cut through and destroyed the trees with the Gayton Road Extension. Since you
997 made that Gayton Road Extension, I am seeing fewer migratory birds, by the way. You
998 did have an impact on that. The U. S. Army Corps of Engineers has already admitted
999 that created excessive impacts to the wetlands. I'm telling you that this is creating
1000 excessive impacts to the wetlands too.

1001
1002 Mr. Archer - Ms. Hamilton, may I ask you a question before you take your
1003 seat? I'm not being facetious, honestly, but is it your contention that any time woodlands
1004 are disturbed for any reason that in some way we are violating the Migratory Bird Act?

1005
1006 Ms. Hamilton - I am because Henrico actually has a time period on their
1007 permits. You have an ability to control that trees are not torn down during nesting
1008 seasons, but you disregard that. The Forestry Department has the ability to say no.
1009 There are so many branches of government that are involved in the process of a
1010 development, from the U. S. Army Corps of Engineers, the Forestry Department, you
1011 guys, the Board of Supervisors.

1012
1013 Mr. Archer - Yes, ma'am. You've answered my question.
1014

1015 Ms. Hamilton - No, no. I get to say more because you started it again.
1016
1017 Mr. Archer - I asked you specifically if any time trees were disturbed we're
1018 violating the Migratory Bird Act. You said, "Yes, we are." Thank you.
1019
1020 Ms. Hamilton - There are three months out of the year that I am sure there
1021 are no nests. October, November, December are the only months during which we can
1022 be certain that it is not nesting season. Goldfinches nest into September. Great Blue
1023 Herons, owls, and larger birds of prey will—eagles, for instance—eagles will nest
1024 beginning in January. So, nesting season starts in January and goes all through until
1025 September. So, you've got October, November, and December where you can cut down
1026 trees. Beyond that, birds nest inside cavities of trees. Biologists admit they're not looking.
1027
1028 Mr. Archer - Ms. Hamilton?
1029
1030 Ms. Hamilton - I'm telling you they're not looking.
1031
1032 Mr. Archer - Excuse me, but you've answered my question. I appreciate it;
1033 thank you.
1034
1035 Mr. Thornton - Ms. Hamilton, I have an observation. I was one of those
1036 names that you could not remember. Here is my observation.
1037
1038 Those of us who have this job on the Board of Supervisors, citizens like you, and other
1039 citizens come up and have various and sundry issues. What I admire about our
1040 democracy is that you had the right to come up this morning, as you've done in the past,
1041 and you have put before the public, and before this group, how you feel about a certain
1042 issue. Personally, I admire that, but my observation is that those of us who listened to
1043 these issues today, sometimes if it's not done properly, it can be trivialized. I think it's
1044 important that we don't trivialize anything. You mentioned a word this morning that I was
1045 very interested in. You mentioned the word *humanist*. My observation is that how fervent
1046 you feel about this issue, yet at the same time I do notice that persons are demonized a
1047 little bit, persons are disparaged a little bit by how you feel about this. Now, I don't think
1048 that's a part of the humanist approach.
1049
1050 What I think would be more helpful in democratic proceedings like this is, first, continue
1051 admiring people like yourself because a lot of people don't have the courage to come up
1052 to do what you're doing. I don't know whether that it will continue being a redeeming
1053 thing if we demonize others, because that takes away from our approach. People don't
1054 listen to us, and it trivializes what issue we're trying to magnify. I would hope that
1055 persons who are fervent about issues like this—because I like birds, too—but I think it is
1056 important about the process in how they exhibit their feelings about that. I've never seen
1057 a process wherein people's names are called out and various quasi-personal attacks
1058 have been dealt that it ended up being helpful. I've been on the Board for 16 years, and I
1059 see what works and what doesn't work. I admire citizens who are fervent about their
1060 ideas, but I think it is important about the process that they use. I don't know whether it's

1061 helpful to be naming persons and semi-demonizing people. I don't think democracy
1062 requires that.

1063
1064 Ms. Hamilton - [from audience. inaudible]

1065
1066 Mr. Thornton - Certainly.

1067
1068 Ms. Hamilton - I don't think it's your position to council me. I have freedom of
1069 speech, and I don't think it's your position to do that. I don't think it's fair to say that I'm
1070 demonizing someone. That's your terminology. I am speaking the truth. Andy Conclin
1071 has represented both developers and Ms. Leake-Waller, and that is a conflict of interest.
1072 No matter what he says to you, it is. He had to have known about these plans of
1073 development. These plans don't just pop up overnight. He had to have known while he
1074 was representing Ms. Leake-Waller that this development would benefit from the loss of
1075 her land. He had to have known that, and I am not demonizing him by saying that. It
1076 takes a long time to develop these plans; they just weren't written overnight. Yes, he
1077 does know about the migratory—he's heard me speak at meetings in Goochland, and he
1078 knows what birds exist there. He knows that box turtles bury their eggs and they
1079 hibernate in the wintertime. He knows that I know what nature is there, and I don't care
1080 what the biologist says because the biologist admits he's not looking. The biologist is
1081 working for developers, just like you guys are.

1082
1083 Mr. Thornton - Thank you very much.

1084
1085 Mr. Branin - One last comment for the record. I don't believe that Henrico
1086 County in any shape or form is trying to become its own state—or country; I'm sorry.
1087 Virginia tried to secede one time before, and that didn't work out very well. Although
1088 we're very proud of our 400 years, I don't think we want to be our own country. We're
1089 very happy being part of the Commonwealth of Virginia and the United States.

1090
1091 With that, I would like to move for approval of SUB2012-00041, Liesfeld Farm at Bacova
1092 (April 2012 Plan), with conditional approval subject to the annotations on the plan, the
1093 standard conditions for subdivisions served by public utilities, and the following additional
1094 Conditions #13 through #19, and waiving the 20-foot setback for Bacova.

1095
1096 Mr. Leabough - Second.

1097
1098 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Leabough. All
1099 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1100
1101 The Planning Commission granted conditional approval to SUB2012-00041, Liesfeld
1102 Farm at Bacova (April 2012 Plan), subject to the standard conditions attached to these
1103 minutes for subdivisions served by public utilities, the annotations on the plans, and the
1104 following additional conditions:

1105

- 1106 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
 1107 noted on the plat and construction plans and labeled "Limits of Special Flood
 1108 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
 1109 Drainage & Utilities Easement."
 1110 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions
 1111 for the maintenance of the common area by a homeowners association shall be
 1112 submitted to the Department of Planning for review. Such covenants and
 1113 restrictions shall be in a form and substance satisfactory to the County Attorney and
 1114 shall be recorded prior to recordation of the subdivision plat.
 1115 15. Prior to requesting recordation, the developer must furnish a letter from Dominion
 1116 Virginia Power, stating that this proposed development does not conflict with its
 1117 facilities.
 1118 16. The details for the landscaping to be provided within the 25-foot wide planting strip
 1119 easement and proffered buffer along proposed Liesfeld Farm Drive and Bacova
 1120 Drive shall be submitted to the Department of Planning for Planning Commission
 1121 review and approval prior to recordation of the plat.
 1122 17. A 10-foot wide multi-use path with a 5-foot wide grass strip shall be constructed
 1123 along the south side of Liesfeld Farm Drive.
 1124 18. The proffers approved as part of zoning case C-9C-11 shall be incorporated in this
 1125 approval.
 1126 19. Prior to request for final approval, the 60-foot access easement, as shown on the
 1127 plat recorded in Deed Book 1715 pages 181 and 182, shall be quitclaimed, and
 1128 recordation information shall be provided to the Director of Planning.
 1129

