

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government Center  
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, September 27, 2006.

4

5 Members Present:                    Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)  
6    Mr. E. Ray Jernigan, C.P.C. (Varina)  
7    Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
8    Mrs. Patricia O'Bannon (Tuckahoe) Board of Supervisors  
9    Representative

10

11 Members Absent:                    Mr. Tommy Branin, Vice Chairperson (Three Chopt)  
12    Mrs. Bonnie-Leigh Jones (Tuckahoe)  
13    Mr. Randall R. Silber, Director of Planning, Secretary

14

15 Others Present:    Mr. David D. O'Kelly, Jr., Assistant Director of Planning  
16    Ms. Leslie A. News, CLA, Principal Planner  
17    Mr. James P. Strauss, CLA, County Planner  
18    Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
19    Mr. Michael F. Kennedy, County Planner  
20    Ms. Christina L. Goggin, AICP, County Planner  
21    Mr. Tony Greulich, C.P.C., County Planner  
22    Mr. Greg Garrison, County Planner  
23    Mr. Michael Jennings, Assistant Traffic Engineer  
24    Ms. Diana B. Carver, Recording Secretary

25

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

28

29 Mr. Archer -                    Good morning, everyone. The Planning Commission will come to order.  
30 We are a little light handed today, but we do have enough Commissioners present to get started.  
31 Our Secretary is absent today. Welcome, Mrs. O'Bannon, from the Board of Supervisors.  
32 Handling the agenda today will be Mr. David D. O'Kelly, Jr., the Assistant Director of Planning,  
33 and Mr. O'Kelly, I will hand it over to you, sir.

34

35 Mr. O'Kelly -                    Thank you, Mr. Chairman. As you mentioned, we do have several  
36 commissioners who had to be absent today. Mr. Branin had to attend a funeral and Mrs. Jones is  
37 out of state attending her son's wedding. But, we do have a quorum and the first item on the  
38 agenda is the request for deferrals and withdrawals. Leslie News will present those.

39

40 Mr. Archer -                    Good morning, Ms. News.

41 Ms. News - Good morning, Mr. Chairman, members of the Commission, Mr.  
42 Secretary. We have nine items requested for deferrals or withdrawals this morning. Three were  
43 added since you received your preliminary addendum yesterday. The first is on page 7. The  
44 applicant is requesting a deferral to October 25, 2006.

45

46 **SUBDIVISION (Deferred from the July 26, 2006 Meeting)**

47

River Pointe Estates  
(July 2006 Plan)  
9051 Deep Bottom Road

**Bay Design Group, P.C. for John W. Roberts and Wilton  
Development Corporation:** The 81-acre site proposed for a  
subdivision of 43 single-family homes is located on the east line  
of Deep Bottom Road approximately 650 feet south of  
Kingsland Road on parcels 829- 676-2890 and 829-678-4054.  
The zoning is A-1, Agricultural District. County water and  
sewer. **(Varina) 43 Lots**

48

49 Mr. Archer - Thank you, Ms. News. Is there anyone present who is opposed to the  
50 deferment of River Pointe Estates? No opposition. Mr. Jernigan.

51

52 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of subdivision River  
53 Pointe Estates, July 2006 Plan, to October 25, 2006, by request of the applicant.

54

55 Mr. Vanarsdall - Second.

56

57 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor say  
58 aye. All opposed say no. The motion passes.

59

60 At the request of the applicant, the Planning Commission deferred subdivision River Pointe  
61 Estates (July 2006 Plan) to its meeting on October 25, 2006.

62

63 Mrs. O'Bannon - Also, I want to abstain from voting today, I think we have enough people,  
64 three, unless there is a tie breaker needed or discussion.

65

66 Mr. Archer - I hope it won't get that interesting, Mrs. O'Bannon.

67

68 Mrs. O'Bannon - All right. Thank you.

69

70 Ms. News - The next case on page 9, in the Three Chopt District is POD-42-06, West  
71 Broad Village. The applicant is requesting a deferral to October 12, 2006, and that is the  
72 Rezoning Meeting.

73 **PLAN OF DEVELOPMENT (Deferred from the July 26, 2006 Meeting)**

74

POD-42-06  
West Broad Village –  
W. Broad St./Three Chopt  
Road

**Timmons Group for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an urban mixed use development with a total of 526,500 square feet of commercial space, 688,000 square feet of office space, 430 hotel rooms with conference space, 545 townhouse units, 339 multi-family units, a 6,000 square foot community club house, and 6,686 parking spaces (surface and structured). The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

75

76 Mr. Archer - This is a two-week deferral, POD-42-06, West Broad Village. Is there  
77 anyone present who is opposed to this deferral, in the Three Chopt District? I see none.

78

79 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of POD-42-06, West  
80 Broad Village, to October 12, 2006, by the request of the applicant.

81

82 Mr. Vanarsdall - Second.

83

84 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor say  
85 aye. All opposed say no. The motion passes.

86

87 At the request of the applicant, the Planning Commission deferred POD-42-06, West Broad  
88 Village, to its Rezoning meeting on October 12, 2006.

89

90 Ms. News - On page 12 of your agenda, also in the Three Chopt District, is the  
91 subdivision for West Broad Street Village (July 2006 Plan). The applicant has also requested a  
92 deferral to the October 12, 2006 Rezoning meeting.

93 **SUBDIVISION (Deferred from the September 27, 2006, Meeting)**

94

West Broad Village  
(July 2006 Plan)

W. Broad Street/Three Chopt  
Road

**Timmons Group for West Broad Village, West Broad  
Village II, LLC and Unicorp National Developments, Inc.:**

The 35.72-acre site proposed for a subdivision of 545 residential townhomes located along the north line of Three Chopt Road and the east line of the proposed John Rolfe Parkway on part of parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 545 Lots**

95

96 Mr. Archer - Is there anyone present who is in opposition to the deferral of the  
97 subdivision for West Broad Village, in the Three Chopt District? I see none, Mr. Jernigan.

98

99 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of subdivision West  
100 Broad Village (July 2006 Plan) to October 12, 2006, by the request of the applicant.

101

102 Mr. Vanarsdall - Second.

103

104 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor say  
105 aye. All opposed say no. The motion passes.

106

107 At the request of the applicant, the Planning Commission deferred subdivision West Broad  
108 Village (July 2006 Plan), to its Rezoning meeting on October 12, 2006.

109

110 Ms. News - On page 13 of your agenda and located in the Varina District is POD-23-  
111 06 (POD-88-98 Expired) Landin – Cole Office Warehouse. The applicant is requesting to  
112 withdraw this plan.

113

114 **PLAN OF DEVELOPMENT & LIGHTING PLAN (Deferred from the June 28, 2006 Meeting)**

115

POD-23-06  
Landin – Cole Office  
Warehouse  
(POD-88-98 Expired)

**Engineering Design Associates for Conley S. Booth and Peter  
Cole:** Request for approval of a plan of development and  
lighting plan, as required by Chapter 24, Section 24-106 of the  
Henrico County Code, to construct a one-story, 12,000 square  
foot office warehouse. The 14.51-acre site is located at 2010  
Charles City Road on the north line of Charles City Road,  
approximately 1,800 feet east of Williamsburg Road (U.S. Route  
60) on parcel 810-713-2101. The zoning is B-3, Business  
District and ASO, Airport Safety Overlay District. County water  
and sewer. **(Varina)**

116

117 Mr. Archer - Is there anyone opposed to the withdrawal of POD-23-06, Landin – Cole  
118 Office Warehouse, in the Varina District? I see none, Mr. Jernigan.

119

120 Mr. Jernigan - Mr. Chairman, with that I will move for withdrawal of POD-23-06,  
121 Landin – Cole Office Warehouse, by the request of the applicant.

122

123 Mr. Vanarsdall - Second.

124

125 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor say  
126 aye. All opposed say no. The motion passes to grant this withdrawal.

127

128 At the request of the applicant, the Planning Commission withdrew POD-23-06, Landin – Cole  
129 Office Warehouse from any further consideration.

130

131 Ms. News - On page 15 of your agenda and located in the Varina District is POD-34-  
132 06 (POD-83-97 Revised) Gillies Creek Recycling. The applicant is requesting a deferral to the  
133 October 25, 2006 meeting.

134

135 **PLAN OF DEVELOPMENT (Deferred from the July 26, 2006 Meeting)**

136

POD-34-06 Gillies Creek Recycling – Office Area – Masonic Lane And I-64	<b>Engineering Design Associates for Gillies Creek Industrial Recycling:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,000 square foot office/repair shop and two equipment sheds for an existing recycling center on the landfill property. The 3.57-acre site is located at 4200 Masonic Lane on parcel 806-719-8851. The zoning is M-2, General Industrial District. Individual well and septic tank/drainfield. ( <b>Varina</b> )
--	--

137

138 Mr. Archer - Is there anyone present who is in opposition to the deferral of POD-34-06,  
139 Gillies Creek Recycling – Office Area, in the Varina District? I see none, Mr. Jernigan.

140

141 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of POD-34-06, Gillies  
142 Creek Recycling – Office Area, to October 25, 2006, by the request of the applicant.

143

144 Mr. Vanarsdall - Second.

145

146 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor say  
147 aye. All opposed say no. The motion passes.

148

149 At the request of the applicant, the Planning Commission deferred POD-34-06, Gillies Creek  
150 Recycling – Office Area, to its meeting on October 25, 2006.

151

152 Ms. News - On page 22 of your agenda and located in the Fairfield District is POD-53-  
153 06, Ample Storage. The applicant is requesting a deferral to October 25, 2006.

154 **PLAN OF DEVELOPMENT**

155

POD-53-06  
Ample Storage –  
4901 Nine Mile Road

**Balzer & Associates, Inc. for Ample Storage Laburnum Avenue, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three, one-story commercial buildings: one, 19,222 square foot self storage facility and two office/retail buildings totaling 19,156 square feet. The 13.50-acre site is located on the southeastern intersection of Nine Mile Road (State Route 33) and S. Laburnum Avenue on parcel 811-723-1052. The zoning is M-1C, Light Industrial District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Fairfield)**

156

157 Mr. Archer - Is there anyone present who is in opposition to the deferral of POD-53-06,  
158 Ample Storage, in the Fairfield District? I see none. I move deferment of POD-53-06, Ample  
159 Storage, to the October 25, 2006 meeting, at the request of the applicant.

160

161 Mr. Jernigan - Second.

162

163 Mr. Archer - Motion by Mr. Archer and second by Mr. Jernigan. All in favor say aye.  
164 All opposed say no. The motion passes.

165

166 At the request of the applicant, the Planning Commission deferred POD-53-06, Ample Storage,  
167 to its meeting on October 25, 2006.

168

169 Ms. News - On page 29 of your agenda and located in the Fairfield District is POD-55-  
170 06 (POD-38-97 Revised) Magellan Center. The Planning Commission is requesting deferral of  
171 this case to the November 15, 2006 meeting.

172

173 **PLAN OF DEVELOPMENT**

174

POD-55-06  
Magellan Center – Brook  
Road and Telegraph Roads  
(POD-38-97 Revised)

**Foster & Miller, P.C. for Robert B. Ball, Sr. and Empire Development:** 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, 10,000 square foot office/warehouse building. The 5.3-acre site is located on the east line of Brook Road (U.S. Route 1) and the west line of Telegraph Road, approximately 1,300 feet north of the intersection of Brook Road and Mountain Road on parcels 784-760-1564, 1846 and 4960. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

175

176 Mr. Archer - Is there anyone present in opposition to this deferral POD-55-06,  
177 Magellan Center, in the Fairfield District? I see none. I move that the deferment be granted at  
178 the request of the Planning Commission.

179

180 Mr. Jernigan - Second.

181

182 Mr. Archer - Motion by Mr. Archer and second by Mr. Jernigan. All in favor say aye.  
183 All opposed say no. The motion passes.

184

185 The Planning Commission deferred POD-55-06 (POD-38-97 Revised) Magellan Center, to its  
186 November 15, 2006 meeting.

187

188 Ms. News - On page 35 of your agenda and located in the Varina District is POD-58-  
189 06, The Shops @ White Oak Village. The applicant is requesting deferral to the October 25,  
190 2006 meeting.

