

1 Minutes of the Planning Commission of the County of Henrico, Virginia, held in the
2 County Manager’s Conference Room of the County Administration Building, Parham and
3 Hungary Spring Roads at 9:00 a.m., April 21, 2004.

4
5 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman,
6 Brookland
7 Mr. C. W. Archer, C.P.C., Fairfield
8 Mr. E. Ray Jernigan, C.P.C., (Varina)
9 Mr. John Marshall, Three Chopt
10 Mr. Randall R. Silber, Assistant Director of Planning,
11 Secretary
12

13 Members Absent: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe
14 James B. Donati, Jr., Board of Supervisors Representative
15 (Varina)
16

17 Others Present: Mr. David D. O’Kelly, Jr., Principal Planner
18 Mr. James P. Strauss, CLA, County Planner
19 Ms. Leslie News, CLA, County Planner
20 Mr. Kevin D. Wilhite, AICP, County Planner
21 Mr. E. J. “Ted” McGarry, III, County Planner
22 Mr. Michael F. Kennedy, County Planner
23 Mr. Michael P. Cooper, County Planner
24 Ms. Christina Goggin, AICP, County Planner
25 Ms. Diana Carver, Recording Secretary
26

27 Mr. Vanarsdall - The Planning Commission will now come to order. I’ve gotten
28 up and seen red days and blue days, but I never saw such a yellow day as it was this
29 morning. I guess it affected everybody. Good morning, fellow Commissioners, and
30 our Secretary, Mr. Silber, and the people who do all the work over there. Good
31 morning, staff. We have a pretty full agenda today and I am going to turn the meeting
32 over to our Secretary and Director of Planning, Randy Silber.
33

34 Mr. Silber - Thank you, Mr. Vanarsdall. We have a couple of members who
35 are not here this morning. Lisa Ware will not be at the meeting this morning, so Mr.
36 Vanarsdall, the Vice-Chairman, is running the meeting in her absence, and Mr. Donati
37 may arrive. We don’t know at this point.
38

39 Mr. Jernigan - Mr. Donati called me this morning and had some developments
40 that came up late yesterday evening and this morning and had to handle them, so he
41 may or may not be here.
42

43 Mr. Silber - OK, well we do have four members of the Commission present
44 and we do have a quorum, and we can conduct business. First on the agenda would be
45 the deferrals and withdrawals. Mr. O’Kelly, can you walk us through those, please?
46

47 Mr. Vanarsdall - Good morning, Mr. O’Kelly.
48

49 Mr. O’Kelly - Good morning, Mr. Chairman, and members of the Commission.
50 Mr. Secretary, staff is aware of one formal request for deferral this morning. That is
51 on Page 22 of your Agenda.
52

53 **PLAN OF DEVELOPMENT**
54

POD-33-04 **Koontz-Bryant, P.C. for Second Baptist Church:**
Second Baptist Church - Request for approval of a plan of development, as
Auxiliary Parking Area required by Chapter 24, Section 24-106 of the Henrico
County Code, to construct a 294-space auxiliary parking
area. The 4.19-acre site is located at 150 North Gaskins
Road on parcel 742-38-7703. The zoning is R-O, One-
Family Residence District. **(Tuckahoe)**

55
56 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of POD-
57 33-04, Second Baptist Church in the Tuckahoe District? No opposition.
58

59 Mr. Archer - Mr. Chairman, I move deferral of POD-33-04, Second Baptist
60 Church to the May 26, 2004 meeting at the applicant’s request.
61

62 Mr. Marshall - Second.
63

64 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
65 in favor say aye. All opposed say no. The motion passes.
66

67 At the applicant’s request, the Planning Commission deferred POD-33-04, Second
68 Baptist Church – Auxiliary Parking Area, to its meeting on May 26, 2004.
69

70 **PLAN OF DEVELOPMENT**
71

POD-30-04 **Engineering Design Associates for Michael G. &**
Ashley & Friends Child **Robin M. Jones and Ashley & Friends Child Care**
Care Center – **Center, Inc.:** Request for approval of a plan of
1117 W. Nine Mile Road development, as required by Chapter 24, Section 24-106
of the Henrico County Code, to construct a one-story,
3,360 square foot child care center. The 0.90-acre site
is located on the southeast corner of W. Nine Mile Road
(State Route 33) and S. Lake Avenue on parcel 819-

725-8694. The zoning is O-2, Office District. County water and sewer. **(Varina)**

72

73 Mr. Jernigan - Mr. Chairman, there was only one deferral but I have two in my
74 district that I will just get out of the way.

75

76 Mr. Vanarsdall - Is anyone in opposition to deferment of POD-30-04 in the Varina
77 District? No opposition.

78

79 Mr. Jernigan - With that I will move for deferment of POD-30-04, Ashley &
80 Friends Child Care Center to May 26, 2004, by request of the Commission.

81

82 Mr. Marshall - Second.

83

84 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall.
85 All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

86

87 At the applicant's request, the Planning Commission deferred POD-30-04, Ashley &
88 Friends Child Care Center - 1117 W. Nine Mile Road, to its meeting on May 26,
89 2004.

90

91 **PLAN OF DEVELOPMENT**

92

POD-34-04
Roma's East -
325 E. Williamsburg Road

Timmons Group and Gooss & Associates AIA for Giaman, LLC: Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 3,606 square foot restaurant and a 2,051 square foot retail building. The 0.71-acre site is located at 325 E. Williamsburg Road (U.S. Route 60) on parcel 829-715-3035, 4034, and 8918. The zoning is B-1, Business District, R-3, One-Family Residence District and ASO (Airport Safety Overly) District. County water and sewer. **(Varina)**

93

94 Mr. Vanarsdall - Anyone in the audience in opposition to Roma's Restaurant East
95 in the Varina District, POD-34-04? No opposition. Mr. Jernigan.

96

97 Mr. Jernigan - With that I move for deferment of POD-34-04, Roma's East -
98 325 E. Williamsburg Road, to May 26, 2004, by request of the Commission.

99

100 Mr. Marshall - Second.

101

102 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall.
103 All in favor say aye. All opposed say no. The motion passes.

104

105 At the request of the applicant, the Planning Commission deferred POD-34-04, Roma's
106 East - 325 E. Williamsburg Road, to its meeting on May 26, 2004.

107 **SUBDIVISION**

108

Hunton Meadows
(April 2004 Plan)

Foster & Miller, P.C. for WWJ, L.C., Hunton Associates, L.L.C., RMA Hunton, L.C. and Attack/Eagle Hunton Meadows, LC: The 19.423-acre site proposed for a subdivision of 39 single-family homes is located on the northern line of Mountain Road, approximately 100 feet east of the intersection of Old Mountain Road and Mountain Road on parcels 763-772-8743 and 764-772-1731. The zoning is R-2AC, One-Family Residence (Conditional) and R-2, One-Family Residence District. County water and sewer.
(Brookland) 39 Lots

109

110 Mr. Vanarsdall - Is anyone in the audience in opposition to deferring this case?
111 This is in the Brookland District. No opposition. I move that Hunton Meadows (April
112 2004 Plan) be deferred for two weeks to May 13, 2004, at the applicant's request.

113

114 Mr. Jernigan - Second.

115

116 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan.
117 All in favor say aye. All opposed say no. The motion passes.

118

119 At the applicant's request, the Planning Commission deferred Subdivision Hunton
120 Meadows (April 2004 Plan) to its meeting on May 13, 2004.

121

122 Mr. Vanarsdall - Anyone else have a deferment?

123

124 Mr. Silber - Next on the agenda would be the Expedited Agenda items. These
125 are items that have no unresolved issues that staff is aware of at this point. The
126 applicant is comfortable with the conditions that have been suggested and recommended
127 by staff and the Commission member from that district has no outstanding issues.
128 These are placed on an agenda that can be approved more quickly. If there is
129 opposition or questions that come up on these matters, they will be pulled off of the
130 Expedited Agenda and handled in the normal order on the normal agenda, so we do

131 have several shown on the screen considered under the Expedited Agenda. Mr.
132 O'Kelly.
133

133 **TRANSFER OF APPROVAL (Deferred from the March 24, 2004 Meeting)**

134

POD-10-88
North Court @ Innsbrook

John F. McIntyre and Richard C. Jarvis, Jr. for 5040 Sadler Place, LLC and 5040 Sadler Place, LLC: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Sadler Place, LLC and Financial Enterprises III, LLC to 5040 Sadler Place, LLL. The 1.685-acre site is located at the southwest corner of the intersection of Nuckols Road and Cox Road on parcels 750-766-8562 and 9480. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Three Chopt)**

135

136 Mr. O’Kelly - Approval is in order.

137

138 Mr. Vanarsdall - Is anyone in the audience in opposition to this case in the Three
139 Chopt District. No opposition. Mr. Marshall.