1130 **PLAN OF DEVELOPMENT**
 1131

1132 1133 1134 1135 1136 1137	POD2012-00152 Bacova Apartments – Tract D – Bacova Drive	Timmons Group for Bacova Road Apartments, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 13 three-story apartment buildings containing 324 dwelling units; a 3,200 square foot clubhouse; and a 1,100 square foot fitness center. The 22.54-acre site is located on the northeast corner of the intersection of Bacova Drive and N. Gayton Road extended, on parcel 735-766-8340. The zoning is R-6C, General Residential District (Conditional). County water and sewer. (Three Chopt)
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1132
 1133 Mr. Branin - Is anyone in opposition to POD2012-00152, Bacova
 1134 Apartments – Tract D? We have two. Okay.
 1135

1136 Ms. Crady - Thank you.
 1137

1138 This portion of the Bacova apartment development will consist of 324 multi-family
 1139 residential units in 13 buildings on Tract D of the overall development plan, contemplated
 1140 with the Zoning case C-9C-11. Tract E, which will be heard next on the agenda,

1141 proposes an additional 96 multi-family units, bringing the total number to 420 for both
1142 tracts.

1143
1144 The two apartment tracts will have pedestrian connections, including a bridge, and
1145 ultimately tie into the overall pedestrian network of the system, the Bacova overall plan.
1146

1147 Components of Tract D will include the clubhouse and fitness center, and other outdoor
1148 amenities as shown on the staff plan, including a swimming pool and amenity areas—
1149 perhaps a dog park. The details will be worked out at construction plan review and
1150 during the landscape plan review and approval, which will return to the Commission.
1151

1152 Architectural renderings confirm that the design of the buildings and the ratio of brick
1153 provided on each frontage will meet the proffered ratios. The mix of brick and
1154 cementitious siding is consistent with schematic elevations provided at the time of
1155 rezoning. The unit plan confirms that the unit types meet proffered conditions with
1156 respect to the mix of the number of bedrooms per unit and minimum finished floor areas.
1157

1158 I wanted to show you the clubhouse and fitness center. This is a rendering of the
1159 clubhouse to be constructed almost entirely of brick. Here is the fitness center.
1160

1161 You'll find an addendum item on page two of your addendum for the elimination of
1162 Condition #29 in the agenda. Because Tract D is not adjacent to the proposed Liesfeld
1163 Farm Drive and it will not access the proposed road, it is not appropriate to impose that
1164 condition on Tract D. Instead, the condition has been amended and applied appropriately
1165 to Tract E only, as you'll see in the case to follow immediately on this agenda.
1166

1167 With this, staff can recommend approval subject to annotations on the plan, the standard
1168 conditions for developments of this type, additional Conditions #9 and #11 amended, #29
1169 deleted, and #30 through #46 as listed in the agenda. The applicant's representative,
1170 Andy Conclin with Williams Mullin is here to answer any questions of the applicant, and
1171 I'm happy to answer any questions the Commission may have of me.
1172

1173 Mr. Emerson - Mr. Chairman, before we move into that section, we do have
1174 the next case, which is on page 22 of your agenda and on your amended agenda on
1175 page two. If Ms. Crady would like to cover the parameters of that, these two cases are
1176 together, but they would take separate motions in order to approve. You could have that
1177 presentation, anything additional that needs to be added, and then your public hearing
1178 can apply to those two.
1179

1180 Mr. Branin - I think that would be wise. Would you like to hear the second
1181 case, which accompanies this, and then we'll go into opposition? Okay, let's do that.
1182

1183 Mr. Emerson - In that case, on page 22 of your agenda, you also have
1184 POD2012-00150.
1185
1186

1187 **PLAN OF DEVELOPMENT**

1188

POD2012-00150
Bacova Apartments –
Tract E – N. Gayton Road
Extended

Timmons Group for Bacova Road Apartments, LLC:
Request for approval of a plan of development, as required
by Chapter 24, Section 24-106 of the Henrico County
Code, to construct 4 three-story apartment buildings
containing 96 dwelling units. The 7.47-acre site is located
on the east line of N. Gayton Road extended,
approximately 700 feet north of Bacova Drive, on parcel
735-767-8435. The zoning is R-6C, General Residential
District (Conditional). County water and sewer. **(Three
Chopt)**

1189

1190 Ms. Crady - This portion of the Bacova Apartments development is the
1191 other 96 multi-family residential units on Tract E of the overall development plan, in
1192 addition to the 324, bringing the total to 420. Tract E is the smaller of the two parcels,
1193 proposing four 3-story buildings.

1194

1195 The architectural renderings and floor plans are the same quality, design, and standards
1196 as Tract D, providing confirmation of compliance with all architectural and proffered
1197 conditions.

1198

1199 You'll find the addendum item on page two of your addendum indicating that a revised
1200 plan has been received, which addresses staff's previous concerns regarding the 25-foot
1201 proffered buffer and applicable setbacks along the proposed Liesfeld Farm Drive. They
1202 have shifted the building and moved the drive aisle to between Buildings 15 and 16 to
1203 allow maintenance of that proffered buffer there.

1204

1205 Also, on the addendum, there is a revised Condition #29, which has been rewritten to
1206 clarify that the subdivision plat for the portion of Liesfeld Park Drive adjacent to Tract E
1207 shall be recorded prior to the issuance of the first certificate of occupancy for any unit on
1208 Tract E. This condition was changed due to the fact that Liesfeld Farm Drive is intended
1209 to be constructed and, therefore, recorded in multiple stages. The revised condition
1210 allows for the staging of road construction that will be consistent with the proffers.

1211

1212 With this, staff can recommend approval subject to the annotations on the plan, the
1213 standard conditions for developments of this type, additional Conditions #9 and #11
1214 amended, Condition #29 revised in the addendum, and Conditions #30 through #46 as
1215 listed in your agenda. Again, the applicant's representative, Andy Condlin, is here to
1216 answer any questions on behalf of the applicant, and I'm happy to answer any questions
1217 the Commission may have of me.