191

## 192 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

193

POD-58-06

The Shops @ White Oak  
Village – 4500 S. Laburnum  
Avenue

**Vanasse Hagen Brustlin, Inc. for Forest City Commercial Group, Inc:** Request for approval of a master plan for a shopping center with approximately 913,606 square feet of retail space, including restaurants, retail stores, a future hotel, and twelve outparcels, and approval of a plan of development and site lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code, for the construction of a Target Store major anchor consisting of 126,842 square feet; two junior anchor buildings stores A-K consisting of 281,052 square feet of retail space; and 149,313 square feet of retail space in Lifestyle Center Shops (Lifestyle Shops A-D). The 136.50-acre site is located at 4500 S. Laburnum Avenue at the northwest corner of the intersection of S. Laburnum Avenue and I-64, west of Audubon Drive on parcel 815-718-5710. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Varina)**

194

195 Mr. Archer - Is there anyone present in opposition to this deferral POD-58-06, The  
196 Shops @ White Oak Village, in the Varina District? I see none. Mr. Jernigan.

197

198 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of POD-58-06, The  
199 Shops @ White Oak Village, to October 25, 2006, by request of the applicant.

200

201 Mr. Vanarsdall - Second.

202

203 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor say  
204 aye. All opposed say no. The motion passes.

205 At the request of applicant, the Planning Commission deferred POD-58-06, The Shops @ White  
206 Oak Village, to its October 25, 2006 meeting.

207

208 Ms. News - The final item is on page 41 of your agenda and located in the Brookland  
209 District. This is subdivision Courtney Ridge (September 2006 Plan) for 5 lots. The applicant is  
210 requesting deferral to the October 12, 2006 meeting. Staff recommends deferral to the October  
211 25, 2006 meeting.

212

213 **SUBDIVISION**

214

Courtney Ridge  
(September 2006 Plan)  
South of Courtney Road and  
Mountain Road

**Parker Consulting, LLC for Robert F. Smith, Jr. and Attack-  
Walker Construction, LLC:** The 2.60-acre site proposed for a  
subdivision of 5 single-family homes is located at 10637  
Courtney Road on parcel 766-768-6057. The zoning is R-2,  
One-Family Residence District (Conditional). County water and  
sewer. **(Brookland) 5 Lots**

215

216 Mr. Archer - Is there anyone present in opposition to this deferral subdivision Courtney  
217 Ridge (September 2006 Plan) in the Brookland District? No opposition. Mr. Vanarsdall.

218

219 Mr. Vanarsdall - All right, I move that Courtney Ridge (September 2006 Plan) be deferred  
220 to October 25, 2006, at the applicant's request.

221

222 Mr. Jernigan - Second.

223

224 Mr. Archer - Motion by Mr. Vanarsdall and second by Mr. Jernigan. All in favor say  
225 aye. All opposed say no. The motion passes.

226

227 Mr. Vanarsdall - And Phil Parker is here, and I've already run this by him, to go from Oct.  
228 12 to the 25<sup>th</sup> because the 12<sup>th</sup> is going to be crowded.

229

230 Mr. Jernigan - Apparently.

231

232 At the request of applicant, the Planning Commission deferred subdivision Courtney Ridge  
233 (September 2006 Plan) to its October 25, 2006 meeting.

234

235 Mr. O'Kelly - The next item on the agenda, Mr. Chairman, are the expedited cases on the  
236 Expedited Agenda. Those are cases where the applicant and staff are in complete agreement on  
237 the plan. There are no unresolved issues. The Planning Commissioner from the district  
238 recommends the plan. We are not aware of any citizen opposition. If opposition does come up  
239 during the case on the Expedited Agenda, it will be moved to the regular agenda in its order.  
240 Again, Ms. News will present the Expedited Agenda.



241 Ms. News - Yes, sir. We have 13 items on the Expedited Agenda this morning. The  
242 first item is on page 2 of your agenda and located in the Brookland District. This is a transfer of  
243 approval POD-7-74 and POD-103-83, Richmond Medical Park. There is an addendum item on  
244 page 1 of your addendum with an added condition, No. 2, which addresses removal of the  
245 dumpster on the property by October 27, 2006.

246

247 **TRANSFER OF APPROVAL**

248

POD-7-74 and POD-103-83 **Premier Investment for Saturn Ventures:** Request for transfer  
Richmond Medical Park – of approval as required by Chapter 24, Section 24-106 of the  
2000 Bremono Road Henrico County Code from ITW Mortgage Investment Inc. to  
Saturn Ventures. The 9.7-acre site is located between  
Crestwood Avenue and Bremono Road on parcel 770-740-4117.  
The zoning is O-2, Office District. County water and sewer.  
**(Brookland)**

249

250 Mr. Archer - Is there anyone present who is opposed to this transfer of approval, POD-  
251 7-74 and POD-103-83, Richmond Medical Park? No opposition. Mr. Vanarsdall.

252

253 Mr. Vanarsdall - Is Jonathan Cutler here? He said he didn't think he would make it, and he  
254 didn't need to, I just wanted to speak to him if he were. I move that POD-7-74 and POD-103-83,  
255 Richmond Medical Park, be approved on the transfer of authority with the annotations on the  
256 plans for developments of this type and also on the addendum added condition No. 2 which  
257 would have the unapproved dumpster removed.

258

259 Mr. Jernigan - Second.

260

261 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.  
262 All in favor say aye. All those opposed say nay. The motion passes.

263

264 The Planning Commission approved the transfer of approval request for POD-7-74 and POD-  
265 103-83, Richmond Medical Park, subject to the standard and added conditions previously  
266 approved and the following additional conditions:

267

268 1. A bond of \$26,500 has been posted to cover the site deficiencies, as identified in the  
269 inspection report dated **September 5, 2006**, including landscaping and removal of debris.

270

Such deficiencies shall be corrected by **March 31, 2007**.

271 2.

The existing unapproved dumpsters shall be removed by **October 27, 2006**.

272

273 Ms. News - On page 4 of your agenda and located in the Brookland District is a  
274 transfer of approval POD-92-96, Hollywood Video. There is an addendum item on page 2 of  
275 your addendum with a revised recommendation and added condition also regarding removal of  
276 two dumpsters which were recently placed on the property.

277 **TRANSFER OF APPROVAL**

278

POD-92-96  
Hollywood Video –  
9460 W. Broad Street

**Kultar Kang for 9460 West Broad Good Earth Investment, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Walmart Stores, Inc. and Randall E. Presley Trustee to 9460 West Broad Good Earth Investments, LLC. The 1.222-acre site is located on the northern line of W. Broad Street (U.S. Route 250) approximately 800 feet east of Old Springfield Road on parcel 756-757-1186. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

279

280 Mr. Archer - Is there anyone present who is opposed to this transfer of approval, POD-  
281 92-96, Hollywood Video? No opposition. Mr. Vanarsdall.

282

283 Mr. Vanarsdall - I recommend the transfer of approval for POD-92-96, Hollywood Video,  
284 be approved on the Expedited Agenda, with the conditions for developments of this type, and  
285 also condition No. 1 and in the addendum condition No. 2, to remove two dumpsters by October  
286 27, 2006. This is all one building with Einstein Bagels and Einstein Bagels needs to take care of  
287 the dead landscaping, paint the electrical meter boxes attached to the back on the building and  
288 that is it.

289

290 Mr. Jernigan - Second.

291

292 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.  
293 All in favor say aye. All those opposed say nay. The motion passes.

294

295 The Planning Commission approved the transfer of approval request for POD-92-96, Hollywood  
296 Video, subject to the standard and added conditions previously approved and the following  
297 additional conditions:

298

299 1. The site deficiencies, as identified in the inspection report dated **September 13, 2006**, shall  
300 be corrected by **December 31, 2006**.

301 2. The existing unapproved dumpsters shall be removed by **October 27, 2006**.

302

303 Ms. News - The next item is on page 6 of your agenda and located in the Three Chopt  
304 District. This is a landscape and lighting plan for LP/POD-22-05, Henrico Retirement Residence.

305 **LANDSCAPE & LIGHTING PLAN**

306

LP/POD-22-05  
Henrico Retirement  
Residence – 10300 Three  
Chopt Road

**Bay Design Group for Richmond Retirement Residence II, LLC:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 10.8-acre site is located on the north side of Three Chopt Road, 485 feet west of Gaskins Road on parcels 749-755-4576 and 7225. The zoning is R-6C, General Residence District (Conditional). **(Three Chopt)**

307

308 Mr. Archer - Is there anyone present who is opposed to the landscape and lighting plan  
309 for LP/POD-22-05, Henrico Retirement Residence? No opposition. Mr. Jernigan.

310

311 Mr. Jernigan - Mr. Chairman, with that I will move for approval of LP/POD-22-05,  
312 Henrico Retirement Residence, subject to the annotations on the plan and the standard conditions  
313 for landscape and lighting plans.

314

315 Mr. Vanarsdall - Second.

316

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

319

320 The Planning Commission approved the landscape and lighting plan for LP/POD-22-05, Henrico  
321 Retirement Residence, subject to the annotations on the plans and the standard conditions  
322 attached to these minutes for landscape and lighting plans.

323

324 Ms. News - The next item is on page 16 of your agenda and located in the Varina  
325 District is subdivision Easthampton Townhomes (September 2006 Plan) for 44 Lots. There is an  
326 addendum item on page 3 of your addendum which includes a revised recommendation for  
327 approval and indicates that a revised plan has been included in your addendum which shows the  
328 required right-of-way dedication and the proper flood plain location.

329

330 **SUBDIVISION**

331

Easthampton Townhomes  
(September 2006 Plan)  
S. Kalmia Avenue and  
E. Jerald Street

**Engineering Design Associates for Extra Enterprises Construction & Development, LLC:** The 6.57-acre site proposed for 44 townhouses is located on the north line of E. Jerald Street at the intersection of E. Jerald Street and S. Kalmia Avenue on parcel 822-722-0609. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Varina) 44 Lots**

332

333 Mr. Archer - Is there anyone present who is opposed to subdivision Easthampton  
334 Townhomes (September 2006 Plan) in the Varina District? No opposition. Mr. Jernigan.

335 Mr. Jernigan - Mr. Chairman, with that I will move approval of Easthampton  
336 Townhomes (September 2006 Plan) with the standard conditions for residential townhouses and  
337 the following additional conditions Nos. 13 through 18 and staff's recommendation on the  
338 addendum.

339

340 Mr. Vanarsdall - Second.

341

342 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
343 All in favor say aye. All those opposed say nay. The motion passes.

344

345 The Planning Commission granted conditional approval to Easthampton Townhomes (September  
346 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions served  
347 by public utilities, the annotations on the plan and the following additional conditions:

348

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

351 14. A County standard sidewalk shall be constructed along the east side of E. Jerald Street.

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

354 16. The proffers approved as part of zoning case C-23C-06 shall be incorporated in this  
355 approval.

356 17. Prior to requesting the final approval, a draft of the covenants and deed restrictions for  
357 the maintenance of the common area by a homeowners association shall be submitted to  
358 the Department of Planning for review. Such covenants and restrictions shall be in form  
359 and substance satisfactory to the County Attorney and shall be recorded prior to  
360 recordation of the subdivision plat.

361 18. Any future building lot containing a BMP, sediment basin or trap and located within the  
362 buildable area for a principal structure or accessory structure, may be developed with  
363 engineered fill. All material shall be deposited and compacted in accordance with the  
364 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
365 professional engineer. A detailed engineering report shall be submitted for the review and  
366 approval by the Building Official prior to the issuance of a building permit on the affected  
367 lot. A copy of the report and recommendations shall be furnished to the Directors of  
368 Planning and Public Works.

369

370 Ms. News - The next item, on page 18 of your agenda and located in the Brookland  
371 District, is POD-46-06 (POD-132-87 Revised) Wistar Commons. There is an addendum item on  
372 page 3 for a revised recommendation indicating that outstanding items including the current  
373 property owner's signature and a transfer of approval request have been received and staff can  
374 recommend approval.

375 **PLAN OF DEVELOPMENT (Deferred from the July 26, 2006 Meeting)**

376

POD-46-06  
Wistar Commons –  
8101 Staples Mill Road  
(POD-132-87 Revised)

**Balzer & Associates, Inc. for JCD Properties and Rasteh Construction:** Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two, one-story, 9,600 square foot office warehouse buildings. The 2.12-acre site is located at 8101 Staples Mill Road on parcel 772-752-0526. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Brookland)**

377

378 Mr. Archer - Is there anyone present who is opposed to POD-46-06, Wistar Commons,  
379 in the Brookland District? No opposition. Mr. Vanarsdall.