140

141 Mr. Marshall - Mr. Chairman, I move that POD-10-88, North Court @
142 Innsbrook, transfer of approval be approved.

143

144 Mr. Jernigan - Second.

145

146 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan.
147 All in favor say aye. All opposed say no. The ayes have it. The motion passes.

148

149 The Planning Commission approved Transfer of Approval of POD-10-88, North Court
150 @ Innsbrook, subject to the new owner accepting and agreeing to be responsible for
151 continued compliance with the conditions of the original approval.

152

153 **TRANSFER OF APPROVAL**

154

POD-24-76
Pine Alley Retail
(Formerly KFC)
Nine Mile Road

Paul Tiscornig for Pine Alley Lofts SCPLP: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from KFC National Management to Pine Alley Lofts SCPLP. The .483-acre site is located at the northeast corner of Nine Mile Road (State Route 33) and Kenway Avenue at 5000 Nine Mile Road on parcel 811-724-6037. The zoning is B-1, Business District. County water and sewer. **(Fairfield)**

155

156 Mr. Vanarsdall - Is anyone in the audience in opposition to Transfer of Approval
157 for POD-24-76? No opposition. Mr. Archer.

158

159 Mr. Archer - Mr. Chairman, I move approval of POD-24-76, Pine Alley Retail
160 (Formerly KFC) Nine Mile Road, subject to condition No. 1 as stated in the agenda.

161

162 Mr. Marshall - Second.

163

164 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
165 in favor say aye. All opposed say no. The motion passes.

166

167 The Planning Commission approved Transfer of Approval for POD-24-76, Pine Alley
168 Retail (Formerly KFC) Nine Mile Road, subject to the new owner accepting and
169 agreeing to be responsible for continued compliance with the conditions of the original
170 approval and the following additional condition:

171

172 1. A bond shall be posted to cover the site deficiencies as identified in the
173 inspection report dated **March 31, 2004**, and such deficiencies shall be
174 corrected by **June 30, 2004**.

175

176 **PLAN OF DEVELOPMENT**

177

POD-28-04

Dominion Townes
Sections 1 and 2 –
Creighton Road

Koontz-Bryant, P.C. for EDJ Associates, Inc.:
Request for approval of a plan of development, as
required by Chapter 24, Section 24-106 of the Henrico
County Code, to construct 137, two-story, townhouses
for sale. The 18.11-acre site is located on Creighton
Road 400 feet north of its intersection with Laburnum
Avenue on parcels 809-729-7165 and 810-728-3075.
The zoning is RTHC, Residential Townhouse District
(Conditional). County water and sewer. **(Fairfield)**

178

179 Mr. Vanarsdall - Anyone in the audience in opposition to POD-28-04, Dominion
180 Townes in the Fairfield District? No opposition. Mr. Archer.

181

182 Mr. Archer - Mr. Chairman, I move approval of POD-28-04, Dominion
183 Townes Sections 1 and 2 – Creighton Road, subject to the standard conditions for
184 developments of this type and the additional listed conditions Nos. 23 through 37.

185

186 Mr. Marshall - Second.

187

188 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
189 in favor say aye. All opposed say no. The motion passes.

190

191 The Planning Commission approved POD-28-04, Dominion Townes Sections 1 and 2 –
192 Creighton Road, subject to the annotations on the plans, the standard conditions for
193 developments of this type and the following additional conditions:
194

- 195 23. The subdivision plat for Dominion Townes, Sections 1 and 2 shall be recorded
196 before any building permits are issued.
- 197 24. The easements for drainage and utilities as shown on approved plans shall be
198 granted to the County in a form acceptable to the County Attorney prior to any
199 occupancy permits being issued. The easement plats and any other required
200 information shall be submitted to the County Real Property Agent at least sixty
201 (60) days prior to requesting occupancy permits.
- 202 25. The limits and elevations of the 100-year frequency flood shall be conspicuously
203 noted on the plan “Limits of 100 Year Floodplain.” In addition, the delineated
204 100-year floodplain must be labeled “Variable Width Drainage and Utility
205 Easement.” The easement shall be granted to the County prior to the issuance of
206 any occupancy permits.
- 207 26. The developer shall provide fire hydrants as required by the Department of
208 Public Utilities and Division of Fire.
- 209 27. A standard concrete sidewalk shall be provided along Creighton Road.
- 210 28. The proffers approved as a part of zoning case C-9C-03 shall be incorporated in
211 this approval.
- 212 29. Prior to issuance of a building permit, the developer must furnish a letter from
213 **Dominion Virginia Power** stating that this proposed development does not
214 conflict with their facilities.
- 215 30. Any necessary off-site drainage and/or water and sewer easements must be
216 obtained in a form acceptable to the County Attorney prior to final approval of
217 the construction plans.
- 218 31. Deviations from County standards for pavement, curb or curb and gutter design
219 shall be approved by the County Engineer prior to final approval of the
220 construction plans by the Department of Public Works.
- 221 32. Storm water retention, based on the 50-10 concept, shall be incorporated into
222 the drainage plans.
- 223 33. Approval of the construction plans by the Department of Public Works does not
224 establish the curb and gutter elevations along the Henrico County maintained
225 right-of-way. The elevations will be set by Henrico County.
- 226 34. The conceptual master plan, as submitted with this application, is for planning
227 and information purposes only. All subsequent detailed plans of development
228 and construction plans needed to implement this conceptual plan may be
229 administratively reviewed and approved and shall be subject to all regulations in
230 effect at the time such subsequent plans are submitted for review/approval.
- 231 35. The location of all existing and proposed utility and mechanical equipment
232 (including HVAC units, electric meters, junction and accessory boxes,
233 transformers, and generators) shall be identified on the landscape plans. All

234 equipment shall be screened by such measures as determined appropriate by the
235 Director of Planning or the Planning Commission at the time of plan approval.
236 36. The unit house numbers shall be visible from the parking areas and drives.
237 37. The names of streets, drives, courts and parking areas shall be approved by the
238 Richmond Regional Planning District Commission and such names shall be
239 included on the construction plans prior to their approval. The standard street
240 name signs shall be ordered from the County and installed prior to any occupancy
241 permit approval.
242

243 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
244

POD-29-04 **Bohler Engineering, P.C. for Sauer Properties, Inc.**
Chick-fil-A @ Short Pump **and Chick-fil-A:** Request for approval of a plan of
Crossing Shopping Center development and lighting plan, as required by Chapter
(POD-20-96 Revised) 24, Section 24-106 of the Henrico County Code, to
3380 Pump Road construct a one-story, 4,261 square foot restaurant
addition to a shopping center. The 0.94-acre site is
located at on the west side of Pump Road,
approximately 600 feet south of W. Broad Street (U.S.
Route 250) on parcel 739-761-6445. The zoning is B-
2C, Business District (Conditional) and WBSO (West
Broad Street Overlay) District. County water and
sewer. **(Three Chopt)**

245
246 Mr. O'Kelly - The revised recommendation is on the Commission's addendum.
247

248 Mr. Vanarsdall - Anyone in the audience in opposition to POD-29-04, Chick-fil-A
249 @ Short Pump Town Center in the Three Chopt District? No opposition. Mr.
250 Marshall.

251
252 Mr. Marshall - Mr. Chairman, I move approval of POD-29-04, Chick-fil-A,
253 subject to the standard conditions for developments of this type, the annotations on the
254 plans and added conditions Nos. 23 through 38, and in addition the revised
255 recommendation on page 4 of the revisions.
256

257 Mr. Silber - Mr. Marshall, the revised recommendation relates to the color of
258 the accent features and the lighting.
259

260 Mr. Marshall - Yes, changing the color from red to burgundy.
261

262 Mr. Jernigan - Second, Mr. Chairman.
263

264 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan.
265 All in favor say aye. All opposed say no. The ayes have it. The motion passes.

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The Planning Commission approved POD-29-04, Chick-fil-A @ Short Pump Crossing Shopping Center (POD-20-96 Revised) 3380 Pump Road, subject to the applicant agreeing to revise the color to burgundy matching the features of the existing shopping center, the annotations on the plan, the standard conditions for developments of this type and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
25. A standard concrete sidewalk shall be provided along the west side of Pump Road.
26. Outside storage shall not be permitted.
27. The proffers approved as a part of zoning cases C-44C-88 and C-21C-88 shall be incorporated in this approval.
28. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
30. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
31. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-thru delivery facilities, the owner/occupant shall close the drive-thru delivery facilities until a solution can be designed to prevent traffic backup.
32. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
33. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.