1218

1219 Mr. Branin - Does anybody have any questions for Ms. Crady? None?
1220 Ma'am, would you like to come down?

1221

1222 Ms. Powell - Good morning. My name is Sara Powell. I live at the end of
1223 Kain Road. I thoroughly object to all of the apartments. I think they're totally
1224 unnecessary. When they did the 2026 Land Use Plan, R-6 was not even considered in
1225 that part of the land, in that little space between Bacova and Kain. Just because they
1226 opened up the Gayton Road Extension does not mean—should have never meant that
1227 changed anything, that R-6 should even be allowed—or R-5. Right here in the notices it
1228 says, "Suburban mixed-use density should not exceed four units per acre." Well, these
1229 apartments, 430, are not going—I mean they just don't belong there. Somebody, and I
1230 think it was Andy Condlin—poor Andy; he's getting it today. He stated in one of the
1231 meetings I was at in the last two months that Henrico does have more apartments than
1232 any other county surrounding us. I don't think we need any more. We have them across
1233 the interstate, and, frankly, somebody would have to explain to me how Bacova Road
1234 has become part of the Broad Street Overlay. We have no business—I mean, this is our
1235 side of the interstate. What does that have to do with the Broad Street Overlay? Nothing,
1236 except these apartments would be right across from Breeden's other apartments. But we
1237 don't need them.

1238
1239 I agree with Karen that kind of density in building is going to just create chaos. It will
1240 create—430 times 2 is 860 more vehicles. A lot of them will use Bacova Road, which will
1241 go right past the school. Those people aren't going to use the extension to get to
1242 Walmart. So, I just think—and I know it's passed. How it ever got passed, I don't know. I
1243 would like to know. If somebody on this Commission could explain how R-6 got into it
1244 and got passed by both Planning and the Board of Supervisors, I wish somebody would
1245 explain that to me.

1246
1247 Mr. Branin - Did you attend any of the community meetings prior?
1248

1249 Ms. Powell - They weren't really offered to the public, not the community
1250 meetings.

1251
1252 Mr. Branin - Notifications were sent out, ma'am.

1253
1254 Ms. Powell - Only to a very small area, which was just the neighbors that
1255 back up to this property.

1256
1257 Mr. Branin - Prior to zoning on the Planning Commission side there were,
1258 I believe, two.

1259
1260 Ms. Powell - I think there was one in Twin Hickory and one—

1261
1262 Mr. Branin - At the elementary school?

1263
1264 Ms. Powell - Yes, at the elementary school.

1265
1266 Mr. Branin - And that was prior to zoning. Then, I know Mr. Kaechele had
1267 one after the Planning Commission.

1268
1269 Ms. Powell - I wasn't aware of that one.
1270
1271 Ms. Hamilton - I wasn't notified either. [off microphone. inaudible]
1272
1273 Mr. Branin - Ma'am? You have to be up to speak. So, there were
1274 notifications put out. Signs were put out. There were public hearings for both zoning and
1275 for—
1276
1277 Ms. Powell - Now, I've been to a couple of the public hearings. We
1278 objected to it then, and it still got passed. I don't understand how R-6 crept into this from
1279 the very beginning—I don't—and why it was approved. I can't recall if Planning originally
1280 recommended it; I believe they did. Then, it followed on through to the Planning
1281 Commission and the Board. So, I know it's passed, but it's far too high density, and I
1282 think if this goes along as planned, it's going to create more chaos. I think this should be
1283 looked at. I mean, if we're not going to follow the Land Use Plan, why have one? If the
1284 developers can come in and convince the County that this should be, and the County
1285 agrees with everything that some of the developers want—and I've been stung by that
1286 before—why do we have a land use plan? I wish somebody would address it and how R-
1287 6 got in here. I know it's done, but can't you reduce the density? Why do we have to—I
1288 mean—can't we rescind something even though it's passed?
1289
1290 Mr. Emerson - Mr. Chairman, the number of units that are requested, I
1291 believe, are ten units less than what was approved and proffered in the zoning case in
1292 response to the higher density apartments. The overall area that was rezoned—I believe
1293 that the complete or the overall density considered is in keeping with the intent of the
1294 Comprehensive Plan of the SMX designation, which falls in the area of approximately
1295 four units to the acre. I believe it exceeded that just slightly. The Board of Supervisors
1296 and Planning Commission in their deliberations determined that application in its final
1297 form was in keeping with the intent of the Comprehensive Plan when they made their
1298 approval.
1299
1300 Ms. Powell - Well, I don't know what maps they were looking at. I really
1301 don't. There is nowhere on the maps that I can see that fits in.
1302
1303 Mr. Emerson - Yes, ma'am. Many of our SMX-styled developments and
1304 communities have apartments in them—Wyndham, for example, Twin Hickory,
1305 Wellesley. All of those meet the same density parameters of SMX, and they all have
1306 apartments within their community, or multi-family.
1307
1308 Ms. Powell - But does that make it right?
1309
1310 Mr. Emerson - It makes it in keeping with the density of the Comprehensive
1311 Plan, ma'am.
1312

1313 Ms. Powell - So, we have to all be alike. I can remember years ago, Bill
1314 LaVecchia, when he was in Virgil Hazelett's place, he asked a question at one of these
1315 meetings—or probably it was the Board of Supervisors. He said do we want to become
1316 Fairfax? Now, this was a good long time ago, and everybody in the audience at that
1317 meeting said no. Well, we have become Fairfax. We have become—Short Pump used to
1318 be country. There is no country left in Short Pump—I mean—if all this is allowed. So, I
1319 think this should be considered. I think the East End is scared to death, because when
1320 development comes to the East End, it's going to be the same thing. They're going to
1321 create Short Pump in the East End, and if it's allowed by the governing bodies of this
1322 County, they have reason to be afraid.

1323
1324 So, I wish something could be done. I wish you could lower the density. A few
1325 apartments is a whole lot different than 430. How it got passed, I don't know. I don't
1326 know if the developers have anything to—I don't know what influence developers have
1327 over the Board and the Planning Commission and the Planning Department. I could
1328 quote you—and it has nothing to do with this case—but I could quote you that Axe
1329 Handle Lane had no way out toward Pouncey Tract because they cut it off for a
1330 developer. So, another developer is having trouble—having his little area developed at
1331 the end of Axe Handle Lane because he has no other access.

1332
1333 Just a lot of questions float in my mind, and I think they need to be thought about for the
1334 future. I hope that no more of this kind of density is proposed for our little corner of the
1335 world. I call it ours because a lot of those people have lived there forever, including me. I
1336 just hope this is the end of it. I hope that's where it ends. No more apartments should be
1337 allowed from Pouncey Tract to the county line between Kain and Bacova. Thank you
1338 very much.

1339
1340 Ms. Hamilton - If you allow this density, that means you're going to have to
1341 have more schools, which means more land taken away from wildlife and more wetlands
1342 destroyed.

1343
1344 The Gayton Road Extension allows for traffic to come onto Kain. From that point, when
1345 you turn down Kain, I assure you there will be a lot more traffic on Kain than Kain can
1346 handle. I said earlier that some neighborhoods are allowed to have cul-de-sacs and
1347 traffic-calming speed bumps. That rich neighborhood on River Road, Colony Bluff, that
1348 got a street closed off. Boy, those are powerful people; I'd like to know some of them.
1349 What I'm saying to you is you want to widen Kain Road eventually, but right now—I don't
1350 want you to widen it at all, but right now traffic—it can't handle any more traffic and
1351 you're—by putting this kind of density out there you are assuring that people will turn
1352 down Kain Road to get to the middle school, and to the Fast Mart convenience store,
1353 and to the veterinarian, and just—I've seen a lot of kids out lately joyriding. How they can
1354 afford the gasoline, I don't know, but the planet can't afford that. The planet cannot afford
1355 what you're about to do today.