380

381 Mr. Vanarsdall - Mr. Chairman, I recommend approval of POD-46-06, Wistar Commons on  
382 Staples Mill Road, and I would like to add No. 9 amended and then there are conditions Nos. 24  
383 through 32. And then on the addendum, staff recommends approval. And I've already talked to  
384 Tony on this and they are going to have a transfer of approval next month, right? Thank you.

385

386 Mr. Greulich - (Nods in approval).

387

388 Mr. Jernigan - Second.

389

390 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.  
391 All in favor say aye. All those opposed say nay. The motion passes.

392

393 The Planning Commission approved POD-46-06 (POD-132-87 Revised), Wistar Commons  
394 subject to the annotations on the plans, the standard conditions attached to these minutes for  
395 developments of this type, and the following additional conditions:

396

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

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

402 25. The proffers approved as a part of zoning case C-59C-87 shall be incorporated in this  
403 approval.

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

406 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
407 approved by the County Engineer prior to final approval of the construction plans by the  
408 Department of Public Works.

409 28. Insurance Services Office (ISO) calculations must be included with the plans and  
410 contracts and must be approved by the Department of Public Utilities prior to the  
411 issuance of a building permit.

- 412 29. Approval of the construction plans by the Department of Public Works does not establish  
 413 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 414 elevations will be set by Henrico County.
- 415 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 416 Department of Planning and approved prior to issuance of a certificate of occupancy for  
 417 this development.
- 418 31. The location of all existing and proposed utility and mechanical equipment (including  
 419 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 420 shall be identified on the landscape plans. All equipment shall be screened by such  
 421 measures as determined appropriate by the Director of Planning or the Planning  
 422 Commission at the time of plan approval.
- 423 32. Except for junction boxes, meters, and existing overhead utility lines, and for technical or  
 424 environmental reasons, all utility lines shall be underground.

425  
 426 Ms. News - The next item, on page 24 of your agenda and located in the Varina  
 427 District, is subdivision The Oaks @ Longbridge (September 2006 Plan) for 7 Lots. There is an  
 428 addendum item on page 4 of your addendum which indicates that there is a revised plan and  
 429 location map which shows that the long linear piece of land connecting this parcel to Darbytown  
 430 Road will be incorporated into Section 1 of this subdivision.

431  
 432 **SUBDIVISION**  
 433

The Oaks @ Longbridge (September 2006 Plan) 7720 Harewood Lane, East of Darbytown Road and Carter's Mill Road Intersection	<b>Balzer &amp; Associates, Inc. for Linda &amp; Jacob Royal and          Windswept Development, LLC:</b> The 11.99-acre site proposed for a subdivision of 7 single-family homes is located approximately 6500 feet to intersection of Darbytown Road and Charles City Road on parcel 844-690-6607. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. <b>(Varina) 7 Lots</b>
---	--

434  
 435 Mr. Archer - Is there anyone present who is opposed to subdivision The Oaks @  
 436 Longbridge (September 2006 Plan) in the Varina District? No opposition. Mr. Jernigan.

437  
 438 Mr. Jernigan - Mr. Chairman, with that I will move approval of The Oaks @ Longbridge  
 439 (September 2006 Plan) subject to the annotations on the plan, the standard conditions for  
 440 subdivisions not served by public utilities and the following additional conditions Nos. 11 and 12  
 441 and on the addendum, the access stem to Darbytown Road and staff's recommendation.

442  
 443 Mr. Vanarsdall - Second.

444  
 445 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
 446 All in favor say aye. All those opposed say nay. The motion passes.

447 The Planning Commission granted conditional approval to The Oaks @ Longbirdge (September  
448 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions not  
449 served by public utilities, the annotations on the plan and the following additional conditions:

450

451 11. Each lot shall contain at least 43,560 square feet exclusive of the flood plain areas.

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

455

456 Ms. News - The next item, on page 27 of your agenda, and located in the Varina  
457 District is POD-54-06, Browning Office/Warehouse.

458

459 **PLAN OF DEVELOPMENT**

460

POD-54-06 Browning Office/Warehouse- McCoul Street and Old Osborne \ Turnpike	<b>QMT, Corporation for William W. Browning, Jr.:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,500 square foot office building and a one-story, 3,800 square foot warehouse building. The 8.68-acre site is located at 706 McCoul Street and Old Osborne Turnpike on parcel 799-709-0564. The zoning is M-2C, General Industrial District (Conditional) and R-2C, One-Family Residence District (Conditional). County water and sewer. ( <b>Varina</b> )
---	---

461

462 Mr. Archer - Is there anyone present who is opposed to POD-54-06, Browning  
463 Office/Warehouse, in the Varina District? No opposition. Mr. Jernigan.

464

465 Mr. Jernigan - Mr. Chairman, with that I move for approval of POD-54-06, Browning  
466 Office/Warehouse, subject to the annotations on the plan, the standard conditions for  
467 developments of this type and the following additional conditions Nos. 9 and 11 amended and  
468 added conditions Nos. 24 through 40.

469

470 Mr. Vanarsdall - Second.

471

472 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
473 All in favor say aye. All those opposed say nay. The motion passes.

474

475 The Planning Commission approved POD-54-06, Browning Office/Warehouse, subject to the  
476 annotations on the plans, the standard conditions attached to these minutes for developments of  
477 this type, and the following additional conditions:

478

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

- 482 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
483 depictions of light spread and intensity diagrams, and fixture and specifications and  
484 mounting height details shall be submitted for Department of Planning review and  
485 Planning Commission approval.
- 486 24. The subdivision plat for Marion View shall be recorded before any building permits are  
487 issued.
- 488 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
489 the County in a form acceptable to the County Attorney prior to any occupancy permits  
490 being issued. The easement plats and any other required information shall be submitted  
491 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
492 permits.
- 493 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
494 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
495 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
496 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 497 27. The entrances and drainage facilities on Old Osborne Turnpike (State Route 5) shall be  
498 approved by the Virginia Department of Transportation and the County.
- 499 28. A notice of completion form, certifying that the requirements of the Virginia Department  
500 of Transportation entrances permit have been completed, shall be submitted to the  
501 Department of Planning prior to any occupancy permits being issued.
- 502 29. The developer shall provide fire hydrants as required by the Department of Public  
503 Utilities and Division of Fire.
- 504 30. All repair work shall be conducted entirely within the enclosed building.
- 505 31. Outside storage shall not be permitted.
- 506 32. The proffers approved as a part of zoning case C-28C-06 shall be incorporated in this  
507 approval.
- 508 33. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
509 form acceptable to the County Attorney prior to final approval of the construction plans.
- 510 34. Deviations from County standards for pavement, curb or curb and gutter design shall be  
511 approved by the County Engineer prior to final approval of the construction plans by the  
512 Department of Public Works.
- 513 35. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of  
514 the Henrico County Code.
- 515 36. Insurance Services Office (ISO) calculations must be included with the plans and  
516 contracts and must be approved by the Department of Public Utilities prior to the  
517 issuance of a building permit.
- 518 37. Approval of the construction plans by the Department of Public Works does not establish  
519 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
520 elevations will be set by Henrico County.
- 521 38. Approval of the construction plans by the Department of Public Works does not establish the  
522 curb and gutter elevations along the Virginia Department of Transportation maintained right-  
523 of-way. The elevations will be set by the contractor and approved by the Virginia  
524 Department of Transportation.
- 525 39. The conceptual master plan, as submitted with this application, is for planning and  
526 information purposes only. All subsequent detailed plans of development and



527 construction plans needed to implement this conceptual plan may be administratively  
528 reviewed and approved and shall be subject to all regulations in effect at the time such  
529 subsequent plans are submitted for review/approval.  
530 40. The location of all existing and proposed utility and mechanical equipment (including  
531 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
532 shall be identified on the landscape plans. All equipment shall be screened by such  
533 measures as determined appropriate by the Director of Planning or the Planning  
534 Commission at the time of plan approval.

535  
536 Ms. News - The next item, on page 31 of your agenda and located in the Varina  
537 District is POD-56-06 (POD-56-02 Expired) (POD-90-00 Revised) Chickahominy Office  
538 Buildings. There is an addendum item on page 5 of your addendum which includes a revised  
539 recommendation and revision to added condition No. 29. The recommendation was just omitted  
540 from the original agenda and No. 29 corrects the zoning case number.

541

#### 542 **PLAN OF DEVELOPMENT**

543

POD-56-06 Chickahominy Office Buildings – E. Williamsburg Road and Whiteside Road (POD-56-02 Expired) (POD-90-00 Revised)	<b>RKK Engineers for Dr. Anup Gokli and Dr. Rich Harden:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct four, 6,960 square foot professional office buildings totaling 27,840 square feet, with 127 parking spaces. The 3.16- acre site is located on the west side of Whiteside Road, 100 feet north of the intersection of E. Williamsburg Road (Route 60) and Whiteside Road on parcels 833-714-7166, 0068, and 8648. The zoning is B-1C, Business District (Conditional). County water and sewer. ( <b>Varina</b> )
--	--

544

545 Mr. Archer - Is there anyone present who is opposed to POD-56-06, Chickahominy  
546 Office Buildings, in the Varina District? No opposition. Mr. Jernigan.

547

548 Mr. Jernigan - Mr. Chairman, with that I move for approval of POD-56-06,  
549 Chickahominy Office Buildings on E. Williamsburg Road, subject to the standard conditions for  
550 developments of this type, the annotations on the plan, and additional conditions Nos. 24 through  
551 38, and No. 29 revised on the addendum.

552

553 Mr. Vanarsdall - Second.

554

555 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
556 All in favor say aye. All those opposed say nay. The motion passes.

557

558 The Planning Commission approved POD-56-06 (POD-56-02 Expired) (POD-90-00 Revised),  
559 Chickahominy Office Buildings, subject to the annotations on the plans, the standard conditions  
560 attached to these minutes for developments of this type, and the following additional conditions:

561

- 562 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
563 Planning for review and Planning Commission approval prior to the issuance of any  
564 occupancy permits.
- 565 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
566 depictions of light spread and intensity diagrams, and fixture and specifications and  
567 mounting height details shall be submitted for Department of Planning review and  
568 Planning Commission approval.
- 569 24. Except for junction boxes, meters, and existing overhead utility lines, and for technical or  
570 environmental reasons, all utility lines shall be underground.
- 571 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
572 the County in a form acceptable to the County Attorney prior to any occupancy permits  
573 being issued. The easement plats and any other required information shall be submitted  
574 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
575 permits.
- 576 26. The developer shall provide fire hydrants as required by the Department of Public  
577 Utilities and Division of Fire.
- 578 27. Prior to issuance of a certificate of occupancy for any building in this development, the  
579 engineer of record shall certify that the site has been graded in accordance with the  
580 approved grading plans.
- 581 28. A standard concrete sidewalk shall be provided along the west side of Whiteside Road.
- 582 29. The proffers approved as a part of zoning case C-63C-00 shall be incorporated in this  
583 approval.
- 584 30. All exterior lighting fixtures shall be designed and arranged so the source of light is not  
585 visible from the roadways or adjacent residential properties. The lighting shall be low  
586 intensity, residential in character, and the height or standards shall not exceed 15 feet.
- 587 31. Prior to issuance of a building permit, the developer must furnish a letter from the  
588 Virginia Department of Transportation stating that this proposed development does not  
589 conflict with their facilities.
- 590 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
591 form acceptable to the County Attorney prior to final approval of the construction plans.
- 592 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
593 approved by the County Engineer prior to final approval of the construction plans by the  
594 Department of Public Works.
- 595 34. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
596 County standard and specifications. The developer shall post a defect bond for all  
597 pavement with the Department of Planning - the exact type, amount and implementation  
598 shall be determined by the Director of Planning, to protect the interest of the members of  
599 the Owners Association. The bond shall become effective as of the date that the Owners  
600 Association assumes responsibility for the common areas. Prior to the issuance of the  
601 last Certificate of Occupancy, a professional engineer must certify that the roads have  
602 been designed and constructed in accordance with County standards.
- 603 35. Insurance Services Office (ISO) calculations must be included with the plans and  
604 contracts and must be approved by the Department of Public Utilities prior to the  
605 issuance of a building permit.

606 36. Approval of the construction plans by the Department of Public Works does not establish  
607 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
608 elevations will be set by Henrico County.