- 310 35. The location of all existing and proposed utility and mechanical equipment
 311 (including HVAC units, electric meters, junction and accessory boxes,
 312 transformers, and generators) shall be identified on the landscape plans. All
 313 equipment shall be screened by such measures as determined appropriate by the
 314 Director of Planning or the Planning Commission at the time of plan approval.
 315 36. Only retail business establishments permitted in a B-2 zone may be located in this
 316 center.
 317 37. No merchandise shall be displayed or stored outside of the building(s) or on
 318 sidewalk(s).
 319 38. The ground area covered by all the buildings shall not exceed in the aggregate 25
 320 percent of the total site area.
 321

322 **PLAN OF DEVELOPMENT**
 323

POD-32-04 **Bay Design Group, P.C. for New Market Properties, LLC and GreenLeaf Builders, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 9,441 square foot day care center with associated parking. The 1.67-acre site is located at the southeast corner of the intersection of New Market Road (State Route 5) and Midview Road on part of parcel 803-701-6867. The zoning is B-1C, Business District (Conditional). County water and sewer. **(Varina)**

324
 325 Mr. Vanarsdall - Is there any opposition to this case, in the Varina District, POD-
 326 32-04, Midview Child Development Center? No opposition. Mr. Jernigan.

327
 328 Mr. Jernigan - Mr. Chairman, with that I will move for approval of POD-32-04,
 329 Midview Child Development Center – New Market Road, subject to the annotations on
 330 the plans, the standard conditions for developments of this type and the following
 331 conditional conditions, Nos. 23 through 34 and staff recommendation on the
 332 Addendum.

333
 334 Mr. Marshall - Second.

335
 336 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall.
 337 All in favor say aye. All opposed say no. The motion passes.

338
 339 The Planning Commission approved POD-32-04, Midview Child Development Center
 340 – New Market Road, subject to the annotations on the plans, the standard conditions for
 341 developments of this type and the following additional conditions:
 342

- 343 23. The right-of-way for widening of Midview Road as shown on approved plans
344 shall be dedicated to the County prior to any occupancy permits being issued.
345 The right-of-way dedication plat and any other required information shall be
346 submitted to the County Real Property Agent at least sixty (60) days prior to
347 requesting occupancy permits.
- 348 24. The easements for drainage and utilities as shown on approved plans shall be
349 granted to the County in a form acceptable to the County Attorney prior to any
350 occupancy permits being issued. The easement plats and any other required
351 information shall be submitted to the County Real Property Agent at least sixty
352 (60) days prior to requesting occupancy permits.
- 353 25. The drainage facilities on New Market Road (State Route 5) shall be approved
354 by the Virginia Department of Transportation and the County.
- 355 26. The required building setback shall be measured from the proposed right-of-way
356 line and the parking shall be located behind the proposed right-of-way line.
- 357 27. The developer shall provide fire hydrants as required by the Department of
358 Public Utilities and Division of Fire.
- 359 28. The proffers approved as a part of zoning case C-34C-03 shall be incorporated
360 in this approval.
- 361 29. Any necessary off-site drainage and/or water and sewer easements must be
362 obtained in a form acceptable to the County Attorney prior to final approval of
363 the construction plans.
- 364 30. Deviations from County standards for pavement, curb or curb and gutter design
365 shall be approved by the County Engineer prior to final approval of the
366 construction plans by the Department of Public Works.
- 367 31. Insurance Services Office (ISO) calculations must be included with the plans and
368 contracts and must be approved by the Department of Public Utilities prior to
369 the issuance of a building permit.
- 370 32. Approval of the construction plans by the Department of Public Works does not
371 establish the curb and gutter elevations along the Henrico County maintained
372 right-of-way. The elevations will be set by Henrico County.
- 373 33. Approval of the construction plans by the Department of Public Works does not
374 establish the curb and gutter elevations along the Virginia Department of
375 Transportation maintained right-of-way. The elevations will be set by the
376 contractor and approved by the Virginia Department of Transportation.
- 377 34. The location of all existing and proposed utility and mechanical equipment
378 (including HVAC units, electric meters, junction and accessory boxes,
379 transformers, and generators) shall be identified on the landscape plans. All
380 equipment shall be screened by such measures as determined appropriate by the
381 Director of Planning or the Planning Commission at the time of plan approval.
382

411 Mr. Archer - Mr. Chairman, I move approval of LP/POD-89-02, Mountain
412 Road Townes, subject to the annotations on the plans and the standard conditions for
413 landscape and lighting plans.

414
415 Mr. Marshall - Second.

416
417 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
418 in favor say aye. All opposed say no. The motion passes.

419
420 **LANDSCAPE & LIGHTING PLAN**

421
LP/POD-28-03 **Balzer & Associates, Inc. for Wellesley Centre, LC:**
The Shoppes @ Westgate at Wellesley 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 6.633-acre site
is located at the southeast intersection of W. Broad
Street (U.S. Route 250) and Lauderdale Drive on parcel
737-762-4724. The zoning is B-2C, Business District
(Conditional) and WBSO (West Broad Street Overlay)
District. **(Three Chopt)**

422
423 Mr. Vanarsdall - Anyone in the audience in opposition to this case, LP/POD-28-
424 03, The Shoppes @ Westgate at Wellesley in the Three Chopt District. No opposition.

425
426 Mr. Marshall - Mr. Chairman, I move approval of LP/POD-28-03, The Shoppes
427 @ Westgate at Wellesley, subject to the annotations on the plans and the standard
428 conditions for landscape and lighting plans.

429
430 Mr. Archer - Second.

431
432 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Archer. All
433 in favor say aye. All opposed say no. The motion passes.

434
435 The Planning Commission approved LP/POD-28-03, The Shoppes @ Westgate at
436 Wellesley, subject to the annotations on the plans and the standard conditions for
437 landscape and lighting plans.

438
439 Mr. Vanarsdall - You say that is the last one, Mr. O'Kelly?

440
441 Mr. Silber - Next on the agenda would be the subdivision extensions of
442 conditional approval. There is one subdivision for extension of conditional approval.
443 That is the White Oak Forest (April 1999 Plan) that is up for a one-year extension.
444 This will require Planning Commission approval.

445

446 Mr. Vanarsdall - Mr. Jernigan, you have a problem with that?
447
448 Mr. Jernigan - No, sir.
449
450 Mr. Vanarsdall - All right.
451
452 Mr. Jernigan - I make a motion to extend approval for one year for White Oak
453 Forest Subdivision (April 1999 Plan) in the Varina District.
454
455 Mr. Marshall - Second.
456
457 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall.
458 All in favor say aye. All opposed say no. The motion passes.
459
460 The Planning Commission approved Subdivision Extension of Conditional Approval for
461 one year, to 4/27/05 for White Oak Forest Subdivision (April 1999 Plan).
462
463 **TRANSFER OF APPROVAL**
464 **(Deferred from the March 24, 2004, Meeting)**
465

POD-144-88
Mexican Restaurant
(Formerly El Paso
Restaurant)

Leopoldo Lugo for L J Lugo, LLC: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from John G. Dankos, Jr., Mark A. Dankos, Glenn D. Dankos, Tracey L. Dankos, Holly D. Angel, Trustees of the Dankos Family Irrevocable Trust of January 5, 1988 to L J Lugo, LLC. The 0.550-acre site is located at 910 Parham Road, approximately 200 feet west of the intersection of Parham Road and Brook Road (U.S. Route 1) on parcel 783-756-9858. The zoning is B-2, Business District. County water and sewer. **(Fairfield)**

466
467 Mr. Silber - There are three conditions on the Addendum that the Commission
468 needs to be aware of.
469
470 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? It is POD-
471 144-88, Mexican Restaurant. It is in the Fairfield District. No opposition. Mr.
472 Archer.
473
474 Mr. Archer - Mr. Chairman, I move approval of POD-144-88, subject to
475 continued compliance with the conditions of the original approval and the three
476 conditions expressed in the addendum.
477

478 Mr. Jernigan - Second.

479

480 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All
481 in favor say aye. All opposed say no. The motion passes.

482

483 The Planning Commission approved Transfer of Approval for POD-144-88, Mexican
484 Restaurant (Formerly El Paso Restaurant), subject to continued compliance with the
485 conditions of the original approval and the following conditions:

486

487 1. The existing outdoor dining area shall be removed from the site if a provisional
488 use permit is not approved by the Board of Supervisors.

489 2. A bond shall be posted to cover the site deficiencies as identified in the
490 inspection report, dated March 23, 2004.

491 3. The site deficiencies, as identified in the inspection report dated March 23,
492 2004, shall be corrected by October 31, 2004 unless a revised landscape plan is
493 submitted to the Planning Office for review and approval by August 1, 2004.