1356
1357 Sally [sic] was asking about how this happens, you know, how development happens,
1358 why we have a Comprehensive Plan. What does the word *comprehensive* mean to you

1359 people anyway? Obviously, the Comprehensive Plan is just busy work to keep these
1360 people busy all year round, and you guys—all of you—everybody in Henrico busy year
1361 round, pretending to make a Comprehensive Plan, as if it matters, when it doesn't
1362 matter. The minute you make a Comprehensive Plan, you change it. You can't wait to
1363 start rezoning, because that's what you do. You wouldn't have jobs, apparently, if you
1364 didn't zone and rezone. We all came to those meetings for the Comprehensive Plan. I
1365 know Sally [sic] came to some of them at the middle school, Short Pump Middle School.
1366 We came to those meetings and we spent our time—and some people spent gasoline—I
1367 walked. We came there in good faith. People spent hours writing to you and calling you
1368 in good faith because we thought the Comprehensive Plan meant something. What
1369 you're doing shows that the Comprehensive Plan means nothing. It shows that it's just
1370 busy work; that's why you guys have your jobs.

1371

1372 Mrs. Jones - May I ask just a quick question?

1373

1374 Mr. Branin - Absolutely.

1375

1376 Mrs. Jones - This is actually to Mr. Secretary. I've listened very carefully to
1377 everything that Ms. Powell and Ms. Hamilton have said. I think it might be useful to kind
1378 of summarize in a sentence or two again our purpose here today. I think the issues of
1379 density and traffic and other issues that are clearly part of the rezoning process might be
1380 getting confused with what the parameters of this particular meeting are for. I don't want
1381 anybody to think that we're not hearing you. It's just that the density issue, for example,
1382 is not part of our consideration today. That's why I want to ask Mr. Secretary to kind of
1383 summarize again where we are so that we're all on the same page with what can happen
1384 today.

1385

1386 Ms. Hamilton - I have a question.

1387

1388 Mrs. Jones - No, I'd like Mr. Secretary, as I requested, to summarize this
1389 so that everybody's clear.

1390

1391 Mr. Emerson - Yes, ma'am, Mrs. Jones. What is being considered today is a
1392 ministerial act. This rezoning occurred I believe last year. All of the issues regarding the
1393 Comprehensive Plan, the traffic, the density, were considered by both the Commission
1394 and the Board, and approvals were granted at that time. This is the secondary process
1395 that follows to make sure that the development is consistent with the Zoning Code and
1396 the Subdivision Code of the County. Some of the other issues that have been raised
1397 today are both state and federal issues that we're not involved in. It's up to those
1398 agencies to come in and make their reviews. So, today is just purely a ministerial act.
1399 The zoning categories have been approved. If the development that is proposed meets
1400 the parameters of the zoning case, Subdivision Ordinance, and Zoning Ordinance, you
1401 are compelled to approve by state code.

1402

1403 Mrs. Jones - Thank you. At least I appreciate making sure that everybody
1404 knows our purpose here today.

1405
1406 Mr. Witte - Mr. Chairman, I would like to address Ms. Hamilton for a
1407 second, please. Ma'am, I really admire your focus, your commitment, and your tenacity,
1408 but I think you're barking up the wrong tree. If you address the landowners prior to these
1409 sales, we don't have this. If you convince the landowners not to sell to developers, it
1410 stays the way you want it. Once it's sold to the developers and once the Board acts, it's
1411 history. As far as the Comprehensive Plan goes, that's a guideline; that's not a policy
1412 that it has to be this way. That's just a guide for the overall County. I think your fight is
1413 actually with the landowners more than us because if they don't sell, there's no issue.

1414
1415 Ms. Hamilton - What makes this possible—[inaudible].

1416
1417 Mr. Witte - Please, step up.

1418
1419 Ms. Hamilton - Torrey Breeden admitted that what makes all of this
1420 development possible is the Gayton Road Extension, and the Gayton Road Extension
1421 was—you took in eminent domain. They didn't want to give up their land. You weren't
1422 listening to me earlier. They didn't want to give up their land. Ms. Leake-Waller had a
1423 rather large plot, and she had owned her acreage—it's a fourth-generation to live on her
1424 land and to farm this land. Ironically, at the December 13, 2011 meeting, Henrico
1425 honored a family in Eastern Henrico, gave them a certificate and some sort of savings
1426 bond, because they had a fourth-generation family that was living on land and they were
1427 farming it just like Ms. Leake-Waller, only, ironically, you took her land from her using
1428 eminent domain. You took land from 62 other people. So, you're wrong because what
1429 you're saying to me—I should have stopped—thank you. The Gayton Road Extension
1430 makes this possible, and the Gayton Road Extension is corrupt because you took land
1431 on the premise that we needed this road. It's been in the newspapers, and I've saved
1432 every caption. You took this land under this guise, under this guise that we needed this
1433 Gayton Road Extension for traffic. Now you want to add more traffic, so you don't get it.

1434
1435 Mr. Witte - Okay, thank you.

1436
1437 Mr. Emerson - Mr. Chairman, if I could. There's been a lot of discussion
1438 regarding the Gayton Road Extension. I would just like to point out to the Commission
1439 and the people present today that road existed on the County plans since the late
1440 seventies. It was on the MTP. It had been planned for in the overall road network of the
1441 County. It was placed there for proper traffic flow and safety in the community, and the
1442 County was merely following its Major Thoroughfare Plan. It did not have any relevance
1443 or connection to this development. This development was not even on the books, nor
1444 had anyone even come in and discussed it with the County and our staff at the time that
1445 road was contemplated. So, that road had been there for years and years.

1446
1447 Mr. Witte - Thank you.

1448
1449 Mr. Branin - Okay. Anybody have any questions for staff? Does anybody
1450 need to hear from the applicant? No, okay. Then I would like to move that POD2012-

1451 00152, Bacova Apartments – Tract D, be approved subject to annotations on the plan,
1452 the standard conditions for developments of this type, the following Conditions #9
1453 amended, #11 amended, #29 deleted, and #30 through #46.

1454
1455 Mr. Leabough - Second.

1456
1457 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Leabough. All in favor
1458 say aye. All opposed say no. The ayes have it; the motion passes.