609 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
610 Department of Planning and approved prior to issuance of a certificate of occupancy for  
611 this development.

612 38. The location of all existing and proposed utility and mechanical equipment (including  
613 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
614 shall be identified on the landscape plans. All equipment shall be screened by such  
615 measures as determined appropriate by the Director of Planning or the Planning  
616 Commission at the time of plan approval.  
617

618 Ms. News - The next item, on page 37 of your agenda and located in the Fairfield  
619 District, is subdivision Greenwood Manor (September 2006 Plan) for 8 lots.

620

621 **SUBDIVISION**

622

Greenwood Manor **Potts, Minter & Associates, P. C. for Carlos Rios:** The 1.852-  
(September 2006 Plan) acre site proposed for a subdivision of 8 single-family homes is  
Cole Road and Richmond located on the east side of Greenwood Road, and the west side of  
Road, South of I-295 and Richmond Road, 300 feet north of Cole Boulevard on parcel  
Route 1 780-763-7079. The zoning is R-4, One-Family Residence  
District. County water and sewer. **(Fairfield) 8 Lots**

623

624 Mr. Archer - Is there anyone present who is opposed to subdivision Greenwood Manor  
625 (September 2006 Plan) in the Fairfield District? No opposition. I move approval of Greenwood  
626 Manor (September 2006 Plan) subject to the annotations on the plans, the standard conditions for  
627 subdivisions served by public utilities and the additional conditions Nos. 12 through 16.

628

629 Mr. Vanarsdall - Second.

630

631 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
632 All in favor say aye. All those opposed say nay. The motion passes.

633

634 The Planning Commission granted conditional approval to Greenwood Manor (September 2006  
635 Plan) subject to the standard conditions attached to these minutes for subdivisions served by  
636 public utilities, the annotations on the plan and the following additional conditions:

637

638 12. Each lot shall contain at least 8,000 square feet.

639 13. The plan must be redesigned to provide at least the 65-foot minimum lot width required and  
640 as regulated by Chapter 24, of the Henrico County Code.

641 14. A County standard sidewalk shall be constructed along Greenwood Road.

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

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

652

653 Ms. News - The next item, on page 38 of your agenda and located in the Varina  
654 District, is subdivision Bailey Creek Estates (September 2006 Plan) for 1 lot.

655

656 **SUBDIVISION**

657

Bailey Creek Estates  
(September 2006 Plan)  
7701 Bradbury Road

**Draper Aden Associates for Corey Cotman:** The 7.27-acre site proposed for a subdivision of 1 single-family home is located on the east line of Bradbury Road, approximately 1,200 feet north of the intersection of Darbytown Road and Bradbury Road at the temporary cul-de-sac on parcels 838-690-5344 and 3494. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 1 Lot**

658

659 Mr. Archer - Is there anyone present who is opposed to subdivision Bailey Creek  
660 Estates (September 2006 Plan) in the Varina District? No opposition. Mr. Jernigan.

661

662 Mr. Jernigan - Mr. Chairman, I move for approval of subdivision Bailey Creek Estates  
663 (September 2006 Plan) subject to the annotations on the plan and the standard conditions for  
664 subdivisions not served by public utilities.

665

666 Mr. Vanarsdall - Second.

667

668 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
669 All in favor say aye. All those opposed say nay. The motion passes.

670

671 The Planning Commission granted conditional approval to Bailey Creek Estates (September  
672 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions not  
673 served by public utilities and the annotations on the plan.

674

675 Ms. News - The next item, on page 40 of your agenda and located in the Fairfield  
676 District, is subdivision Hawkes Plan (September 2006 Plan) for 2 lots.

677 **SUBDIVISION**

678

Hawkes Plan  
(September 2006 Plan)  
S. Lake Avenue and Hawkes  
Lane

**Landmark Fleet Surveyor, P.C. for Ruby K. Akers:** The 1.54-acre site proposed for a subdivision of 2 single-family homes is located on the south side of Hawkes Lane and 150 feet west of the intersection of Hawkes Lane and Lake Avenue on parcel 724-819-6157. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 2 Lots**

679

680 Mr. Archer - Is there anyone present who is opposed to subdivision Hawkes Plan  
681 (September 2006 Plan) in the Fairfield District? No opposition. I move approval of Hawkes  
682 Plan (September 2006 Plan) subject to the annotations on the plans, the standard conditions for  
683 subdivisions served by public utilities and the additional conditions Nos. 12 through 14.

684

685 Mr. Vanarsdall - Second.

686

687 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
688 All in favor say aye. All those opposed say nay. The motion passes.

689

690 The Planning Commission granted conditional approval to Hawkes Plan (September 2006 Plan)  
691 subject to the standard conditions attached to these minutes for subdivisions served by public  
692 utilities, the annotations on the plan and the following additional conditions:

693

694 12. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.

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

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

700

701 Ms. News - The next item, on page 42 of your agenda and located in the Fairfield  
702 District, is subdivision Woodman Terrace (September 2006 Plan) for 7 lots.

703

704 **SUBDIVISION**

705

Woodman Terrace  
(September 2006 Plan)  
9703 Luscombe Lane

**M. Farrukh Khan:** The 3.14-acre site proposed for a subdivision of 7 single-family homes is located at the eastern terminus of Luscombe Lane approximately 150 feet east of Bonanza Street on parcels 774-760-4716, 3824, 3335, 3547, 4140, 4958 and 5039. The zoning is R-3, One-Family Residence District. County water and sewer. **(Fairfield) 7 Lots**

706

707 Mr. Archer - Is there anyone present who is opposed to subdivision Woodman Terrace  
708 (September 2006 Plan) in the Fairfield District? No opposition. I move approval of Woodman  
709 Terrace (September 2006 Plan) subject to the annotations on the plans, the standard conditions  
710 for subdivisions served by public utilities and the additional conditions Nos. 12 through 14.

711

712 Mr. Vanarsdall - Second.

713

714 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
715 All in favor say aye. All those opposed say nay. The motion passes.

716

717 The Planning Commission granted conditional approval to Woodman Terrace (September 2006  
718 Plan) subject to the standard conditions attached to these minutes for subdivisions served by  
719 public utilities, the annotations on the plan and the following additional conditions:

720

721 12. A plan shall be submitted prior to recordation of the plat showing the buildable area for  
722 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.  
723 Buildable area is that area within which a dwelling unit may legally be located considering  
724 the front yard, side yard, and rear yard setback requirements of Chapter 24, of the Henrico  
725 County Code.

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

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

736

737 Ms. News - The final item, on page 43 of your agenda and located in the Three Chopt  
738 District, is subdivision Fortune Heights (September 2006 Plan) for 3 lots.

739

#### 740 **SUBDIVISION**

741

Fortune Heights  
(September 2006 Plan)  
Parham Road and Fortune  
Road

**Parker Consulting, LLC for Attack-Walker Construction, LLC:** The 0.93-acre site proposed for a subdivision of 3 single-family homes is located at 3001 Parham Road on parcel 759-753-8480. The zoning is R-3, One-Family Residence District. County water and sewer. **(Three Chopt) 3 Lots**

742

743 Mr. Archer - Is there anyone present who is opposed to subdivision Fortune Heights  
744 (September 2006 Plan) in the Three Chopt District? No opposition. Mr. Jernigan.

745 Mr. Jernigan - Mr. Chairman, with that I move for approval of subdivision Fortune  
746 Heights (September 2006 Plan) subject to the annotations on the plans, the standard conditions  
747 for subdivisions served by public utilities and the additional conditions Nos. 12 through 16.

748

749 Mr. Vanarsdall - Second.

750

751 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
752 All in favor say aye. All those opposed say nay. The motion passes.

753

754 The Planning Commission granted conditional approval to Fortune Heights (September 2006  
755 Plan) subject to the standard conditions attached to these minutes for subdivisions served by  
756 public utilities, the annotations on the plan and the following additional conditions:

757

758 12. Each lot shall contain at least 11,000 square feet.

759 13. Detailed construction plans shall be submitted to the Department of Planning before the  
760 final plats are submitted for final approval.

761 14. The detailed plant list and specifications for the landscaping to be provided within the 20-  
762 foot-wide planting strip easement along Parham Road shall be submitted to the Department  
763 of Planning for review and approval prior to recordation of the plat.

764 15. A County standard sidewalk shall be constructed along the south side of Parham Road.

765 16. A plan shall be submitted prior to recordation of the plat showing the buildable area for  
766 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.  
767 Buildable area is that area within which a dwelling unit may legally be located considering  
768 the front yard, side yard, and rear yard setback requirements of Chapter 24, of the Henrico  
769 County Code.

770

771 Mr. Archer - Now that completes our Expedited Agenda. Thank you, Ms. News, you did  
772 a wonderful job. All right, Mr. Secretary.

773

774 Mr. O'Kelly - The next item, Mr. Chairman, is for informational purposes only. No action  
775 by the Planning Commission is required. These are subdivision extensions of time. If you do have  
776 any questions regarding any of these cases, Christina Goggin is here to answer those. Good  
777 morning, Christina.

778 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**  
 779 **FOR INFORMATIONAL PURPOSES ONLY**

780

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
<b>Bridleton Landing (September 2004 Plan)</b>	<b>Varina</b>	<b>158</b>	<b>106</b>	<b>1</b>	<b>1 Year 9/26/07</b>
<b>Britton Oaks, Section 1 (September 2004 Plan)</b>	<b>Varina</b>	<b>26</b>	<b>26</b>	<b>1</b>	<b>1 Year 9/26/07</b>
<b>Gill Dale Forest (September 2004 Plan)</b>	<b>Varina</b>	<b>34</b>	<b>34</b>	<b>1</b>	<b>1 Year 9/26/07</b>
<b>Hidden Haven (September 2004 Plan)</b>	<b>Varina</b>	<b>50</b>	<b>50</b>	<b>1</b>	<b>1 Year 9/26/07</b>
<b>Newstead Landing (September 2002Plan)</b>	<b>Varina</b>	<b>30</b>	<b>8</b>	<b>3</b>	<b>1 Year 9/26/07</b>
<b>Techpark (September 2005 Plan)</b>	<b>Varina</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1 Year 9/26/07</b>

781

782 Ms. Goggin - Good morning.

783

784 Mr. Archer - Are there any questions for Ms. Goggin? No questions. Thank you Ms.

785 Goggin.

786

787 Mrs. O'Bannon - Does this means that the construction in Varina is going to be slowing  
 788 down? They are all in Varina. Or is it just that people are just waiting a little bit, longer is that it?

789

790 Ms. Goggin - It could be that somebody is waiting for a wetlands permit before they can  
 791 get construction plan approval or something like that.

792

793 Mrs. O'Bannon - Okay. Thank you.

794

795 Mr. Archer - All right. Are there any more questions for Ms. Goggin? No questions.  
 796 Thank you, Ms. Goggin. Mr. Secretary.

797

798 Mr. O'Kelly - With that, Mr. Chairman, I think we have five cases to be heard on the  
 799 regular agenda and the first of those is on page 3. It is a transfer of approval request for POD-  
 800 56-74, Commonwealth Tents.



801 **TRANSFER OF APPROVAL (Deferred from the March 22, 2006 Meeting)**

802

POD-56-74  
Commonwealth Tents  
(Formerly Bertozzi  
Warehouse)  
5603 Greendale Road

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

803

804 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval  
805 request, POD-56-74, Commonwealth Tents, in the Brookland District? No opposition. Good  
806 morning, Mr. Kennedy.

807

808 Mr. Kennedy - Good morning. Staff met yesterday with Mr. Hodgson, who has made  
809 some progress within the six months that this has been deferred from here. He expressed  
810 appreciation for the consideration that the staff and the Planning Commission have given him to  
811 be able to clean up the building and start to rectify all of the deficiencies. He has addressed the  
812 deficiencies with the exception of one which is replacement stop signs. Those deficiencies  
813 included repaving the parking lot, fixing the wall... There was a screening wall at the back of the  
814 property which was falling down and had holes in it. He has repaired that and painted it. He has  
815 painted the building, replaced the façade on the building, removed all of the debris in the back of  
816 the building, and removed some storage containers as well. He has made significant progress.  
817 The only thing that is outstanding is replacement stop signs. He just wasn't able to get them  
818 there in time. So what he has requested, he has agreed to do that by October 31, 2006. We have  
819 amended the condition to reflect that fact that no bond would be required for this one minor  
820 thing. So, instead of going to March with a bond he will replace the sign by October 31. With  
821 that, staff recommends approval.