494

495 **PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER DEVIATION (Deferred**
496 **from the March 24 2004 Meeting)**

497

POD-21-04

Bowl America @ Downtown
Short Pump

**Jordan Consulting Engineers for Short Pump Mini
Storage Associates, LC and Bowl America, Inc.:**

Request for approval of a plan of development, transitional buffer deviation and master plan, as required by Chapter 24, Sections 24-106 and 106.2 of the Henrico County Code, to construct a one-story, 35,165 square foot, 40-lane bowling alley on a 3.61 acre site and a master plan for a 8.95 acre addition to the Downtown Short Pump shopping center. The site is located on the southwest corner of Pouncey Tract Road and I-64 on parcel 739-763-7376. The zoning is M-1C, Light Industrial District (Conditional) WBOS (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

498

499 Mr. Vanarsdall - Is anyone in the audience in opposition to Bowl America @
500 Downtown Short Pump, POD-21-04 in the Three Chopt District? No opposition. Mr.
501 Kennedy.

502

503 Mr. Kennedy - Good morning members of the Commission. This is a lengthy
504 report. I hope you will bear with me. There are a lot of issues to cover and I am going
505 to try to cover them briefly. If you have questions, I am willing to go back. I have a
506 lot of exhibits that are available if you so choose.

507

508 Mr. Vanarsdall - I remember reading it the other night.

509

510 Mr. Kennedy - Yes, I am sure you did. I will try to cover it briefly. When the
511 property was rezoned M-1C, Light Industrial District, in 1998, the proffers
512 contemplated the property, because that was a mini-storage facility. The property was
513 required to be developed in accordance with proffered site plans and elevation plans,
514 which portrayed a mini-storage facility, but it provided that those plans can be amended
515 if specifically requested and approved by the Planning Commission at the time of POD
516 review. This plan substitutes revised site plans and elevation plans. The proffers also
517 contain a traffic restriction. It specifically states, "No plan of development shall be
518 granted for a use on the property other than for a mini-storage warehouse facilities,
519 which will generate more trips per day than be adequately handled in the opinion of the
520 Director of Public Works or until alternative vehicular access is obtained to serve the
521 property. In this case, the plan would approve a more intense use than the previously
522 proposed mini-storage facility. And in addition, finally, this plan includes a request for
523 a transitional buffer deviation, which would reduce the standard 50 ft. transitional
524 proffer on the northern property line abutting I-64 and reduce it to a 25 ft. transitional
525 buffer. Those are the three main issues and I am going to try to cover the main one
526 more specifically, the traffic one first.

527

528 So, what originally occurred was a plan of development was approved back in 1998 by
529 the Planning Commission, which provided for a mini-storage facility. Since that time
530 the developer has indicated that mini-storage facilities are not economically feasible and
531 provided the current plan. The current plan, as indicated by the Secretary, proposes a
532 40-lane bowling alley. In addition, the applicant provided a master plan, which
533 proposed an additional 40,000 s.f. of retail space which would be in two buildings.
534 Additional parking was provided for all stages of development. A stormwater
535 management power would be constructed at the northern end of the property, and a
536 landscape island would protect the monumental Oak growing on the site. If you are
537 familiar with the site, there is a 60-inch diameter Oak tree in the middle of the site and
538 that will be protected by this plan.

539

540 Access to the site will be provided by a 36-foot wide drive located on the adjoining
541 property in front of the American Family Fitness building. The master plan proposes
542 additional potential access. I stress potential because it hasn't been agreed to yet.
543 Secondary access to the adjoining Park Place Development to the Short Pump Town
544 Center Ring Road that would connect it to the mall and indicates that future
545 development may be limited if that secondary access is not obtained. I do have plans
546 that show how that would work if you are interested.

547

548 Public Works staff, including the County Traffic Engineer, has considered implications
549 of the proffered traffic restrictions on this plan. The Traffic Engineer has indicated the
550 mini-warehouse facility would have generated 184 trips per day, while the proposed
551 bowling alley would generate 1,333 trips per day and the proposed retail center would

552 generate an additional 3,743 trips per day, so at ultimate development there would be
553 5,000 trips per day generated by the site. Given the initial traffic volumes generated by
554 the proposal, the Director of Public Works, in accordance with the proffers, has
555 indicated that the proposed bowling alley may be developed with a single point of
556 access provides that modifications are made to the American Family Fitness Club, and,
557 of course, if access is obtained from American Family Fitness.
558

559 The Director of Public Works has also indicated that no further development would be
560 permitted until a second point of access is provided. He noted that two points of access
561 should be provided to allow additional traffic distribution in the area and not load up all
562 of the traffic in front of the American Family Fitness site. The developer has indicated
563 that they have agreed to the terms with the American Family Fitness property owner for
564 a principal access and shared parking and contained in a package that was provided to
565 you, is a parking plan for shared parking. This plan also contemplates shared parking
566 and access in the future with the Skate Nation property. However, that owner of the
567 property has declined to negotiate with the owner at this time. The developer has
568 indicated also that they are negotiating an agreement for emergency access for the Parc
569 Place development. They have basically worked out an agreement, so they are just
570 trying to look at the final details of those agreements. That was why the plan proposes
571 emergency access through the Parc Place development. Secondly, access to Short
572 Pump Town Center requires additional approval, not only by the Park Place
573 development, but from the mall developer/managing and anchor tenants. Due to the
574 access limitations on the site, staff can recommend approval of the POD only, provided
575 the site is graded at the time of development to provide the limited emergency accesses
576 which we have requested to the Parc Place Development.
577

578 In addition, staff recommends approval of the revised elevations and layout as
579 substantially conforming to the intent of the proffers. We've got in the package an
580 elevation plan that shows you what they originally submitted, what staff recommended
581 and the compromise elevations. You can see how we worked it out. Basically, I guess
582 you would call it, southwestern retail motif, if you want to think about that. It kind of
583 looks like southwestern retail, I guess, kind of similar to the Downtown Short Pump
584 Town Center. There is a lot of continuity there. So we feel that the elevations are
585 consistent and as far as the layout, the layout does work with ultimate development of
586 Parc Place sites and we feel that it is appropriate. So we feel that the changes to the
587 elevation and the changes to the site plan are appropriate.
588

589 Finally, staff recommends approval of the transitional buffer deviation as consistent
590 with the previous approval, because this was approved with the earlier plan. The
591 typical 50 ft. buffer would be reduced to 25 ft. between the proposed storm water
592 management pond and I-64, and in place of the additional 25 ft. buffer, that landscape
593 would provide throughout the site. So, we wouldn't be losing the benefit of the
594 landscaping. It would just be placed elsewhere.
595

596 The developer has not secured unencumbered secondary access, staff cannot
597 recommend approval of the master plan at this time. The developer has agreed to
598 withdraw the master plan until such time as secondary access is provided. At that time,
599 and this is really important, it will be appropriate to consider the quality of secondary
600 access with respect to the intensity of future development. They may be able to get
601 secondary access through the back of the Skate Nation property. That isn't as high a
602 quality as access through the mall ring road. We want to make sure that it is clear.

603 Mr. Marshall - I am not going to consider that as secondary access. I am going
604 to make that clear to Mr. Theobald.

605

606 Mr. Vanarsdall - Go ahead and let him finish.

607

608 Mr. Kennedy - Staff recommends approval of the POD including the revised
609 elevation layout plan, the annotations on the plans, the standard conditions for shopping
610 centers and the additional conditions on the agenda with the following notations or
611 corrections as provided in the agenda addendum, conditions Nos. 9 and 11, I just want
612 to remind you, would be amended, so the plan would come back for landscape and
613 lighting plan review. Condition No. 27 would be deleted. It has been determined that
614 it is not necessary by the Department of Public Works. Condition No. 34 should be
615 deleted, because it is more specifically stated in conditions 39 and 42. The Director of
616 Planning should be added to review requirements of conditions Nos. 38 and 40. That
617 just provides additional oversight for those conditions, and the word "mass" should be
618 deleted from condition No. 43 to permit more limited grading of the site, since they are
619 not going ahead with the master plan at this time. And, in addition, staff recommends
620 approval of requested deviation subject to the conditions contained in the addendum.
621 So, we would need two motions, one on the transitional buffer deviation and one on the
622 POD, and the POD should note that the elevations of the site plan revisions are
623 acceptable. Thank you.

624

625 Mr. Vanarsdall - Any questions for Mr. Kennedy by Commission members or Mr.
626 Secretary? You did a good job on that.