1459
1460 The Planning Commission approved POD2012-00152, Bacova Apartments – Tract D,
1461 subject to the annotations on the plans, the standard conditions attached to these
1462 minutes for developments of this type, and the following additional conditions:

- 1463
1464 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1465 Planning for review and Planning Commission approval prior to the issuance of
1466 any occupancy permits.
- 1467 11. **AMENDED** - Prior to the approval of an electrical permit application and
1468 installation of the site lighting equipment, a plan including depictions of light
1469 spread and intensity diagrams, and fixture specifications and mounting height
1470 details shall be submitted for Department of Planning review and Planning
1471 Commission approval.
- 1472 29. ~~**DELETED** - The subdivision plat for Liesfeld Farm Drive shall be recorded before~~
1473 ~~any building permits are issued.~~
- 1474 30. The right-of-way for widening of North Gayton Road as shown on approved plans
1475 shall be dedicated to the County prior to any occupancy permits being issued.
1476 The right-of-way dedication plat and any other required information shall be
1477 submitted to the County Real Property Agent at least sixty (60) days prior to
1478 requesting occupancy permits.
- 1479 31. The entrances, required road improvements, and drainage facilities on Bacova
1480 Drive shall be approved by the Virginia Department of Transportation (for any
1481 portion of Bacova Drive retained by VDOT) and the County.
- 1482 32. A notice of completion form, certifying that the requirements of the Virginia
1483 Department of Transportation entrances permit have been completed, shall be
1484 submitted to the Department of Planning prior to any occupancy permits being
1485 issued.
- 1486 33. The required building setback shall be measured from the proposed right-of-way
1487 line and the parking shall be located behind the proposed right-of-way line.
- 1488 34. Prior to issuance of a certificate of occupancy for any building in this development,
1489 the engineer of record shall certify that the site has been graded in accordance
1490 with the approved grading plans.
- 1491 35. A concrete sidewalk meeting County standards shall be provided along the north
1492 line of Bacova Drive and the east line of North Gayton Road.
- 1493 36. Details for the gate and locking device at all entrance drive aisles shall be
1494 submitted for review by the Traffic Engineer, Police and approved by the County
1495 Fire Marshall. The owner or owner's contractor shall contact the County Fire
1496 Marshall prior to completion of the fence installation to test and inspect the

- 1497 operations of the gates. Evidence of the Fire Marshall's approval shall be provided
1498 to the Department of Planning by the owner prior to issuance of occupancy
1499 permits.
- 1500 37. The proffers approved as a part of zoning case C-9C-11 shall be incorporated in
1501 this approval.
- 1502 38. A construction staging plan which includes details for traffic control, fire protection,
1503 stockpile locations, construction fencing and hours of construction shall be
1504 submitted for County review and prior to the approval of any final construction
1505 plans.
- 1506 39. A note in bold lettering shall be provided on the erosion control plan indicating that
1507 sediment basins or traps located within buildable areas or building pads shall be
1508 reclaimed with engineered fill. All materials shall be deposited and compacted in
1509 accordance with the applicable sections of the state building code and
1510 geotechnical guidelines established by the engineer. An engineer's report
1511 certifying the suitability of the fill materials and its compaction shall be submitted
1512 for review and approval by the Director of Planning and Director of Public Works
1513 and the Building Official prior to the issuance of any building permit(s) on the
1514 affected sites.
- 1515 40. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
1516 97(b) of the Henrico County Code.
- 1517 41. The location of all existing and proposed utility and mechanical equipment
1518 (including HVAC units, electric meters, junctions and accessory boxes,
1519 transformers, and generators) shall be identified on the landscape plan. All
1520 building mounted equipment shall be painted to match the building, and all
1521 equipment shall be screened by such measures as determined appropriate by the
1522 Director of Planning or the Planning Commission at the time of plan approval.
- 1523 42. Except for junction boxes, meters, and existing overhead utility lines, and for
1524 technical or environmental reasons, all utility lines shall be underground.
- 1525 43. The limits and elevations of the Special Flood Hazard Area shall be conspicuously
1526 noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition,
1527 the delineated Special Flood Hazard Area must be labeled "Variable Width
1528 Drainage and Utility Easement." The easement shall be granted to the County
1529 prior to the issuance of any occupancy permits.
- 1530 44. Prior to issuance of a building permit, the developer must furnish a letter from
1531 Dominion Virginia Power stating that this proposed development does not conflict
1532 with their facilities.
- 1533 45. The unit house numbers shall be visible from the parking areas and drives.
- 1534 46. The names of streets, drives, courts and parking areas shall be approved by the
1535 Richmond Regional Planning District Commission and such names shall be
1536 included on the construction plans prior to their approval. The standard street name
1537 signs shall be installed prior to any occupancy permit approval.
- 1538

1539 Mr. Branin - Then, I would like to move that POD2012-00150, Bacova
1540 Apartments – Tract E, be approved with the standard conditions for developments of this
1541 type, the following additional Conditions #9 amended, #11 amended, #29 modified, and
1542 #30 through #43.

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Mrs. Jones - Second.

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

The Planning Commission approved POD2012-00150, Bacova Apartments – Tract E, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
29. **MODIFIED** - The subdivision plat for **the portion of Liesfeld Farm Drive adjacent to Tract E** shall be recorded ~~before any building permits are issued~~ **prior to the issuance of the first certificate of occupancy for Tract E.**
30. The right-of-way for widening of North Gayton Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
31. Prior to issuance of a certificate of occupancy for any building in this development, the engineer of record shall certify that the site has been graded in accordance with the approved grading plans.
32. A concrete sidewalk meeting County standards shall be provided along the east side of North Gayton Road.
33. Details for the gate and locking device at all entrance drive aisles shall be submitted for review by the Traffic Engineer, Police and approved by the County Fire Marshall. The owner or owner's contractor shall contact the County Fire Marshall prior to completion of the fence installation to test and inspect the operations of the gates. Evidence of the Fire Marshall's approval shall be provided to the Department of Planning by the owner prior to issuance of occupancy permits.
34. The proffers approved as a part of zoning case C-9C-11 shall be incorporated in this approval.
35. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing and hours of construction shall be submitted for County review and prior to the approval of any final construction plans.
36. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be

- 1589 reclaimed with engineered fill. All materials shall be deposited and compacted in
1590 accordance with the applicable sections of the state building code and
1591 geotechnical guidelines established by the engineer. An engineer's report
1592 certifying the suitability of the fill materials and its compaction shall be submitted
1593 for review and approval by the Director of Planning and Director of Public Works
1594 and the Building Official prior to the issuance of any building permit(s) on the
1595 affected sites.
- 1596 37. The owners shall not begin clearing of the site until the following conditions have
1597 been met:
- 1598
- 1599 (a) The site engineer shall conspicuously illustrate on the plan of development
1600 or subdivision construction plan and the Erosion and Sediment Control
1601 Plan, the limits of the areas to be cleared and the methods of protecting the
1602 required buffer areas. The location of utility lines, drainage structures and
1603 easements shall be shown.
- 1604 (b) After the Erosion and Sediment Control Plan has been approved but prior
1605 to any clearing or grading operations of the site, the owner shall have the
1606 limits of clearing delineated with approved methods such as flagging, silt
1607 fencing or temporary fencing.
- 1608 (c) The site engineer shall certify in writing to the owner that the limits of
1609 clearing have been staked in accordance with the approved plans. A copy
1610 of this letter shall be sent to the Department of Planning and the
1611 Department of Public Works.
- 1612 (d) The owner shall be responsible for the protection of the buffer areas and
1613 for replanting and/or supplemental planting and other necessary
1614 improvements to the buffer as may be appropriate or required to correct
1615 problems. The details shall be included on the landscape plans for
1616 approval.
- 1617 38. The location of all existing and proposed utility and mechanical equipment
1618 (including HVAC units, electric meters, junctions and accessory boxes,
1619 transformers, and generators) shall be identified on the landscape plan. All
1620 building mounted equipment shall be painted to match the building, and all
1621 equipment shall be screened by such measures as determined appropriate by the
1622 Director of Planning or the Planning Commission at the time of plan approval.
- 1623 39. Except for junction boxes, meters, and existing overhead utility lines, and for
1624 technical or environmental reasons, all utility lines shall be underground.
- 1625 40. The limits and elevations of the Special Flood Hazard Area shall be conspicuously
1626 noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition,
1627 the delineated Special Flood Hazard Area must be labeled "Variable Width
1628 Drainage and Utility Easement." The easement shall be granted to the County
1629 prior to the issuance of any occupancy permits.
- 1630 41. Prior to issuance of a building permit, the developer must furnish a letter from
1631 Dominion Virginia Power stating that this proposed development does not conflict
1632 with their facilities.
- 1633 42. The unit house numbers shall be visible from the parking areas and drives.