822

823 Mr. Archer - All right. Are there any questions by the Commission for Mr. Kennedy?

824

825 Mr. Vanarsdall - I was delighted yesterday when you told me of the improvements that he  
826 has made on that. That's really good. And, you are okay about the bond?

827

828 Mr. Kennedy - Yes, sir.

829

830 Mr. Vanarsdall - Well, he's come a long way and that good. I don't have any more  
831 questions.

832

833 Mr. Archer - Would you like to hear from anyone, Mr. Vanarsdall?

834

835 Mr. Vanarsdall - No. I move that POD-56-74, Commonwealth Tents be approved with the  
836 added condition No. 1.

837

838 Mr. Jernigan - Second.

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

841

842 The Planning Commission approved the transfer of approval request for POD-56-74,  
843 Commonwealth Tents, subject to the standard and added conditions previously approved and the  
844 following additional condition:

845

846 1. The remaining site deficiencies as identified in the inspection report, dated **March 21,**  
847 **2006**, shall be corrected by **October 31, 2006**.

#### 848 **LANDSCAPE PLAN**

849

LP/POD-14-05

Linden Pointe – Staples Mill  
Road and Springfield Road

**Koontz-Bryant, P.C. for HHHunt Companies:** 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 10.36-acre site is located at the northwest corner of the intersection of Springfield Road (State Route 157) and Staples Mill Road (U.S. Route 33) on parcel 761-769-5748. The zoning is R-5C, General Residence District (Conditional). (**Brookland**)

850

851 Mr. Archer - Is there anyone in the audience in opposition to landscape plan LP/POD-  
852 14-05, Linden Pointe, in the Brookland District? No opposition. Mr. Kennedy.

853

854 Mr. Kennedy - Staff met with the applicant yesterday and they annotated the plan that is  
855 before you. There are two outstanding issues and what I'm going to do is review the plan and  
856 explain the outstanding issues. The applicant has requested a deferral of the landscape plan  
857 portion of this plan. They have requested approval only of the lighting plan at this time and the  
858 fence plan so that they can move forward and come back with additional information. The plan  
859 itself, the additional annotations on the plan, indicated that the segmented walls along the side  
860 property line opposite Springfield Road, would be a segmented, split-face block retaining wall.  
861 And the retaining wall that was poured in place within the site will also have a segmented block  
862 face on it with wing walls. They also agreed to request a vacation of the drainage easements  
863 along the perimeter, to permit larger garages and that the right-of-way along Staples Mill Road  
864 will be sodded and irrigated and the common area around the lake would be irrigated. Those are  
865 the things that they have agreed to. In addition, supplemental landscaping would be provided at  
866 the corner of Springfield and Staples Mill Road.

867

868 The two outstanding issues are that the pond is a very prominent feature and staff requested that  
869 a gazebo to be placed on top of some of the drainage pipes that face Staples Mill Road and the  
870 forebay because of the aesthetic quality of that will be detrimental to the site and the applicant  
871 has not agreed to that at this time. They are exploring the cost of that. The other thing that staff  
872 requested yesterday was that they install a gatehouse at the Staples Mill entrance. It is a gated  
873 community and since it is a major thoroughfare without a gatehouse, even an ornamental  
874 gatehouse, otherwise, it would leave people to think that it was a regular entrance and we just  
875 felt that at least an ornamental gatehouse would be appropriate to kind of give people the idea

876 that this was a gated community and help people who are approaching it. The applicant has not  
877 agreed to address those two concerns at this time and has requested a deferral of the landscape  
878 portion in order to give them more time to address staff's concerns. At this point, we are  
879 recommending approval of the plan with the conditions but they are requesting deferral of the  
880 landscape plan and just approval at this time of the lighting and the fence plan so that they can  
881 continue to construct the fence as shown on the plan. There is a fence around the entire  
882 perimeter of the property, a PVC fence on the interior side, a brick and metal picket fence on the  
883 outside along Staples Mill Road with some decorative walls at the entrance on Springfield Road.  
884

885 Mrs. O'Bannon - Are you recommending an ornamental guardhouse?

886

887 Mr. Kennedy - Yes. Just something to give people the impression.... They understand  
888 when they are coming down Staples Mill Road that is the gate entrance to a community.

889

890 Mrs. O'Bannon - What would be the problem if they didn't?

891

892 Mr. Kennedy - They would, basically, will come in to make an approach and not knowing  
893 that it is controlled and it's a major thoroughfare and it's a 55mph road at that point, so we want  
894 them to know that they will come to a stop and that they just can't drive in. At night they may  
895 not be able to see the gate very clearly so it will just kind of give them the impression so that  
896 they will know when they are approaching it that, coming from a 55mph road, that they are  
897 going to have a true stop condition.

898

899 Mrs. O'Bannon - Your concern is that they are going to come in very fast and maybe crash  
900 the gate.

901

902 Mr. Kennedy - Yes.

903

904 Mrs. O'Bannon - And therefore cause a problem for the folks that live there.

905

906 Mr. Kennedy - Yes.

907

908 Mrs. O'Bannon - Thank you.

909

910 Mr. Archer - Are there any other questions for Mr. Kennedy?

911

912 Mr. Vanarsdall - Mr. Kennedy, that was quite a lengthy meeting yesterday, and Ms. News  
913 took a page and a half of notes, so do you have all of those notes incorporated in this and the  
914 annotations on the plans?

915

916 Mr. Kennedy - All those notes are incorporated including the annotations on the plan, the  
917 exception, which is a condition, is the gatehouse and the gazebo. And those two items have not  
918 been agreed to by the applicant.

919 Mr. Vanarsdall - Now the date of the plans that we are approving this morning is the 27<sup>th</sup> of  
920 September, is that right?  
921  
922 Mr. Kennedy - Yes, sir, it is.  
923  
924 Mr. Vanarsdall - That's what at the bottom. Now....  
925  
926 Mr. Jernigan - Do we have to waive the time limit?  
927  
928 Mr. Kennedy - No, sir. The annotations were made by staff in agreement. The plan was  
929 submitted on time.  
930  
931 Mr. Vanarsdall - The other thing I need to know. This condition that has been added, No.  
932 6, have they agreed to that?  
933  
934 Mr. Kennedy - No, sir. They are not in agreement with it and that is why they want a  
935 deferral on the landscape portion. They want to defer it for another month to consider....  
936  
937 Mr. Vanarsdall - They are not in agreement with this after we talked about it?  
938  
939 Mr. Kennedy - They are not in agreement with that nor the addition of the gatehouse on  
940 Staples Mill Road.  
941  
942 Mr. Vanarsdall - What portion do you want to defer them, this only says landscape plan.  
943  
944 Mr. Kennedy - Basically, they want the lighting plan approved and then fence plan but  
945 they want to defer the landscape plan.  
946  
947 Mr. Vanarsdall - Okay. For how long?  
948  
949 Mr. Kennedy - For one month, the October 25 meeting.  
950  
951 Mr. Vanarsdall - Okay. Would one of you like to come down so that I can ask you a  
952 question? How are you? It's good to see you again.  
953  
954 Mr. Archer - Identify yourself for the record, if you would please.  
955  
956 Mr. Repsher - I'm Mike Repsher with HHHunt Homes.  
957  
958 Mr. Vanarsdall - So, you are not agreement with No. 6, I guess you saw it?  
959  
960 Mr. Repsher - No, not at this time. After our meeting yesterday, we didn't have enough  
961 time to look at the cost of adding the gazebo and gatehouse to the property.  
962  
963 Mr. Vanarsdall - Do you think you will have it wrapped up within 30 days from now?

964 Mr. Repsher - Yes, we do.  
965  
966 Mr. Vanarsdall - All right. Do you want to defer it?  
967  
968 Mr. Repsher - Yes, we do.  
969  
970 Mr. Vanarsdall - Okay. Thank you. It was nice meeting you yesterday.  
971  
972 Mr. Archer - All right, Mr. Vanarsdall.  
973  
974 Mr. Vanarsdall - I move that LP/POD-14-05, Linden Pointe, landscape plan be deferred  
975 until October 25, 2006, at the applicant's request.  
976  
977 Mr. Jernigan - Second.  
978  
979 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.  
980 All in favor say aye...all opposed say nay. The motion passes.  
981  
982 Mr. Vanarsdall - Mr. Kennedy, I appreciate all of the work that you did on that. And Ms.  
983 News took more notes than a court recorder.  
984  
985 Pursuant to the applicant's request, the Planning Commission deferred the landscape plan for  
986 LP/POD-14-05, Linden Pointe, to its October 25, 2006 meeting.  
987  
988 Mr. Vanarsdall - Mr. Chairman, before we go any farther, the case we just went over  
989 LP/POD-14-05, Linden Pointe, we are also deferring the lighting plan.  
990  
991 Mr. Archer - So, noted. As long as we get it in the record. All right, let's continue.

992  
993 **PLAN OF DEVELOPMENT**  
994

POD-52-06  
Ethan Allen @ Towne Center  
West – W. Broad Street

**Balzer & Associates, Inc. for Town Center West, LLC and Ethan Allen Home Interiors:** 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, 23,980 square foot furniture store in an existing shopping center. The 2.14-acre site is located on the northeast corner of W. Broad Street (U.S. Route 250) and Town Center West Boulevard (private) on part of parcel 735-764-6278. The zoning is B-2C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

995  
996 Mr. Archer - Is there anyone in the audience in opposition to this case, POD-52-06,  
997 Ethan Allen @ Towne Center West, in the Three Chopt District? No opposition. Good  
998 morning, Mr. Wilhite.

999 Mr. Wilhite - Good morning, thank you, Mr. Chairman. Good morning, Commission  
1000 members. The handout that you just received has a revised site plan and revised architectural  
1001 plans. The site plan was revised at the request of staff to remove the shared access drive on the  
1002 north side of the building so that it would straddle the property line with the adjacent  
1003 undeveloped property. This allowed for some additional greenspace on the north side of the  
1004 building plus the addition of a sidewalk at the head of parking spaces. There were some small  
1005 minor comments on extending a landscape island and adjusting a sidewalk on the site.

1006

1007 The architectural plans were revised due to the original ones not meeting the proper requirements  
1008 for the amount of brick that was suppose to be on the buildings. There is a requirement for at  
1009 least 50 % brick on the front façade, 35% on the westernmost façade along Town Center  
1010 Boulevard and a total of 35% brick for the entire building. The brick has been added to the base  
1011 of the building, underneath the pilasters, and they have provided calculations that those  
1012 percentages have now met. With that, staff can recommend approval of the revised site plans  
1013 and architectural plans. On page 4 of your addendum there is staff's recommendation for  
1014 approval.

1015

1016 Mr. Archer - All right. Thank you, Mr. Wilhite. Are there any questions for Mr.  
1017 Wilhite by Commission members? All right, no questions. Do you need to hear from anybody?

1018

1019 Mr. Jernigan - No and there is no opposition so I'm ready to make a motion. Mr.  
1020 Chairman, with that I will move for approval of POD-52-06, Ethan Allen @ Towne Center West,  
1021 subject to the standard conditions for developments of this type, and the following additional  
1022 conditions Nos. 24 through 32 and staff's recommendation on the addendum.

1023

1024 Mr. Vanarsdall - Second.

1025

1026 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
1027 All in favor say aye...all opposed say nay. The motion passes.

1028

1029 The Planning Commission approved POD-52-06, Ethan Allen @ Towne Center West, subject to  
1030 the annotations on the plans, the standard conditions attached to these minutes for developments  
1031 of this type, and the following additional conditions:

1032

1033 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1034 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1035 being issued. The easement plats and any other required information shall be submitted  
1036 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1037 permits.

1038 25. The developer shall provide fire hydrants as required by the Department of Public  
1039 Utilities and Division of Fire.

1040 26. Outside storage shall not be permitted.

1041 27. The proffers approved as a part of zoning case C-49C-04 shall be incorporated in this  
1042 approval.