627

628 Mr. Kennedy - Thank you.

629

630 Mr. Marshall - I would like for Mr. Theobald to come up for the applicant.

631

632 Mr. Vanarsdall - All right. Mr. Theobald.

633

634 Mr. Theobald - Mr. Chairman, my name is Jim Theobald, here on behalf of Mr.
635 Levey. Mr. Ebaugh is here representing Bowl America as is Mr. Mills, their engineer.

636

637 Mr. Marshall - Mr. Theobald, I just want to have a couple of things put in the
638 record, so that we are clear. I want to make sure your client understands that further
639 development of this site is going to be dependent upon gaining access through the Parc

640 Place development to the ring road of the mall. I don't, want to see any plans for
641 additional development until then, and that is why it was put in there, about the quality
642 of the access, because we are not going to consider basically the same access at the
643 other end of that building, which is Skate Nation, part of the building, as the secondary
644 access that would then allow the rest of the site to be developed.

645
646 Mr. Theobald - I understand your comment. I have had discussions with Mr.
647 Kennedy that, for instance, if this undeveloped portion were to be used for a small
648 mini-warehouse facility, that at least they would be able to consider that, the Director
649 of Planning and Director of Public Works, so with that caveat to your comment, I think
650 we do understand we are not going to get any retail development, per se, on that site,
651 unless we are able to punch through Parc Place.

652
653 Mr. Marshall - And do they understand that prior to the, as in the report, that the
654 occupancy and the opening of that project, the bowling alley project, before that those
655 parking lots will have to be constructed. The parking lots to facilitate the American
656 Family, in addition to the emergency access road will have to be in place with the cross
657 access easements in place.

658
659 Mr. Theobald - The additional parking to facilitate the American Family spillover
660 will have to be in place. That is part of our draft agreement with American Family, so
661 that will be done at the same time as the Bowl America project. We are also grading
662 the back of the site to match the grade with Parc Place, but what has to be in place,
663 based on these conditions, Mr. Marshall, is just the emergency access easement has to
664 be granted by Parc Place to the County to allow emergency access. Cross access is a
665 separate agreement which requires the additional levels of approval, and that will come
666 later.

667
668 Mr. Vanarsdall - Does anyone else have a question for Mr. Theobald? Thank you,
669 Mr. Theobald.

670
671 Mr. Marshall - Mr. Chairman, I don't like this case. The reason why I don't
672 like it is that our hands, I feel, are somewhat tied by the prior case, which allows the
673 Director of Public Works to decide whether a different use could be put on this
674 property, based on his opinion with the traffic, which I don't agree with his opinion,
675 but I am stuck with his opinion. And that is why I added the notations on 38 and 40 to
676 prevent that from happening again, by making it have to go to the Director of Planning
677 and not just rest on the opinion of the Director of Public Works. But I think Mr.
678 Kennedy has done a great job and devoted a lot of time to push this case to the point
679 where we are close, I believe, to getting the secondary access through Park Plac
680 development, and I am going to continue to put pressure on the people that need to have
681 it put on them to get that done, so that we don't have this festering problem with this
682 property that is sitting there wanting to be developed, but it has a problem with access
683 and traffic problems. But, I think we have done the best that we can do, or I should

684 say that Mr. Kennedy has done the best that can be done to get this case to the point
685 that it is at, so I am going to move first that we approve the transitional buffer deviation
686 for POD-21-04, Bowl America @ Downtown Short Pump.

687
688 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan.
689 All in favor say aye. All opposed say no. The motion passes.

690
691 The Planning Commission approved transitional buffer deviation for POD-21-04, Bowl
692 America @ Downtown Short Pump.

693 Mr. Marshall - Mr. Chairman, I move approval of POD-21-04, Bowl America @
694 Downtown Short Pump, subject to the standard conditions for developments of this
695 type, the annotations on the plan, and specifically conditions No. 9 Amended, No. 11
696 Amended, 23 through 26, 28 through 33, 35, 36, 37, Amended 38 as shown on Page 2
697 of the deleted and revised conditions, No. 39, No. 40 Amended as shown on Page 2 of
698 the deleted and revised conditions, No. 41, 42, Amended 43 as shown on Page 2 of the
699 deleted and revised conditions, and that is it.

700
701 Mr. Vanarsdall - I think you want, maybe just for the record, you want to say
702 deleted on No. 27, and 34.

703
704 Mr. Marshall - Yes, 27 and 34 were deleted.

705
706 Mr. Archer - Second.

707
708 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Archer. All
709 in favor say aye. All opposed say no. The motion passes.

710
711 The Planning Commission approved POD-21-04, Bowl America @ Downtown Short
712 Pump, subject to the annotations on the plans, the standard conditions for developments
713 of this type and the following additional conditions:

- 714
715 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning
716 Office for review and Planning Commission approval prior to the issuance of
717 any occupancy permits.
718 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan
719 including depictions of light spread and intensity diagrams, and fixture and
720 specifications and mounting height details shall be submitted for Planning Office
721 review and Planning Commission approval.
722 23. The easements for drainage and utilities as shown on approved plans shall be
723 granted to the County in a form acceptable to the County Attorney prior to any
724 occupancy permits being issued. The easement plats and any other required
725 information shall be submitted to the County Real Property Agent at least sixty
726 (60) days prior to requesting occupancy permits.

- 727 24. The developer shall provide fire hydrants as required by the Department of
728 Public Utilities and Division of Fire.
- 729 25. The proffers approved as a part of zoning case C-3C-98 and C-16C-98 shall be
730 incorporated in this approval.
- 731 26. Any necessary off-site drainage and/or water and sewer easements must be
732 obtained in a form acceptable to the County Attorney prior to final approval of
733 the construction plans.
- 734 27. Insurance Services Office (ISO) calculations must be included with the plans and
735 contracts and must be approved by the Department of Public Utilities prior to
736 the issuance of a building permit.
- 737 28. Approval of the construction plans by the Department of Public Works does not
738 establish the curb and gutter elevations along the Virginia Department of
739 Transportation maintained right-of-way. The elevations will be set by the
740 contractor and approved by the Virginia Department of Transportation.
- 741 29. The owners shall not begin clearing of the site until the following conditions
742 have been met:
- 743 (a) The site engineer shall conspicuously illustrate on the plan of
744 development or subdivision construction plan and the Erosion and
745 Sediment Control Plan, the limits of the areas to be cleared and the
746 methods of protecting the required buffer areas. The location of utility
747 lines, drainage structures and easements shall be shown.
- 748 (b) After the Erosion and Sediment Control Plan has been approved but
749 prior to any clearing or grading operations of the site, the owner shall
750 have the limits of clearing delineated with approved methods such as
751 flagging, silt fencing or temporary fencing.
- 752 (c) The site engineer shall certify in writing to the owner that the limits of
753 clearing have been staked in accordance with the approved plans. A
754 copy of this letter shall be sent to the Planning Office and the
755 Department of Public Works.
- 756 (d) The owner shall be responsible for the protection of the buffer areas and
757 for replanting and/or supplemental planting and other necessary
758 improvements to the buffer as may be appropriate or required to correct
759 problems. The details shall be included on the landscape plans for
760 approval.
- 761 30. The conceptual master plan, as submitted with this application, is for planning
762 and information purposes only. All subsequent detailed plans of development
763 and construction plans needed to implement this conceptual plan shall be
764 approved by the Planning Commission and shall be subject to all regulations in
765 effect at the time such subsequent plans are submitted for review/approval.
- 766 31. The location of all existing and proposed utility and mechanical equipment
767 including HVAC units, electric meters, junction and accessory boxes,
768 transformers, and generators) shall be identified on the landscape plans. All
769 equipment shall be screened by such measures as determined appropriate by the
770 Director of Planning or the Planning Commission at the time of plan approval.

- 771 32. A coordinated architectural, lighting, landscape and signage scheme shall be
772 maintained for all parcels.
- 773 33. Prior to the approval of final construction plans, a revised landscape plan for the
774 American Family Fitness property shall be submitted for review and approval.
775 Said plan will document the adequacy of sight distance at major intersections of
776 internal access drives.
- 777 34. To the extent determined possible by the Director of Planning or his designee,
778 trees over 36 inches in diameter shall be identified, protected, and preserved on
779 the construction plans.
- 780 35. For the purposes of signage, this development shall be identified as separate
781 shopping center. The maximum height of a free-standing sign shall be 10' if
782 within the 35' West Broad Street Overlay District buffer or 25' if outside the
783 buffer.
- 784 36. **REVISED** - The proposed bowling alley may be developed with a single point
785 of access, provided that modifications to the American Family Fitness driveway
786 are made in accordance with the requirements of the Director of Public Works
787 **and the Director of Planning.**
- 788 37. Cross-access agreements for the American Family Fitness driveway shall be
789 obtained prior to approval of construction plans for the bowling alley.
- 790 38. No additional development other than the proposed bowling alley shall be
791 permitted until a second point of access is provided in accordance with the
792 requirements of the Director of Public Works **and Director of Planning.**
- 793 39. Cross-access agreements for the secondary access driveway shall be obtained
794 prior to approval of construction plans for any additional development.
- 795 40. An emergency access easement across the Parc Place development shall be
796 obtained in a form acceptable to the County Attorney, prior to final approval of
797 the construction plan.
- 798 41. The site shall be graded to accommodate the construction of the emergency
799 access drive, which shall be constructed prior the occupancy of the Bowl
800 America property.