1634 43. The names of streets, drives, courts and parking areas shall be approved by the
1635 Richmond Regional Planning District Commission and such names shall be
1636 included on the construction plans prior to their approval. The standard street name
1637 signs shall be installed prior to any occupancy permit approval.
1638

1639 **PLAN OF DEVELOPMENT**
1640

POD2012-00108 **Engineering Design Associates for Pet Park N Ride, 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, 11,322 square-foot building for offices and kennels with a 3,008 square-foot mezzanine and parking lot. The 2.66-acre site is located on the west line of Lewis Road, approximately 850 north of the intersection of Lewis and Charles City Roads, on parcel 818-708-9149. The zoning is M-1, Light Industrial District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

1641
1642 Mr. Branin - Is there any opposition to POD2012-00108, Pet Park N Ride?
1643 No one? Mr. Pambid.
1644

1645 Mr. Pambid - Good morning, Mr. Chairman, members of the Planning
1646 Commission.
1647

1648 The proposal is for an 11,322-square-foot building for offices, pet kennels, and an
1649 additional 3,008-square-foot mezzanine. The site contains a 64-space parking lot, which
1650 is solely for the use of Standex Engraving. That's on the other side of Lewis Road, and it
1651 has a 50-year lease with the current property owner and applicant for the existing
1652 parking area. The revised layout plan in your addendum features a 21-space parking lot
1653 for customers of the establishment with areas for future parking expansion.
1654

1655 The architectural elevations propose a metal siding and CMU building. The revised
1656 elevations that you see here feature split-faced CMU on all four sides with integrated tan
1657 color, as well as teal metal siding. Faux windows are proposed on the side and rear
1658 elevations to break up the massing.
1659

1660 One hundred thirty-two kennels are proposed, and the floor plan also features a
1661 customer reception area, three offices, a lunchroom, a grooming area, wash area, and
1662 other support areas. The entire mezzanine is lined with a six-foot fence. This area may
1663 be used for pet recreation or exercise.
1664

1665 Staff can recommend approval. There is an additional Condition #33 in your addendum.
1666 This concludes my presentation. I can now field any questions regarding that, and the
1667 representative, Randy Hooker with Engineering Design Associates, and James Lauck of
1668 Pet Park N Ride, LLC are present as well.

1669
1670 Mr. Branin - Does anybody have any questions for Mr. Pambid? None?
1671 Okay. Mr. Leabough, would you like to hear from the applicant?
1672
1673 Mr. Hooker - Good morning. My name is Randy Hooker with Engineering
1674 Design Associates.
1675
1676 Mr. Leabough - I have a question for you regarding the faux windows, the
1677 materials that you're proposing for those.
1678
1679 Mr. Hooker - It's going to an aluminum frame, basically, and then it's going
1680 to have a vinyl application to that aluminum frame. It's absolutely an artificial window.
1681 The client does not want real windows in the building. He wants to control the light within
1682 the kennel area. Too much light in the kennel makes the animals kind of anxious. So,
1683 we're just adding these artificial windows to kind of break up the mass.
1684
1685 Mr. Leabough - There was another play area in addition to the mezzanine
1686 area. There was a play area outside. Has that been relocated?
1687
1688 Mr. Hooker - Actually, I don't think that this is really going to be—the dogs
1689 would go to bigger lots in the back of building back here. There are mechanical and such
1690 on the side of the building, so I don't really see the animals being on that side of the
1691 building.
1692
1693 Mr. Leabough - So, where is the play area?
1694
1695 Mr. Hooker - It would be—the animals would be taken right behind the
1696 building.
1697
1698 Mr. Leabough - Mr. Pambid, wasn't there a play area proposed? I imagined
1699 that, I guess.
1700
1701 Mr. Pambid - The plan that we have on hand is this fenced-in area right
1702 here. It says, "Proposed fence"—eight-inch black chain link with slats. We also made a
1703 comment that should be vinyl, but we have a door back here that leads to this area. So,
1704 that was on the original plan and then also on this revised plan that's on the screen.
1705 That's what we have to go by right now.
1706
1707 Mr. Leabough - Okay, thank you.
1708
1709 Mrs. Jones - Can I ask a question about this fencing?
1710
1711 Mr. Hooker - Sure.
1712
1713 Mrs. Jones - Since you were just talking about it. That is remaining a chain
1714 link?

1715
1716 Mr. Hooker - It really hasn't been focused on too much at this point in time
1717 just because of the lighting and landscape approval process. We figured we'd address all
1718 fencing at that time as well. So, I mean, staff has asked to have vinyl fencing in lieu of
1719 chain link, so I really haven't focused on that any further.
1720
1721 Mr. Leabough - Mr. Chairman, is that a part of this request? They will have to
1722 come back for a landscaping plan, correct?
1723
1724 Mr. Branin - Yes. If you choose to address the fencing then, you can.
1725
1726 Mr. Leabough - Mr. Secretary, I'm sorry. I looked at you and called for Mr.
1727 Chair.
1728
1729 Mr. Branin - Did I answer your question? Do I get points?
1730
1731 Mr. Leabough - You got it right.
1732
1733 Mrs. Jones - I have another question, but it's probably more, I would
1734 guess, maybe for the applicant. May I ask now? I'm not familiar. Maybe I'm the only one
1735 who doesn't know about Pet Park N Rides. Would you just give me a 25-words-or-less
1736 kind of overview of how this works, how it's staffed? Do you have people there 24 hours
1737 a day? I mean how does this work?
1738
1739 Mr. Lauck - It's been my dream for years to do this.
1740
1741 Mr. Branin - Can you state your name for the record?
1742
1743 Mr. Lauck - Oh, that's right. James Lauck, and I'm the guy that's trying to
1744 get this thing approved. It's been my dream for years to have a kennel. With the
1745 economic conditions and all, I've been looking into a place for it. For three years, I've
1746 been trying to negotiate some property in the airport area. Because you have a conflict,
1747 we're staffed twenty-four hours a day. I've talked to the Hermitage High School. They
1748 have a kennel program over there. Immediately, we're going to hire approximately twelve
1749 of those students right out of school that have been trained to manage—Karen Bowles is
1750 the teacher. I've had three meetings with her. She's right now trying to find me a kennel
1751 manager that will manage the kids coming out of school.
1752
1753 We'll have approximately 14 employees, but around 10 to 12 of them will be right out of
1754 Hermitage Technical Center. They'll be groomers because they're taught to groom
1755 animals there. We'll be able to groom the animals while the people are flying. It's
1756 basically catering to the flying public. We're open 24 hours a day. If someone's leaving
1757 on the 6:30/7:00 departure, they have to be at a kennel dropping off their dog at 5:30 in
1758 the morning. Well, this will save them an extra day in the kennel somewhere else
1759 because we'll be open. If they get back they may have to—if they're at another kennel
1760 they'll have to have another day in a kennel stay, but we'll be there 24 hours to