- 1043 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 1044 approved by the County Engineer prior to final approval of the construction plans by the  
 1045 Department of Public Works.
- 1046 29. Insurance Services Office (ISO) calculations must be included with the plans and  
 1047 contracts and must be approved by the Department of Public Utilities prior to the  
 1048 issuance of a building permit.
- 1049 30. The location of all existing and proposed utility and mechanical equipment (including  
 1050 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 1051 shall be identified on the landscape plans. All equipment shall be screened by such  
 1052 measures as determined appropriate by the Director of Planning or the Planning  
 1053 Commission at the time of plan approval.
- 1054 31. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of  
 1055 the total site area.
- 1056 30. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).  
 1057

1058 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1059

POD-57-06  
 Sierra Suites Hotel -  
 Short Pump Town Center  
 (POD-6-01 Revised)

**McKinney & Company for Short Pump Town Center, LLC and Lodgeworks, LP:** Request for approval of a plan of development and special exception for buildings exceeding three stories and 45 feet in height as required by Chapter 24, Sections 24-106 and 24-94(b) of the Henrico County Code, to construct a seven-story, ~~83.5~~ **83.67** foot, 134-room hotel and 11,454 square foot of retail space in an existing shopping center. The one-acre portion of the 147-acre site is located on the north line of W. Broad Street (U.S. Route 250) at its intersection with Lauderdale Drive on part of parcel 738-764-0203. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

1060

1061 Mr. Archer - Is there anyone in the audience in opposition to POD-57-06, Sierra Suite  
 1062 Hotel, in the Three Chopt District? No opposition. Mr. Wilhite.

1063

1064 Mr. Wilhite - Thank you, again. The original POD for Short Pump Town Center  
 1065 showed this particular site as being a retail space, I think approximately 30,000 square feet. The  
 1066 new proposal does have retail space on the ground floor, 11,454 square feet and the hotel for the  
 1067 remainder of the balance of the site. We had been trying to get some additional architectural  
 1068 information. There are some structures on the roof which we are not sure of what the use is at  
 1069 this point. They may be decorative elements or they may be something that houses mechanical  
 1070 equipment and we have not been able to get exact details on the use of those spaces. With that,  
 1071 staff had written the request for a special exception from a worst case standpoint calling it seven  
 1072 stories and 83.5 feet. We got some information just this morning that the actual height would be  
 1073 83.67 feet instead and that would be an adjustment on the caption. It could very well be,  
 1074 depending on what the uses of the structures are, they may end up, under the zoning definition  
 1075 being six stories and something less than 83.67 feet. The appearance though would not change

1076 on the exterior.

1077

1078 There are two added conditions on your addendum. One deals with the fact that we did not get  
1079 any architectural plans for the retail portion of this building. Condition No. 34, which is on page  
1080 six of your addendum, requires architectural plans to be submitted to the Director of Planning for  
1081 review and approval prior to their submitting an application for a building permit for that portion  
1082 of the building.

1083

1084 Condition No. 35 deals with a problem that has come up recently. The portion of the plaza south  
1085 of this building, under the original POD, was supposed to be an emergency access for the Fire  
1086 Department's apparatus into the mall area. Since the center was built, there have been some  
1087 intrusions by some structures and some landscaping that hinders Fire access to the middle  
1088 portion of the plaza area. There have been two fires at the restaurant, Rocky Mountain Grill, and  
1089 the changes have hindered the Fire Department access to this. Condition No. 35 states that this  
1090 problem will be fixed with construction plans for signature and that adequate Fire access will be  
1091 provided into the center satisfactory to the Department of Fire. With that, staff can recommend  
1092 approval of the plan, subject to your approval of the special exception with added conditions  
1093 Nos. 34 and 35 as they appear on your addendum.

1094

1095 Mr. O'Kelly - Kevin, could you show the Commission the elevations to this building. It  
1096 is a very attractive building.

1097

1098 Mrs. O'Bannon - In looking at it, the access of the front door of the hotel is at the east. It is  
1099 towards the east, that's what it appears to be? And, then is the Fire access directly beside there?

1100

1101 Mr. Wilhite - The orientation of the hotel would be to the east, to the parking lot area,  
1102 there would be a drop off area. And the plaza that runs to the south of the building is where we  
1103 have an issue with Fire access and that would need to be modified.

1104

1105 Mrs. O'Bannon - That's what it appears to be. I just want to be sure that is sufficient space.  
1106 Are they going to need to bring in a fire truck, is that what they are anticipating bringing a fire  
1107 truck through there?

1108

1109 Mr. Wilhite - Yes, that was the case. The fire truck was supposed to be able to travel all  
1110 the way to roughly the front of the edge of Dick's, which is immediately adjacent to it. And I  
1111 think they've got an outdoor fireplace that's been installed since the plans were approved and I  
1112 think some landscaping may be blocking that access but they have had trouble getting to the  
1113 center of that site.

1114

1115 Mrs. O'Bannon - And in the winter people like sitting around there (the outdoor fireplace),  
1116 it's fun, they don't want to take it down.

1117

1118 Mr. Wilhite - Well, I'm not sure what is going to happen with that, they may be able to  
1119 relocate it, it was a comment from the Fire Department. We haven't resolved exactly what needs  
1120 to be done to fix the situation.



1121 Mrs. O'Bannon - Right. So, they actually want to drive a truck through there, is what you  
1122 are saying is the intent.

1123

1124 Mr. Wilhite - That was their original intent.

1125

1126 Mrs. O'Bannon - Thank you.

1127

1128 Mr. Archer - All right. Are there any further questions for Mr. Wilhite? Mr. Jernigan,  
1129 do you need to hear from anyone else?

1130

1131 Mr. Jernigan - No. I think I'm okay as long as we've got that emergency access cleared  
1132 up. All right, Mr. Chairman, first of all, do we need two motions, one for the special exception  
1133 and then the POD.

1134

1135 Mr. O'Kelly - No. I think under 24-2 of the Code, Mr. Jernigan, you can approve both  
1136 the POD and the special exception with one motion.

1137

1138 Mr. Jernigan - With that, I will move for approval of POD-57-06 and special exception to  
1139 the Sierra Suites Hotel in the Short Pump Town Center and the seven-story building at the total  
1140 feet measures 83.67 feet. The standard conditions for developments of this type and the  
1141 following additional conditions Nos. 24 through 33 on the agenda and on the addendum Nos. 34  
1142 and 35 added.

1143

1144 Mr. Vanarsdall - Second.

1145

1146 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
1147 All in favor say aye...all opposed say nay. The motion passes.

1148

1149 The Planning Commission approved POD-57-06, Sierra Suites Hotel, subject to the annotations  
1150 on the plans, the standard conditions attached to these minutes for developments of this type, and  
1151 the following additional conditions:

1152

1153 24. The developer shall provide fire hydrants as required by the Department of Public  
1154 Utilities and Division of Fire.

1155 25. Outside storage shall not be permitted.

1156 26. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this  
1157 approval.

1158 27. The developer shall install an adequate restaurant ventilating and exhaust system to  
1159 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
1160 included with the building permit application for review and approval. If, in the opinion  
1161 of the County, the type system provided is not effective, the Commission retains the  
1162 rights to review and direct the type of system to be used.

1163 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1164 approved by the County Engineer prior to final approval of the construction plans by the  
1165 Department of Public Works.

- 1166 29. Insurance Services Office (ISO) calculations must be included with the plans and  
 1167 contracts and must be approved by the Department of Public Utilities prior to the  
 1168 issuance of a building permit.
- 1169 30. The location of all existing and proposed utility and mechanical equipment (including  
 1170 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 1171 shall be identified on the landscape plans. All equipment shall be screened by such  
 1172 measures as determined appropriate by the Director of Planning or the Planning  
 1173 Commission at the time of plan approval.
- 1174 31. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of  
 1175 the total site area.
- 1176 32. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 1177 33. The architectural plans for the retail space shall be submitted to the Director of Planning  
 1178 for review and approval prior to the applicant submitting a building permit application  
 1179 for that portion of the building.
- 1180 34. Emergency access in the plaza area to the south of this building, satisfactory to the  
 1181 Department of Fire, shall be shown on the approved construction plans

1182  
 1183 Mr. O’Kelly - Mr. Chairman, I skipped over a case on the regular agenda, Taylor Estates  
 1184 (September 2006 Plan) and it’s on page 25. If we could go back to that case.

1185  
 1186 Mr. Archer - I don’t think you did any great harm, Mr. O’Kelly.

1187  
 1188 **SUBDIVISION**

1189  
 Taylor Estates **Balzer & Associates, Inc. for Michael S. Miller and J.**  
 (September 2006 Plan) **Everett Johnson:** The 11.5-acre site proposed for a subdivision  
 Williamsburg Road and of 34 single-family homes is located on the south line of  
 Robin Grey Lane Williamsburg Road (State Route 60), at the southwest corner of  
 the intersection of Robin Grey Lane and Williamsburg Road on  
 parcels 807-713-4956 and 7567. The zoning is R-4, One-Family  
 Residence District. County water and sewer. **(Varina) 34**  
**35 Lots**

1190  
 1191 Mr. Archer - Is there anyone in the audience in opposition to subdivision Taylor Estates  
 1192 (September 2006 Plan) in the Varina District? No opposition. Good morning, Mr. Greulich.

1193  
 1194 Mr. Greulich - Good morning. Mr. Chairman, Planning Commission members, the  
 1195 applicant is proposing a subdivision of approximately 11.5 acres into 34 single-family homes.  
 1196 County staff has received the requested revised plan that addresses the issues of minimum lot  
 1197 square footage, minimum road frontage for a lot on a cul-de-sac and the number of lots on a cul-  
 1198 de-sac. The applicant has also agreed to the landscaping comment from staff as shown on the  
 1199 annotated, revised plan. Planning staff has had several, internal discussions with County staff  
 1200 regarding the cul-de-sac at the end of Robin Grey Lane and other possible alternative road  
 1201 layouts. With this, staff recommends approval of the proposal; it is subject to the annotations on  
 1202 the plan, the standard conditions for conditional subdivisions served by public utilities and

1203 additional conditions twelve through twenty.

1204

1205 Staff and representatives of the applicant are available to answer any questions you may have.

1206 Thank you.

1207

1208 Mr. Archer - Are there any questions of Tony by Commission members?

1209

1210 Mr. Jernigan - Tony, prior to the starting of the Commission hearing, I spoke to Mike  
1211 Jennings and Cameron. Do you have written up the changes that we are going to make on the  
1212 radius on the cul-de-sac?

1213

1214 Mr. Greulich - I think the only thing that you may need to do is just change the caption to  
1215 state 35 lots for approval rather than 34 and that the details could be worked out during  
1216 construction plan approval.

1217

1218 Mr. Jernigan - So, what we discussed before, we don't have to make the changes now  
1219 before approval on the cul-de-sac?

1220

1221 Mr. Greulich - I don't think so.

1222

1223 Mr. Jernigan - Okay.

1224

1225 Mr. O'Kelly - I think they can be annotated on the plans, Mr. Jernigan.

1226

1227 Mr. Jernigan - We had a quick little meeting prior to this and everybody came to an  
1228 understanding.

1229

1230 Mr. Archer - Do you need to hear from anyone, Mr. Jernigan?

1231

1232 Mr. Jernigan - Yes. Cameron, come on down.

1233

1234 Mr. Palmore - I'm Cameron Palmore from Balzer & Associates representing the  
1235 applicant. I want to first thank everyone for their assistance in getting that cul-de-sac worked  
1236 out. One thing I want to point out and just bring to note was if the radius that we are proposing  
1237 will basically be our minimum. There may be a small portion of residual right-of-way from the  
1238 existing road layout that may need to be vacated later. I just wanted to point that out that we  
1239 may have to come back to that process of possibly vacating a little residual right-of-way that we  
1240 may be able to give back to one of the owners along Robin Grey Lane.

1241

1242 Mr. Jernigan - Okay. We will enter that into the record, then. Let me ask you why you  
1243 are here. I looked at this case, it's been some time ago that I originally looked at it, is it the same  
1244 developer that had it before? They were going to put in modular homes?

1245 Mr. Palmore - The same group that I have been working with, yes. They talked about  
1246 that originally. I don't know if what they are planning on doing is still the modular homes or  
1247 not. We had discussed that originally, yes.

1248

1249 Mr. Jernigan Okay. That's all I have, Mr. Chairman. Thank you.

1250

1251 Mr. Archer - Does anyone else have a question? Thank you, sir.

1252

1253 Mr. Jernigan - Mr. Chairman, with that I will move for approval of subdivision Taylor  
1254 Estates (September 2006 Plan) changing the caption from 34 lots to 35 lots and approval of the  
1255 revised plan subject to the annotations on the plans, the standard conditions for subdivisions  
1256 served by public utilities and the following additional conditions Nos. 12 through 20.