801
802 The Planning Commission approved the requested Transitional Buffer Deviation,
803 subject to the following conditions:
804

- 805 1. A 25-foot-wide enhanced transitional buffer shall be provided in lieu of the
806 required 50-foot transitional buffer and the balance of the planting requirement of
807 the 50-foot transitional buffer shall be provided elsewhere on the site.
- 808 2. An irrigation plan shall be submitted with the landscape plan, providing for the
809 irrigation of all major landscape areas.
- 810 3. The landscape and lighting plan shall be submitted for Planning Commission
811 review and approval.
812

812 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**
813 **(Deferred from the January 28, 2004, Meeting)**

814

POD-71-03
Dunn Building
3916 Mechanicsville
Turnpike

Keith Engineering, Inc. for Dorothy D. Norman:
Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to add a one-story, 5,000 square foot building addition and a parking lot. The rear wall of the building, at 17 feet high, would replace the required 35-foot transitional buffer along the rear yard. The .74-acre site is located one block south of Laburnum Avenue and Mechanicsville Turnpike on parcels 802-734-6795 and 802-735-6802. The zoning is B-3, Business District. County water and sewer.
(Fairfield)

815

816 Mr. Vanarsdall - Is anyone in the audience in opposition to POD-71-03, The Dunn
817 Building in the Fairfield District. No opposition.

818

819 Mr. Kennedy - I promise this presentation will be a little bit shorter. The Dunn
820 Building is proposing expansion of the bakery outlet store. The expansion would
821 require a future amendment to the POD for the adjoining property, which contains an
822 abandoned bank building. The plan before the Commission would restrict the future
823 drive-throughs on the adjoining property, basically some of the parking that was
824 associated with the bank was leased from this property owner now and is reverting back
825 to his property and he can use it for expansion.

826

827 In September of 2003, the Board of Zoning Appeals approved a variance to the rear
828 yard requirements for the proposed addition, and that variance necessitates a
829 transitional buffer deviation. The 35-foot wide transitional buffer ordinarily required
830 along the alley would be replaced with the rear wall of the building, which would be 17
831 ft. high and would be constructed of brick.

832

833 There would be no access to the alley from the property and the applicant has agreed to
834 screen all mechanical structures on the rear of the property, so that provides the
835 alternative for the typically required transitional buffer. Staff's previous concerns
836 regarding the parking area layout have now been addressed. The revised plan satisfies
837 all applicable zoning ordinance requirements and County design standards. Therefore,
838 staff recommends approval of the plan, subject to the annotations on the plans, the
839 standard conditions for developments of this type and the additional conditions listed on
840 the agenda.

841

842 Staff also recommends approval of the transitional buffer deviation as previously
843 approved by the Board of Zoning Appeals, subject to the annotations on the plans.

844 Mr. Vanarsdall - Any questions for Mr. Kennedy? No questions. Mr. Archer.

845

846 Mr. Archer - All right, we need two motions on this, I believe. First I move to
847 approve the transitional buffer deviation.

848

849 Mr. Marshall - Second.

850

851 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
852 in favor say aye. All opposed say no. The motion passes.

853

854 The Planning Commission approved the transitional buffer deviation for POD-71-03,
855 Dunn Building, 3916 Mechanicsville Turnpike.

856

857 Mr. Archer - I move to approve POD-71-03, Dunn Building, subject to the
858 annotations on the plans, the standard conditions for developments of this type and the
859 additional conditions Nos. 23 through 34.

860

861 Mr. Marshall - Second.

862

863 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
864 in favor say aye. All opposed say no. The motion passes.

865

866 The Planning Commission approved POD-71-03, Dunn Building, 3916 Mechanicsville
867 Turnpike, subject to the annotations on the plans, the standard conditions for
868 developments of this type and the following additional conditions:

869

870 23. The easements for drainage and utilities as shown on approved plans shall be
871 granted to the County in a form acceptable to the County Attorney prior to any
872 occupancy permits being issued. The easement plats and any other required
873 information shall be submitted to the County Real Property Agent at least sixty
874 (60) days prior to requesting occupancy permits.

875 24. The entrances and drainage facilities on Mechanicsville Turnpike (U.S. Route
876 360) shall be approved by the Virginia Department of Transportation and the
877 County.

878 25. A notice of completion form, certifying that the requirements of the Virginia
879 Department of Transportation entrances permit have been completed, shall be
880 submitted to the Planning Office prior to any occupancy permits being issued.

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

883 27. A standard concrete sidewalk shall be provided along Mechanicsville Turnpike
884 (U.S. Route 360).

885 28. Outside storage shall not be permitted.

- 886 29. Any necessary off-site drainage and/or water and sewer easements must be
887 obtained in a form acceptable to the County Attorney prior to final approval of
888 the construction plans.
- 889 30. Deviations from County standards for pavement, curb or curb and gutter design
890 shall be approved by the County Engineer prior to final approval of the
891 construction plans by the Department of Public Works.
- 892 31. The loading areas shall be subject to the requirements of Chapter 24, Section
893 24-97(b) of the Henrico County Code.
- 894 32. Insurance Services Office (ISO) calculations must be included with the plans and
895 contracts and must be approved by the Department of Public Utilities prior to
896 the issuance of a building permit.
- 897 33. Approval of the construction plans by the Department of Public Works does not
898 establish the curb and gutter elevations along the Henrico County maintained
899 right-of-way. The elevations will be set by the contractor and approved by the
900 Virginia Department of Transportation.
- 901 34. The location of all existing and proposed utility and mechanical equipment
902 (including HVAC units, electric meters, junction and accessory boxes,
903 transformers, and generators) shall be identified on the landscape plans. All
904 equipment shall be screened by such measures as determined appropriate by the
905 Director of Planning or the Planning Commission at the time of plan approval.

906
907
908

PLAN OF DEVELOPMENT

POD-31-04
Advance Auto Parts -
Brook Road
(POD-106-84 Revised)

AES Consulting Engineers for Strelitz Brook Road, LLC, and The Crown Companies, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 7225 square foot automotive retail store. The 0.8-acre site is located along the west line of Brook Road (U.S. Route 1), approximately 300 feet south of Lakeside Avenue on part of parcel 784-751-4627. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

909

910 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-31-04,
911 Advance Auto Parks – Brook Road? No opposition. Good morning, Mr. Wilhite.

912

913 Mr. Wilhite - Good morning, Mr. Chairman. Thank you. There is a revised site
914 plan that staff received on Friday being handed out to you. This revision addressed
915 staff's concerns about showing the proposed out parcel boundary line and also reflected
916 the requested dedication of right of way on Brook Road. This parcel is to be sold from
917 what is now part of the Dump Furniture Store parking lot. The design of this out parcel
918 did require that the parking area behind this be redesigned to eliminate dead end parking
919 aisles, which staff requested, and the applicant agreed to. It does result in more green

920 space being added to the existing parking lot for the Dump. Also, I was informed by the
921 engineer that the applicant has agreed to alter the parapet on the building to make sure
922 that it screens the roof top HVAC. They also agreed to enclose the parapet in the rear of
923 the building, which was originally shown as an open area. On Page 4 of your Addendum
924 there is a revised caption that changed the acreage from 0.657 to 0.8 acres. Also, that
925 reflects the staff's new recommendation for approval. If you have any questions, I will
926 be happy to answer them.

927
928 Mr. Vanarsdall - Any questions for Mr. Wilhite by Commission members. No
929 questions. Mr. Archer, do you want to hear from the applicant?

930
931 Mr. Archer - I don't think we need to, Mr. Vanarsdall.

932
933 Mr. Vanarsdall - All right. I will entertain a motion.

934
935 Mr. Archer - All right. This area, of course, as you know, is in the Brook Road
936 Enhancement Plan area and Mr. Wilhite I appreciate you working so hard on this. With
937 that I will move approval of POD-31-04, Advance Auto Parts, subject to the annotations
938 on the plan, standard conditions for development of this type, and the additional
939 conditions listed in the Agenda, which were 23 through 31.

940
941 Mr. Marshall - Second.