1761 accommodate them. If they choose to leave their car at our parking lot, we're 90 seconds
1762 from the front door, so we're going to take them over to the airport. We'll know their flight
1763 schedule, so about an hour before they get home, their dog is brought up, they're given a
1764 free go-home bath, they're put in one of the—it's called a dog room right beside the
1765 reception area. So, when the owner gets back or when we pick them up, the dog will be
1766 waiting for their owner. In my opinion, I'd love to see my dog more than my girlfriend
1767 when I come back from four or five days, you know. The dog is the one that gives me all
1768 the kisses all the time. So, the dog will be there waiting for his owner when he gets back.
1769 It will be five minutes, and he'll be gone.

1770
1771 I've had three meetings with the Capital Region Airport Commission. They're on board
1772 with it. They like the idea. They have their permits where we pick up their people when
1773 they call us when they're home from their trip. So, I feel like it's a needed thing at the
1774 airport. They told me that out of all the calls they get over there, a lot of calls are, "Where
1775 can I keep my dog close by?" So, being 90 seconds from the airport is going to be a
1776 good asset to the whole area. Plus, we're employing a lot of people, young kids right out
1777 of school.

1778
1779 Mrs. Jones - From what you're saying, it sounds like there is not another
1780 facility like this in the general area.

1781
1782 Mr. Lauck - No, not just 90 seconds from the airport. You can drop your
1783 dog off. We take you to the airport if you want, pick you up, all for free. We don't charge
1784 for parking. We're going to charge a certain daily rate, and we're competitive with all the
1785 other kennels. We're based on volume because we can keep 132 dogs. We have 6,000
1786 feet of bark park, two indoor bark parks—the one on the floor and the one on the
1787 mezzanine. So, we have plenty of spaces for the—right around 6,000 square feet of bark
1788 park.

1789
1790 The outside changed a little bit. The dogs are going to be kept inside most of the time,
1791 but on a nice sunny day, if you have a few that you want to take outside, we're now
1792 going to put them right behind the building. We moved the parking lot to be more
1793 consistent with the Standex parking lot and put it right behind their parking lot. That's a
1794 50-year lease until they—you know—if they go out of business or stop using it, then it
1795 becomes mine. Right now, the outdoor bark park will probably be used little, because we
1796 have 6,000 square of indoor bark park.

1797
1798 Mrs. Jones - Maybe I should know this but what agency—or how are
1799 kennels licensed?

1800
1801 Mr. Lauck - When you're in this type of zoning, you have to get your
1802 business license, but if you were in agricultural and you were keeping dogs at home,
1803 there's a different procedure. You can only keep a certain amount of dogs at home and
1804 all that. There is really no licensing; that's how it goes in our business.

1805
1806 Mrs. Jones - And do you have facilities for animals other than dogs?

1807
1808 Mr. Lauck - Yes. There's a cat room. We have 24 cat condos. If a person
1809 has a cat, they can bring their cat in there. Cats you can't let roam about because adult
1810 cats will fight. So, they're all kept in a cat condo for the whole time. Then, during the
1811 summer, if we can keep your hamster in a 12 by 24 cage, we're going to have shelves
1812 where we can just keep hamsters in an aquarium. We won't charge for that. The whole
1813 family may go on vacation, and they probably have a hamster, or a gerbil, or something
1814 like that. We'll keep that for you. That's real low. You don't have to attend to them. You
1815 don't have to take a hamster out and walk him.
1816
1817 Mrs. Jones - This is true. Mr. Lauck, I wish you a lot of luck.
1818
1819 Mr. Lauck - I hope so because I have everything I have for this. If it
1820 doesn't work, you know.
1821
1822 Mrs. Jones - Well, thank you for the explanation.
1823
1824 Mr. Branin - On a personal note, this is public record, so that comment
1825 about the dog versus girlfriend might be—
1826
1827 Mr. Lauck - Yes, well. I wish my girlfriend treated me like my dog does
1828 when I come home every day.
1829
1830 Mr. Witte - Are you saying that your dog doesn't care what you do?
1831
1832 Mr. Lauck - Yes.
1833
1834 Mr. Witte - Okay.
1835
1836 Mr. Lauck - There's a new country song about that now.
1837
1838 Mr. Branin - Thank you, sir.
1839
1840 Mr. Archer - Better save yourself some room in the cat condo.
1841
1842 Mr. Lauck - Yes.
1843
1844 Mr. Witte - Cats get condos; dogs get pens.
1845
1846 Mr. Lauck - Well, it's a whole beach theme atmosphere. When you come
1847 in, it has the theme of a resort. All the kennels look like tiki huts. They have the grass on
1848 the top, and every row will be called an island, and you'll have cameras. You can pull
1849 your—if you're in California on a trip, you can pull up Pet Park N Ride. If you want to see
1850 Rover in his pen, you can pull up his camera, look at it. If he's not there, there are going
1851 to be cameras over the bark park areas. He'll either be in his kennel or in a bark park, so

1852 you'll be able to see. Everybody has communications now, so you'll be able to see your
1853 dog anytime you want. Kids will love that, too.
1854
1855 Mr. Witte - I think you're killing the competition.
1856
1857 Mr. Lauck - Well, I hope so. No, I don't want to put anybody out of
1858 business, but it's going to be a good deal.
1859
1860 Mr. Leabough - Mr. Chairman, I move that we approve POD2012-00108, Pet
1861 Park N Ride.
1862
1863 Mr. Pambid - I'd like to make a clarification before you go into a motion.
1864 You had mentioned something about bringing the plan back for lighting and landscaping.
1865 We do not have this as #9 and #11 amended; Condition #9 amended is for landscaping
1866 and #11 amended is for lighting. I just wanted to make sure that you were aware of that
1867 before you make a motion.
1868
1869 Mr. Branin - You're not going to have any opposition to that, are you?
1870 Okay, good.
1871
1872 Mr. Emerson - Condition #9 and #11 amended. That's all you need to say.
1873
1874 Mr. Pambid - We wouldn't have an objection to it only being #9 amended
1875 because there are no residential properties adjacent to this, but it's strictly up to you, sir.
1876
1877 Mr. Leabough - I'm not seeing the same thing you're seeing. Where are #9
1878 and #11 amended?
1879
1880 Mr. Pambid - It's not on the staff report.
1881
1882 Mr. Branin - It's not going to be on your report, but it specifies that it does
1883 come back for review for your fence.
1884
1885 Mr. Leabough - Thank you.
1886
1887 Mrs. Jones - Well, for landscaping.
1888
1889 Mr. Branin - Landscaping, which would include the fence.
1890
1891 Mr. Leabough - Okay. Thank you, Mr. Pambid. I move that we approve
1892 POD2012-00108, Pet Park N Ride, subject to the standard conditions for developments
1893 of this type, the annotations on the plans, Condition #9 amended, Condition #11
1894 amended, and also Conditions #29 through #33.
1895
1896 Mr. Witte - I second.
1897