1257

1258 Mr. Vanarsdall - Second.

1259

1260 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
1261 All in favor say aye...all opposed say nay. The motion passes.

1262

1263 The Planning Commission granted conditional approval to subdivision Taylor Estates  
1264 (September 2006 Plan), subject to the annotations on the plans, the standard conditions attached  
1265 to these minutes for subdivisions served by public utilities, and the following additional  
1266 conditions:

1267

1268 12. Prior to requesting recordation, the developer shall furnish a letter from Dominion Virginia  
1269 Power stating that this proposed development does not conflict with its facilities.

1270 13. Each lot shall contain at least 8,000 square feet.

1271 14. Prior to requesting final approval, the engineer shall furnish the Department of Planning  
1272 Staff a plan showing a dwelling situated on Lot 5 to determine if the lot design is adequate  
1273 to meet the requirements of Chapter 24, of the Henrico County Code.

1274 15. The detailed plant list and specifications for the landscaping to be provided within the 25-  
1275 foot-wide landscape buffer along the rear and/or side of lots that are adjacent to the  
1276 property owned by Browning- Ferris Industries and the 25-foot-wide landscape buffer  
1277 along Williamsburg Road shall be submitted to the Department of Planning for review and  
1278 approval prior to recordation of the plat.

1279 16. A County standard sidewalk shall be constructed along the south side of Williamsburg  
1280 Road.

1281 17. Any necessary offsite drainage easements must be obtained prior to approval of the  
1282 construction plan by the Department of Public Works.

1283 18. The proffers approved as part of zoning case C-52-74 shall be incorporated in this approval.

1284 19. Any future building lot containing a BMP, sediment basin or trap and located within the  
1285 buildable area for a principal structure or accessory structure, may be developed with  
1286 engineered fill. All material shall be deposited and compacted in accordance with the  
1287 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
1288 professional engineer. A detailed engineering report shall be submitted for the review and  
1289 approval by the Building Official prior to the issuance of a building permit on the affected

1290 lot. A copy of the report and recommendations shall be furnished to the Directors of  
1291 Planning and Public Works.

1292 20. The home at the southwestern corner of Robin Grey Court and the cul-de-sac end of  
1293 Robin Grey Lane shown as Lot 34 shall be orientated to face Robin Grey Court.

1294 Mr. O’Kelly - The last case to be considered on the agenda this morning is located on  
1295 page 39 of your agenda. Mr. Greg Garrison will present it to the Commission this morning.  
1296 Good morning, Greg.

1297

1298 **SUBDIVISION**

1299

Timber Oaks (September 2006 Plan) 4751 Dogwood Oaks Cul-de- sac, South of Darbytown and Bradbury Roads	<b>ASA Surveying &amp; Mapping for Hopper Homes, Inc.:</b> The 2.15-acre site proposed for a subdivision of 1 single-family home is located 402 feet west of Bradbury Road on parcel 837- 686-3639. The zoning is A-1, Agricultural District and One- Family Residence District. Individual well and septic tank/drainfield. <b>(Varina) 1 Lot</b>
--	---

1300

1301 Mr. Archer - Is there anyone in the audience in opposition to Timber Oaks (September  
1302 2006 Plan) in the Varina District? No opposition. Good morning, Mr. Garrison.

1303 Mr. Garrison - Good morning, Commission members. The applicant, Hopper Homes, is  
1304 proposing a one lot subdivision of a former reserved lot. The Department of Public Works has  
1305 received the plan and has determined that an additional 2-1/2 feet of right of way must be  
1306 dedicated. In addition, they have approved an exception to permit the applicant to deposit on  
1307 escrow in the amount of \$22,538 in lieu of construction of Dogwood Oaks Road. Until Dogwood  
1308 Oaks Road is constructed, access to this lot may be provided per a driveway in the right of way  
1309 with a condition that the owner enter into a non-maintained County right-of-way agreement with  
1310 the Department of Public Works. With this, staff recommends approval of the proposal. It is  
1311 subject to the annotations on the plan, the standard conditions for conditional subdivisions not  
1312 served by public utilities, and additional condition No. 11 on page 6 of the Addendum.

1313 Staff and representatives of the applicant are available to answer any questions that you may  
1314 have.

1315 Mr. Archer - All right. Thank you, Mr. Garrison. Are there any questions from the  
1316 Commission?

1317 Mr. Jernigan - Greg, actually right across the street, where it says Timber Oaks, is that  
1318 the 11 acre tract?

1319 Mr. Garrison - That is the 11 acre tract.

1320 Mr. Jernigan - How about the A-1 tract to the west of that? Do you know how large that  
1321 is?

1322 Mr. Garrison - That is about 32 acres.

1323 Mrs. O'Bannon - Is this going to impact the insurance that...in other words, in doing this  
1324 type of thing before, where people couldn't get insurance and couldn't get construction.

1325 Mr. Jernigan - Where they couldn't get insurance?

1326 Mrs. O'Bannon - For the construction of houses, they had to pay extra insurance. You just  
1327 asked a good question, and reminding me of this, mentioning A-1 property and how you get  
1328 there. The connection I am getting at is how the construction can be done with that (the road not  
1329 being "legal"). That is a good question.

1330 Mr. Jernigan - Well, the road ends at the property line of where that A-1 property is, so if that A-  
1331 1 portion was developed, they would have to have a County road back there, because of road  
1332 frontage.

1333 The problem that I have with this case is the person that buys that house is going to have to pay  
1334 the \$22,000. The developer may pay it up front, or the contractor, but in the end of it, the  
1335 purchaser is paying the \$22,000. If that road doesn't get built, and you pay \$22,000 extra, either  
1336 you have to put a time limit on that money to be complete, or it just lays in there forever.  
1337 Timber Oaks, the portion right across the street, which is 11 acres, would have to have road  
1338 frontage if that was developed, also. Actually, I didn't know until today that a paper road counts  
1339 as road frontage. I always thought they had to be built, but they don't. If the A-1 portion is ever  
1340 developed and it doesn't show on this copy, that looks pretty green back there. I just hate  
1341 putting a \$22,000 burden on this one house. I mean I can understand where he would need to  
1342 pay a portion, and I think Mr. Jennings told me that that road would cost, as it shows right now,  
1343 not even running up into the A-1 property, would be right around \$140,000. You know, Greg,  
1344 what do you see on this? The property across the street, they might be able to get five lots on  
1345 there, because you have to have, well, we are going to say by the shape of that, you will have to  
1346 have about 150 feet of road frontage. I know you don't have to have but 50, but you have to  
1347 have 150 at the building line.

1348 Mr. Vanarsdall - What do you want to do about No. 11? Do you want to delete it?

1349 Mr. Jernigan - If this road doesn't get built, I don't want to see a guy pay 22 grand extra.  
1350 That is my problem. I understand that he could...

1351 Mr. Vanarsdall - You could word it so that if it couldn't be built or isn't built, that he  
1352 doesn't have to pay it.

1353 Mr. Jernigan - Well, we have to do that, but the problem with that is the person that buys  
1354 the house is not going to get the money back.

1355 Mr. Vanarsdall - Not at all.

1356 Mr. Jernigan - I tell you what. I have never had a case like this, but I can't really impose  
1357 that No. 11. I just don't feel good about it, because actually by Code he has road frontage if it is  
1358 a paper road. We really can't force him to pay it. Am I correct on that? Let's get Mike up here.  
1359 Mike, I hate putting you in these situations, but...

1360 Mrs. O'Bannon - If the road is going to cost more than \$100,000, how do they come up with  
1361 the \$22,500? That is another issue. It could be he prorated it all.

1362 Mr. Jernigan - Yes.

1363 Mr. Jennings - Good morning. I am Mike Jennings, Assistant Traffic Engineer, with the  
1364 County. I guess to answer Mrs. O'Bannon's question, what we looked at is building a 24-foot  
1365 section of road, a class six road from Bradbury to the end of where it is showing to the A-1  
1366 piece, which is about 11,025 feet of road. At today's prices, basically \$125 a linear foot, that  
1367 comes up to \$140,625. What we looked at was that the two undeveloped pieces along this  
1368 frontage right now are the 2.15 acre piece and then that 11 acre piece and, combined, the 13  
1369 acres, 13.415 acres. If you divide that up, the price per acre comes out to \$10,482.67 an acre, and  
1370 then you multiply it by the 2.15 for this piece and that was their portion.

1371 Mrs. O'Bannon - Thank you.

1372 Mr. Jernigan - Mike, is there any other way that we can do this to get the end result?

1373 Mr. Jennings - I looked at it a couple of ways. One house, that is a big fee to put on. It is  
1374 just not normally done that way, but would it be fair when the other piece comes in for them to  
1375 have to pay for the whole road? They have to build a road for their piece, so we felt, I talked it  
1376 over with the Director of Public Works, Lee Priestas, and we felt this was the fairest way to  
1377 impose building this road. We didn't feel like we should put the burden on this homeowner to  
1378 build a whole road or even build it up to his front parcel line, and then put a cul-de-sac there.  
1379 That would be a lot more than \$22,000. We felt like that a piece of property this size should  
1380 contribute, with that much frontage, should contribute to building this road, and that is where we  
1381 came up with the figure.

1382 Mr. Jernigan - Do you see my position on it, too? If the road is never built, that guy paid  
1383 22 grand extra, and he is not going to get it back.

1384 Mrs. O'Bannon - Well, this is fairly standard procedure. I do know that, and so you need to  
1385 be careful that whatever you do with this, there is a lot of property like this in Varina,  
1386 particularly. You are going to set a precedent, so just be careful with how you structure this.

1387 Mr. Jennings - And Dogwood Road is a minor collector on the Major Thoroughfare Plan,  
1388 so our goal is to have that road built some day to help us with the traffic in that area. Is that road  
1389 in our plans right now? No. But like you said, other pieces that come along, the A-1 piece, they  
1390 have to develop it. At least they will still have each portion along the way contributing to the  
1391 cost of that road, too.

1392 Mr. Jernigan - Well, let's look at it if that wasn't a paper road and it was just a gravel  
1393 road running back there. That guy could go to the BZA and get a variance and not pay anything.

1394 Mr. Jennings - I am not sure, because it is still a Major Thoroughfare Plan road and they  
1395 still have to dedicate right of way for it.

1396 Mrs. O'Bannon - And the reason that you really – let me ask this question rather than make  
1397 a statement. If you lose that from the Major Thoroughfare Plan then the property behind there  
1398 would be impacted. You can't really even use it.

1399 Mr. Jennings - Yes, ma'am, because we would need, there's a bunch of properties behind  
1400 there that, from what I understand, that need access for a road in the future if they ever develop.  
1401 Just a note, this road does need to be on the Major Thoroughfare Plan.

1402 Mr. Jernigan - What I was looking at is that 31 acres back in the A-1 tract, and at some  
1403 point in time was rezoned, they'd have a little more to work with, and building a road out to  
1404 Bradbury...

1405 Mrs. O'Bannon - These are A-1. These are to the north or the south, and, obviously,  
1406 .....all over there.

1407 Mr. Jernigan - But that road ends right now at that property line, so if they were to  
1408 develop that A-1, they would have to put in roads all through there and run all the way out to  
1409 Bradbury.

1410 Mr. Jennings - Right. The reason the paper street is the point it is now is that when the  
1411 original Timber Oaks came in, they dedicated that much right of way for the future Major  
1412 Thoroughfare Plan road, and at that point, it only needed 50 feet of right of way and now for a  
1413 minor collector, we are going to 55, so that is where the 2-1/2 additional feet came from, but the  
1414 reason that paper street is there to begin with is because it was already dedicated with the  
1415 original subdivision, and the original subdivision didn't have any lots fronting that road, so that  
1416 is why at that time Public Works didn't require any contribution to that road.

1417 Mr. Jernigan - So people coming in across the street, they are going to have to pay if they  
1418 split that up and just say four or five lots, but what if they phase this as one lot?

1419 Mr. Jennings - Then they would have to pay the whole amount.

1420 Mr. Jernigan - If you build one house across the street?

1421 Mr. Jennings - Yes, sir.

1422 Mr. Archer - Mr. Jennings, I just called your name, but I don't know who I am asking  
1423 this to, is there any way that a condition could be put on the escrow amount that pertains to a  
1424 time limit, so that it could be refunded if something didn't occur during...