942
943 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
944 in favor say aye. All opposed say no. The motion passes.

945
946 The Planning Commission approved POD-31-04, Advance Auto Parts – Brook Road
947 (POD-106-84 Revised), subject to the standard conditions for developments of this type,
948 the annotations on the plan and the following additional conditions:

- 949
950 23. The easements for drainage and utilities as shown on approved plans shall be
951 granted to the County in a form acceptable to the County Attorney prior to any
952 occupancy permits being issued. The easement plats and any other required
953 information shall be submitted to the County Real Property Agent at least sixty
954 (60) days prior to requesting occupancy permits.
- 955 24. The developer shall provide fire hydrants as required by the Department of
956 Public Utilities and Division of Fire.
- 957 25. A standard concrete sidewalk shall be provided along the west side of Brook
958 Route (U.S. Route 1).
- 959 26. Outside storage shall not be permitted.
- 960 27. Deviations from County standards for pavement, curb or curb and gutter design
961 shall be approved by the County Engineer prior to final approval of the
962 construction plans by the Department of Public Works.

- 963 28. Insurance Services Office (ISO) calculations must be included with the plans and
964 contracts and must be approved by the Department of Public Utilities prior to
965 the issuance of a building permit.
- 966 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted
967 to the Planning Office and approved prior to issuance of a certificate of
968 occupancy for this development.
- 969 30. The location of all existing and proposed utility and mechanical equipment
970 (including HVAC units, electric meters, junction and accessory boxes,
971 transformers, and generators) shall be identified on the landscape plans. All
972 equipment shall be screened by such measures as determined appropriate by the
973 Director of Planning or the Planning Commission at the time of plan approval.
974

975 **SUBDIVISION (Deferred from the February 25, 2004, Meeting)**
976

Dorey Mill
(December 2003 Plan)

**Engineering Design Associates for Pruitt Properties,
Inc. and Loftis Real Estate & Development, Inc.:**
The 220.53 acre site proposed for a subdivision of 134
single-family homes is centered between Charles City
and Darbytown Roads and Gill Dale Park and Yahley
Mill Road on parcels 840-692-7093; 836-695-0386;
837-695-5661 and 837-693-5764. The zoning is A-1,
Agricultural District. Individual well and Septic
Tank/Drainfield. **(Varina) 134 Lots**

977

978 Mr. Vanarsdall - The name of this case is Dorey Mill in the Varina District. Is
979 there any opposition? No opposition. Good morning, Mr. McGarry.

980

981 Mr. McGarry - Good morning, Mr. Chairman, and members of the Commission.
982 The subdivision was deferred from the February 25, 2004 meeting at the applicant's
983 request. The proposed subdivision is located on four parcels, which are centered in a
984 large block of land bounded by combination of minor arterial, major-minor collectors and
985 proposed Gill Dale Park. The subject site is bisected by a Major Thoroughfare Plan
986 roads named Kara Drive and Forest Drive. At the April 13, 2004 Board meeting, the
987 Major Thoroughfare Plan was amended to delete Kara Drive and Forest Drive. To
988 improve the distribution of traffic from the subdivision and alleviate further traffic impact
989 on Gill Dale Road, staff strongly recommends an additional residential street connection
990 to Yahley Mill Road to the west. This can be accomplished with an existing 50-foot wide
991 access strip, which is part of this property that is shown on the location map in front of
992 you.

993

994 Staff can recommend approval, subject to standard conditions for subdivisions not served
995 by public utilities and conditions Nos. 11 through 13. I would be happy to answer any
996 questions.
997

998 Mr. Vanarsdall - Any questions for Mr. McGarry by Commission members? All
999 right, Mr. Jernigan. Do you want to hear from the applicant?
1000
1001 Mr. Jernigan - I don't really need to hear. We worked on this thing quite a bit. I
1002 just have a statement that I know staff is looking for a third point of access and the Board
1003 of Supervisors knocked out bring through Kara Drive, because they didn't feel it was fair
1004 to dump all of that residential traffic through Kara, which probably would have been
1005 pretty popular. We have two points of access. It is what Code calls for. It is 134 lots
1006 and it is consistent with a lot of other subdivisions that we have. So, with that I am going
1007 to move for approval.
1008
1009 Mr. Vanarsdall - Ms. Isaac, you got your exercise this morning?
1010
1011 Mr. Jernigan - Laraine, if you want to say something, you can.
1012
1013 Ms. Isaac - I just want to add that that strip going out to Yahley Mill is under
1014 water and it is too narrow to build. You can't build a road in 50 feet. So, it wouldn't
1015 work anyway.
1016
1017 Mr. Vanarsdall - Would you identify yourself?
1018
1019 Ms. Isaac- I am sorry. I am Laraine Isaac with Engineering Design
1020 Associates.
1021
1022 Mr. Silber- Let me ask one question. There is one access proposed to Gill
1023 Dale and one access through to Bradbury. Are the residents of Bradbury aware of this
1024 connection?
1025
1026 Ms. Isaac - I am not aware unless the Planning office notified them.
1027
1028 Mr. Silber - We are not required to notify them, so we did not. I guess, Mr.
1029 Jernigan, what I hear you saying is you think it is adequate to have access to Bradbury
1030 and Gill Dale. If there is some later concern with access through Bradbury, then they
1031 would be down to one point of access and I think this whole thing needs to be revisited.
1032 But with the plan shown this way, you are correct. There are two points of access.
1033
1034 Mr. Jernigan - Well, I don't foresee that we would have a problem on Bradbury,
1035 but if we do we will have to adjust it. As it stands right now, we have two points of
1036 access with 134 lots, and we meet Code, and that, to me, I think is OK.
1037
1038 Mr. Vanarsdall - OK.
1039
1040 Mr. Jernigan - Thank you, Ms. Isaac.
1041

1042 Mr. Vanarsdall - Any more questions by Commission members? Do you have
1043 anything else, Mr. McGarry?

1044
1045 Mr. McGarry - No, sir, I do not.

1046
1047 Mr. Vanarsdall - OK, then we will entertain a motion.

1048
1049 Mr. Jernigan - With that I will move for approval of Dorey Mill Subdivision in
1050 the Varina District, subject to the standard conditions for subdivisions not served by
1051 Public Utilities and the following additional conditions Nos. 11 through 13.

1052
1053 Mr. McGarry - You need to delete 13.

1054
1055 Mr. Jernigan - I am sorry. Excuse me.

1056
1057 Mr. Silber- So your motion is to delete 13?

1058
1059 Mr. Jernigan - Yes, sir, delete 13.

1060
1061 Mr. Marshall - Second.

1062
1063 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall.
1064 All in favor say aye. All opposed say no. The motion passes.

1065
1066 The Planning Commission approved Subdivision Dorey Mill (December 2003 Plan),
1067 subject to the standard conditions for subdivisions not served by public utilities and the
1068 following additional conditions:

1069
1070 11. The detailed plant list and specifications for the landscaping to be provided
1071 within the 25-foot-wide planting strip easement along Gill Dale Road shall be
1072 submitted to the Planning Office for review and approval prior to recordation of
1073 the plat.

1074 12. Provide a 10-foot-wide pedestrian access easement to Gill Dale Park at a
1075 location acceptable to the Director of Recreation and Parks.

1076
1077 **SUBDIVISION**

1078
Glendale Estates
(April 2004 Plan)
Engineering Design Associates for Stuart E. Tompkins & Peggy C. Tompkins and Wilton Real Estates & Development Corp.: The 63.92-acre site proposed for a subdivision of 33 single-family homes is located on the north line of Charles City Road approximately 300 feet west of its intersection with Darbytown Road and Willis Road (State Route 156) on

part of parcel 851-689-0862. The zoning is A-1, Agricultural District and ASO (Airport Safety Overlay) District. Individual well and septic tank/drainfield.
(Varina) 33 Lots

1079

1080 Mr. Vanarsdall - Is anyone in the audience here in opposition to Glendale Estates?

1081 No opposition. Mr. Wilhite.

1082

1083 Mr. Wilhite - Thank you. Henrico Department of Recreation and Parks has
1084 notified us that there is a number of significant factors about this site. First, the
1085 subdivision falls within an area of intense fighting during the Battle of Glendale, which
1086 was on June 30, 1862. Also, the Civil War Preservation Trust selected this site as one of
1087 the 10 most endangered battlefields in the U. S. The Battle of Glendale saw some of the
1088 war's worst hand-to-hand combat as well as 6,500 casualties. Much of this original
1089 battlefield is undisturbed and is still in good integrity. These concerns have also been
1090 echoed by the National Park Service, as well. The staff is recommending that the
1091 applicant delineate the existing earthworks and other existing features that may be on the
1092 site and to incorporate these features into the overall development and that an effort
1093 should be made to protect them during construction with a conservation easement placed
1094 on them for future protection.