1933 Mr. Pambid - The proposal is for a 9100-square-foot retail building on a
1934 currently vacant site. The revised plans in your addendum and here on the screen show
1935 a right in/right out access, and that is proposed along with an access easement to the
1936 adjacent properties, which are also owned by the same property owner.
1937
1938 Parking access, landscape islands, utilities, loading space, and the BMP location have
1939 all been revised to address staff's concerns.
1940
1941 The architectural elevations propose a light red brick building with tan EIFS panels,
1942 cornice, and accents. The building also features recessed brick panels and brick
1943 pilasters. This picture is intended to show the proposed brick coloration.
1944
1945 Staff can recommend approval. This concludes my presentation, and I can now field any
1946 questions you have regarding this. Bryant Gammon of Highmark Engineering is present
1947 as well to address any comments you may have.
1948
1949 Mrs. Jones - Does anyone have any questions for Mr. Pambid from the
1950 Commission? I need to ask because I did not hear. Was there anyone here in the
1951 audience in opposition to this case? Okay.
1952
1953 Ms. Horrocks - [Speaking off microphone.] I'm not in opposition, but I do
1954 have questions.
1955
1956 Mrs. Jones - All right, ma'am. If you'll just hold on a moment. No questions
1957 for Mr. Pambid? Okay, thank you. Shall we have comments or questions? All right.
1958 Thank you, Mr. Pambid. Ma'am, if you'll come on up and just state your name for the
1959 record. These are recorded proceedings.
1960
1961 Ms. Horrocks - Okay. My name is Glenice Horrocks. I've owned a house for
1962 almost 30 years. If you turn onto Oakley's Lane, there are two houses there. About 20-
1963 some years ago they started proposing there, which was going to be a Red Barn food
1964 store. They said at the time they would have to run the sewer lines through my front
1965 yard, mine and the next door neighbor. So, I guess my question is does any of that still
1966 exist? Are you still going to have to run lines into my yard? What is this going to do to my
1967 property value?
1968
1969 Mrs. Jones - Thank you. We'll have someone address that for you. Could
1970 the applicant come forward?
1971
1972 Mr. Branin - Please state your name for the record.
1973
1974 Mr. Gammon - Good morning. My name is Bryant Gammon. I'm with
1975 Highmark Engineering. To answer her question about a sanitary line, there is a sanitary
1976 manhole that's in the street on Oakley's that we'll be connecting into. It will be a lateral
1977 that actually traverses on the street. If you go back to the site plan; it's shown on there.
1978 I'll see if I can point to it. There is a sanitary manhole at this location right here on the

1979 screen. What we'll be doing is tying in a lateral that will be going into our property. So it
1980 would not be going on someone else's property.
1981
1982 Mr. Branin - So that answers your question?
1983
1984 Ms. Horrocks - [Speaking off microphone.] Yes, but what will it do to my
1985 property value? Can you tell me that?
1986
1987 Mr. Branin - I can't tell you that.
1988
1989 Mr. Witte - Hopefully, all the property values will go up one day, which
1990 they haven't done in the past several years.
1991
1992 Mr. Archer - I don't have any questions.
1993
1994 Mr. Branin - No other questions? Any other questions for any other staff?
1995 Mr. Archer, the ball is in your court.
1996
1997 Mr. Archer - Okay. I spoke to Mr. Pambid about this this morning. All of
1998 the conditions and things that the Planning Department needed have been satisfied. And
1999 there is a new revised plan that's been submitted. Was that plan early enough that we
2000 don't need to make a motion for it, the revised plan? Was it in time?
2001
2002 Mr. Pambid - Time limits will need to be waived.
2003
2004 Mr. Archer - All right. If there are no more questions, then I'll first move to
2005 waive the time limits on the revised plan.
2006
2007 Mrs. Jones - Second.
2008
2009 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
2010 say aye. All opposed say no. The ayes have it; the motion passes. Those time limits are
2011 waived.
2012
2013 Mr. Archer - Okay. Secondly, I'll move for approval of POD2012-00067,
2014 Dollar General, subject to the annotations on the plan, staff's recommendation, and
2015 additional Conditions #9 and #11 amended, #29, #30, #31, and #32.
2016
2017 Mr. Leabough - Second.
2018
2019 Mr. Branin - Motion by Mr. Archer, seconded by Mr. Leabough. All in favor
2020 say aye. All opposed say no. The ayes have it; the motion passes.
2021
2022 The Planning Commission approved POD2012-00067, Dollar General, subject to the
2023 annotations on the plans, the standard conditions attached to these minutes for
2024 developments of this type, and the following additional conditions:

- 2025
2026 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
2027 Planning for review and Planning Commission approval prior to the issuance of any
2028 occupancy permits.
2029 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
2030 of the site lighting equipment, a plan including depictions of light spread and
2031 intensity diagrams, and fixture specifications and mounting height details shall be
2032 submitted for Department of Planning review and Planning Commission approval.
2033 29. A concrete sidewalk meeting VDOT standards shall be provided along the north
2034 side of Nine Mile Road (State Route 33).
2035 30. Outside storage shall not be permitted.
2036 31. The proffers approved as a part of zoning case C-68C-88 shall be incorporated in
2037 this approval.
2038 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
2039 97(b) of the Henrico County Code.
2040

2041 Mr. Emerson - Mr. Chairman, that now takes you to the consideration for the
2042 approval of minutes of your April 25, 2012 meeting. In your handout this morning you
2043 received an errata sheet of comments and changes that have been submitted to us by
2044 Commission members.
2045

2046 APPROVAL OF MINUTES: April 25, 2012
2047

2048 Mr. Branin - Does anybody have any additional corrections to the
2049 minutes? I'll entertain a motion.
2050

2051 Mrs. Jones - I move they be approved as corrected.
2052

2053 Mr. Witte - Second.
2054

2055 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Witte. All in favor say
2056 aye. All opposed say no. The ayes have it; the motion passes.
2057

2058 The Planning Commission approved the April 25, 2012 minutes as corrected.
2059

2060 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
2061 morning.
2062

2063 Mr. Branin - Do any commissioners have anything further?
2064

2065 Mrs. Jones - No, sir.
2066

2067 Mr. Branin - I motion for adjournment.
2068

2069 Mrs. Jones - I second.
2070

2071 Mr. Branin - We are adjourned.

2072

2073 Meeting is adjourned.

2074

2075

2076

2077

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2079

Mr. Tommy Branin, Chairman

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Mr. R. Joseph Emerson, Jr., Secretary

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