1425 Mr. Jernigan - But it is not going to be refunded to the guy that paid the money.

1426 Mr. Archer - I mean, it can't be fixed so that it would be?



1427 Mr. Vanarsdall - There ought to be some way out. Do you want to wait and ask Uncle  
1428 Tom?

1429 Mr. Jernigan - Well, that is what I was saying. The person that buys the house in there is  
1430 going to have to pay \$22,000. Now, you are the only person left in here. I am assuming that is  
1431 you. He is going to have to pay the 22, which is going to be passed along to the purchaser, but in  
1432 the end result, if this thing isn't built, he gets the 22 back and the guy pays 22 extra that is in the  
1433 house. That is why I have heart burn.

1434 Mr. Archer - Yes, that is what I am trying to figure out how we could...

1435 Mrs. O'Bannon - Could the contract for the house state that?

1436 Mr. Jernigan - Ma'am?

1437 Mrs. O'Bannon - Can't the contract on the house as purchased state that they would be  
1438 refunded that money? You know, their contract. Usually, the way this is done, and maybe I  
1439 should just ask you this, but my understanding is, for instance, when a developer comes along,  
1440 he gets a bond of some sort, he puts money in the bank, the bonding process, and the money is  
1441 used if he doesn't complete the job. Is that what this money is being used for? Exactly what is  
1442 this money being set aside for?

1443 Mr. Jennings - For the future construction of this road.

1444 Mrs. O'Bannon - So it will be put into an interest-bearing account somewhere in  
1445 Accounting?

1446 Mr. Jennings - To my knowledge yes. It is kept in the County, in Public Works funding  
1447 system for the future construction of this road. How exactly it is managed, I am not sure.

1448 Mrs. O'Bannon - And the State Code or whatever about how you can put it in and all that, I  
1449 am not real clear on all that right now, however, I have had this problem before where money is  
1450 set aside and then the developer didn't build a road, and they try to pull the money out and it was  
1451 not able to be done and there were some strings on it. And that is what I am getting at. If you put  
1452 too many strings on the money, when the time comes to build the road, you might not be able to  
1453 get the money out, so what I am saying is, to do the process as it is normally done, or put the  
1454 money into whatever account where it is held, but put the ability to get back the money to the  
1455 person who really is paying it in their contract to purchase the house. Would that not be a better  
1456 way to do it?

1457 Mr. Jennings - It sounds reasonable, but I don't know if you can legally do it or not, but it  
1458 sounds like something you could put in the contract.

1459 Mrs. O'Bannon - In other words, the money will go into the pot that the County holds for  
1460 rebuilding a road. The person who buys the property gets that attachment. But, if the road is  
1461 never built or if you want to put a time limit on it, then it is in that person's contract that they get  
1462 the money back. It is not the County's contract.

1463 Mr. Jernigan - That is all good unless the house gets sold. If you got it 10 years down the  
1464 road, and the guy goes in there now and pays \$22,000, and then he stays there for four years and  
1465 sells it to somebody else.

1466 Mrs. O'Bannon - It could be attached to the deed. I am not an attorney, but could it be  
1467 attached to the deed?

1468 Mr. Jernigan - Would you come up front, please?

1469 Mrs. O'Bannon - That is my question, I guess. Could it be attached to the deed?

1470 Mr. Sadler - Good morning. I am Jeff Sadler with ASA Surveying, and actually what  
1471 you are talking about here, I don't really know if that is my expertise or not.

1472 Mr. Jernigan - Well, let me ask you this. Does the same person own the parcel across the  
1473 street at Timber Oaks?

1474 Mr. Sadler - No. He just owns that one lot.

1475 Mr. Jernigan - Because if he gets five lots in there, then everybody is going to cough up  
1476 another \$22,500.

1477 Mr. Garrison - Timber Oaks lots right here would have to come in for a subdivision, and I  
1478 think it is illegally divided.

1479 Mr. Jernigan - Illegally divided?

1480 Mr. Garrison - Illegally divided.

1481 Mrs. O'Bannon - What if Timber Oaks came in and put in just a cul-de-sac and then didn't  
1482 face any houses on this piece of road of Dogwood Oaks?

1483 Mr. Garrison - Put a cul-de-sac on Dogwood?

1484 Mrs. O'Bannon - No, put a cul-de-sac in Timber Oaks, that area right there, put in one cul-  
1485 de-sac and face no houses on Dogwood Oaks. They wouldn't be required because they are not  
1486 actually on that road. They would be required to fund the road to the cul-de-sac within Timber  
1487 Oaks.

1488 Mr. Garrison - I think the question then would be how to get to that cul-de-sac.

1489 Mrs. O'Bannon - They would have to build the roads to the cul-de-sac?

1490 Mr. Garrison - Yes. Currently, there is nothing except trees.

1491 Mrs. O'Bannon - That was the question that Mr. Jennings had. That is a statement Mr.  
1492 Jennings made that, I think it was Mr. Jennings, and I apologize. Someone made that statement  
1493 that rather than build a cul-de-sac right at the end of where there, right there...and just pay for  
1494 that, that is not recommended, because their house...

1495 Mr. Sadler- It would exceed the \$22,000 escrow.

1496 Mrs. O'Bannon - That is going to cost more than \$22,000?

1497 Mr. Sadler - A lot more.

1498 Mrs. O'Bannon - Just to put a cul-de-sac at his house?

1499 Mr. Sadler - Yes.

1500 Mr. Jernigan - Greg, I want to get back to where you said this is illegally divided. Clear  
1501 that up for me.

1502 Mr. Kennedy- (Mr. Michael Kennedy approached the podium.) When Timber Oaks was  
1503 originally subdivided, what they did was they mismarked this parcel in the back, which was  
1504 actually attached to lot 1 on the house here, and what they did was they carved this out of the  
1505 reserved parcel, and the reason for it was at that time, the developer did not want to pay for the  
1506 road. So, he put it off for the future. And it is like he is getting double bonus points, you know.  
1507 You come back and you say, OK, I am not going to build the road now, because I have no lots  
1508 fronting it. Then he carves out the lot on one side and sells it off. Now he has a parcel in the  
1509 back that is illegal, because it wasn't legally divided and has road frontage, and then the parcel  
1510 on the other side was reserved and he comes back in saying, well, let me make it unreserved.  
1511 When Thomas was at the time, when it was developed, if he did it at that time, he would have  
1512 had to develop a road because he had lots fronting it. So, it is kind of like getting around the  
1513 rules, and that is, we are uncomfortable with doing that, but we are also uncomfortable with  
1514 forcing one person to pay for all of the things in the past. So, what Public Works tried to do was  
1515 come up with some workable alternatives. One alternative would be instead of building the road  
1516 to full frontage, which is the typical practice, would be to build that first stub and put a  
1517 turnaround in it, and that would be one way of doing it. The other alternative is a little less  
1518 expensive would be just to escrow the \$22,000. We came up with two alternatives, trying to be  
1519 reasonable. But, at the same time, try to comply with what the original intent of the Planning  
1520 Commission was originally and the rules which we have, which are when we build a subdivision,  
1521 we build a road. If we had a subdivision where today, they had a stub, even if they didn't have  
1522 lots fronting it, we would now make them build a stub, because we have had too many problems  
1523 in the past. So, we have many stub streets now. They have to build a stub. They don't build a  
1524 turnaround, but they build a stub, because, otherwise, we end up having to pay for the problem,  
1525 so we are trying to be consistent with our current policy, but at the same time be reasonable with  
1526 this gentleman. And that is the reason for this alternative.

1527 Mr. Jernigan - So, originally that back lot was attached to the lot next to Dogwood?

1528 Mr. Kennedy- Exactly.

1529 Mr. Jernigan - And that is the way the subdivision was filed?

1530 Mr. Kennedy - That is the way the subdivision was filed. Yes, with one lot.

1531 Mr. Jernigan - Then he changed that, because he didn't want to build a road then.

1532 Mr. Kennedy - Right.

1533 Mr. Jernigan - Now, if this same contract developer goes in there and builds in the back,  
1534 he is going to have to build the road.

1535 Mr. Kennedy - He is going to have to build a road. Right, whoever owns that, yes. So, the  
1536 question is how do we prorate this and to which party, and, again, he is selling it to different  
1537 people, so different people will all be a party to this now, so the party who owns this back parcel,  
1538 and the party owns this are now new people, they bought the problems of the past with them, and  
1539 we did what we said.

1540 Mr. Jernigan - So what he is doing, he is selling the lots off individually rather than  
1541 putting a road?

1542 Mrs. O'Bannon - We have to be very careful with this again. I heard of a similar problem  
1543 in, I think it was King and Queen County. It was off Route 33. I talked to somebody who was a  
1544 member of the Board and when you have a rural area like this; developers don't want to pay for  
1545 the road. It gets into transportation costs in the State of Virginia, and now the same thing in  
1546 Henrico.

1547 Mr. Kennedy - He is preparing for the next party. You know you've got all of these lots  
1548 back of his lot, and this lot, and this lot, and all of these lots have an independent road, and  
1549 eventually they'll have road frontage, and how difficult do we make it for them. We make it  
1550 impossible for them to ever develop their property rights, because these people didn't pay their  
1551 fare share, so we said, "What is the fair share?"

1552 Mr. Jernigan - I tell you what. I am just a little uncomfortable about this. I am going to  
1553 defer this because I want to get a little legal help on this before I approve this. I was going to  
1554 can the \$22,000 all together, but right now I want to... I don't like the situation the way it is  
1555 right now, so I will call for a deferral on this.

1556 Mr. Chairman, with that I will move for a deferral of subdivision Timber Oaks, (September 2006  
1557 Plan) to October 25, 2006, by request of the Commission.

1558 Mr. Vanarsdall - Second.

1559 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Vanarsdall to defer this case to  
1560 October 25, 2006. All in favor say aye. All opposed say no. The ayes have it. The deferment is  
1561 granted.

1562 The Planning Commission deferred subdivision Timber Oaks (September 2006 Plan) to its  
1563 meeting on October 25, 2006.

1564

1565 Mr. O'Kelly - The last item on the agenda, Mr. Chairman, is on page 43 which is the  
1566 approval of the minutes.

1567

1568 **APPROVAL OF MINUTES: July 26, 2006 Minutes**

1569 Mr. Archer - All right. Mrs. Jones is not here, did anyone read the minutes (everyone  
1570 laughing)? Should we call her?  
1571

1572 Ms. News - Mr. Chairman, I wanted to mention that Mrs. Jones did email her changes to  
1573 the minutes to us before she left.  
1574

1575 Mr. O'Kelly - Thank you, Leslie.  
1576

1577 Mrs. O'Bannon - I read it but I don't like what I said, can I change it? I'm just joking.  
1578

1579 Mr. Archer - All right. Is there a motion for the minutes?  
1580

1581 Mr. Vanarsdall - I move that we approve the July 26, 2006 minutes.  
1582

1583 Mr. Archer - As corrected by Mrs. Jones.  
1584

1585 Mr. Jernigan - Second.  
1586

1587 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan. All  
1588 in favor say aye...all opposed say nay. The motion passes. The minutes are approved.  
1589

1590 The Planning Commission approved the July 26, 2006, minutes as corrected.  
1591

1592 Mr. Archer - Have we completed the agenda, Mr. Secretary?  
1593

1594 Mr. O'Kelly - Yes, I believe we have, Mr. Chairman.  
1595

1596 Mr. Archer - I would like to compliment the staff for doing such a fine job, as evidenced  
1597 by all these expedited agenda cases we have. We know that it takes a little work to get these cases  
1598 ready to go on the Expedited Agenda and you all did a fine job, thereby saving the taxpayers  
1599 money.  
1600

1601 All right, with that I will declare this meeting adjourned at 10:21 a.m.  
1602

1603 Mr. Vanarsdall - Second.

1604 On a motion by Mr. Archer and seconded by Mr. Vanarsdall, the Planning Commission adjourned  
1605 its September 27, 2006 meeting at 10:21 a.m.

1606  
1607  
1608  
1609  
1610  
1611  
1612  
1613  
1614  
1615  
1616  
1617  
1618  
1619  
1620  
1621

---

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

---

David D. O'Kelly, Jr., Acting Secretary