1095

1096 The site also has a number of other existing physical restraints that will affect the final
1097 development. There are high voltage power lines, wetlands, a stream protection area and
1098 also undelineated County floodplain exists at the rear of this project, and they greatly
1099 affect buildable areas in Lots 11, 12, 13 and 24.

1100

1101 Staff has crafted three additional conditions that appear on your Addendum on Page 6.
1102 They are 18, 19 and 20 that we are recommending approval with. We had not heard
1103 from the applicant until this morning and they appear to be willing to accept the
1104 conditions. No. 17 deals with the need for a floodplain study to be conducted and the
1105 floodplain to be delineated on the construction plans for the subdivision. No. 18 requires
1106 the applicant to consult with the Division of Recreation and Parks on any historical
1107 findings as development progresses. A copy of any study identifying and protecting
1108 historic resources which may be required by State or Federal agencies through its
1109 permitting process shall be submitted to the Planning Office and Division of Recreation
1110 and Parks prior to final approval of construction plans. No. 19 states that if historical
1111 resources are identified on the site, the developer shall make the best efforts to coordinate
1112 the timing of construction activities with the Director of Recreation and Parks to allow
1113 mapping and further documentation.

1114

1115 With those added conditions, staff can recommend approval of the plan, with the plan
1116 annotations. I will be happy to answer any questions that you have.

1117

1118 Mr. Vanarsdall - Any questions for Mr. Wilhite by Commission members?

1119
1120 Mr. Jernigan - Mr. Wilhite, did we clear with Parks and Recreation, who we
1121 spoke, Ms. Goggin?
1122
1123 Ms. Goggin - I am Christina Goggin, the planner that worked this case. I did
1124 speak with Chuck Peples from Parks and Recreation and it appears that there was a
1125 misunderstanding. They do support the conditions.
1126
1127 Mr. Jernigan - OK. Who did you speak to?
1128
1129 Ms. Goggin - Chuck Peples.
1130
1131 Mr. Jernigan - Maybe I had better ask the applicant this when he comes up. Mr.
1132 Wilhite, I don't have anything else right now. I would like to have the applicant come
1133 up.
1134
1135 Mr. Wilhite - Yes, sir. Laraine Isaac from Engineering Design is here, as well
1136 as Hank Wilton, the developer.
1137
1138 Mr. Jernigan - Hank, there is a lot of wetland and a lot of low land in here. Now,
1139 I know this is just a conceptual plan and you have shown a lot of lots in here, but on
1140 Glendale Estates Drive, that is wet and low. Now, are you planning on filling this?
1141
1142 Ms. Isaac - Laraine Isaac. I talked with you about that earlier. The high point
1143 of the site is very close to Charles City Road and then it all goes down hill. There will
1144 be some impact on some wetlands, but we are not aware of the extensive wetlands that
1145 you are talking about. I think there is some fill in that is going to have to be done, but
1146 the surveyor doesn't seem to see the problems that you do.
1147
1148 Mr. Jernigan - Maybe I should ask you this way. Are we planning on going to
1149 the wetlands bank for this?
1150
1151 Ms. Isaac - No.
1152
1153 Mr. Jernigan - So, if it is deemed that it is too wet back there, you all are just
1154 going to back off that cul-de-sac...
1155
1156 Ms. Isaac - We are going to have to. Yes.
1157
1158 Mr. Jernigan - We are not planning on going through the Federal agencies to fill
1159 this property?
1160
1161 Ms. Isaac - No.
1162

1163 Mr. Jernigan - OK. Do you all concur with the Addendum?
1164
1165 Ms. Isaac - Yes. It has all been clarified now.
1166
1167 Mr. Jernigan - OK. The reason for that is as was mentioned, this was a fierce
1168 fight where 6,500 dropped, and they didn't have trenches, per se. I don't know if there
1169 is that much earth works on this location, but there may be some bodies. So, during
1170 construction if anything happens, we need to stop right there.
1171
1172 Ms. Isaac - You have to really take care of those and do it quickly.
1173
1174 Mr. Jernigan - Because that was a fierce fight. OK. Thank you, Ms. Isaac.
1175
1176 Mr. Vanarsdall - Are there any more questions for Ms. Isaac? If there is nothing
1177 else, Mr. Jernigan, we are ready for a motion.
1178
1179 Mr. Jernigan - All right, Mr. Chairman. I make a motion to approve the
1180 Glendale Estates Subdivision (April 2004 Plan), subject to the standard conditions for
1181 subdivisions not served by public utilities and the following additional conditions, Nos.
1182 11 through 17 and Nos. 18, 19 and 20 on the Addendum.
1183
1184 Mr. Marshall- Second. Mr. Jernigan, we have two 17s.
1185
1186 Mr. Jernigan - I was going to question Mr. Wilhite, but they changed it when it
1187 came up here to 18, 19 and 20 on the Addendum, because we had two 17s. Mr. Wilhite
1188 caught it prior to his speech. He was on top of it.
1189
1190 Mr. Silber - So we have three additional conditions, Nos. 18, 19, and 20.
1191
1192 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All
1193 in favor say aye. All opposed say no. The motion passes.
1194
1195 The Planning Commission approved Subdivision Glendale Estates (April 2004 Plan),
1196 subject to the standard conditions for subdivisions not served by public utilities and the
1197 following additional conditions:
1198
1199 11. Prior to requesting recordation, the developer shall furnish a letter from
1200 Dominion Virginia Power stating that this proposed development does not
1201 conflict with its facilities.
1202 12. Each lot shall contain at least 43,560 square feet, exclusive of the flood plain
1203 areas.
1204 13. The limits and elevation of the 100-year frequency flood shall be conspicuously
1205 noted on the plat and construction plans and labeled "Limits of 100 year

- 1206 floodplain." Dedicate floodplain as a "Variable Width Drainage & Utilities
 1207 Easement."
 1208 14. The detailed plant list and specifications for the landscaping to be provided within
 1209 the 25-foot-wide planting strip easement along Charles City Road shall be
 1210 submitted to the Planning Office for review and approval prior to recordation of
 1211 the plat.
 1212 15. Any necessary offsite drainage easements must be obtained prior to approval of
 1213 the construction plan by the Department of Public Works.
 1214 16. Any future building lot containing a BMP, sediment basin or trap and located
 1215 within the buildable area for a principal structure or accessory structure, may be
 1216 developed with engineered fill. All material shall be deposited and compacted in
 1217 accordance with the Virginia Uniform Statewide Building Code and geotechnical
 1218 guidelines established by a professional engineer. A detailed engineering report
 1219 shall be submitted for the review and approval by the Building Official prior to
 1220 the issuance of a building permit on the affected lot. A copy of the report and
 1221 recommendations shall be furnished to the Directors of Planning and Public
 1222 Works.
 1223 17. Prior to requesting final approval, the engineer shall furnish the Planning Staff a
 1224 plan showing a dwelling situated on Lots 11, 12 and 24 to determine if the lot
 1225 design is adequate to meet the requirements of Chapter 24, of the Henrico County
 1226 Code.
 1227 18. **ADDED** - A floodplain study is to be conducted as part of, and the floodplain is
 1228 to be delineated on, the Construction Plans.
 1229 19. **ADDED** - The applicant shall consult with the Division of Recreation and Parks
 1230 on any historical findings as development progresses. A copy of any study
 1231 identifying and protecting historic resources, which may be required by a state
 1232 or federal agency through its permitting process, shall be submitted to the
 1233 Planning Office and Division of Recreation and Parks prior to final approval of
 1234 the construction plans.
 1235 20. **ADDED** - If historical resources are identified on site, the developer shall make
 1236 best efforts to coordinate the timing of construction activities with the Director
 1237 of Recreation and Parks to allow mapping and photo documentation.
 1238

1239 **SUBDIVISION**

1240 Staples Mill Trace
 (April 2004 Plan)

Timmons Group for William C. Kelley and Rogers-Chenault, Inc.: The 7.52-acre site proposed for a subdivision of 13 single-family homes is located along the west line of Staples Mill Road (U.S. Route 33), approximately 450 feet north of Hungary Road on parcel 766-760-5380. The zoning is R-2, One-Family Residence District. County water and sewer.
(Brookland) 13 Lots

1241

1242 Mr. Vanarsdall - Is anyone in the audience in opposition to Staples Mill Trace? No
1243 opposition. Mr. Wilhite.

1244
1245 Mr. Wilhite- Thank you. Being handed out to you currently is a revised site plan
1246 that staff received last week with staff's annotations on it. Staff made the request of the
1247 applicant to redesign the street layout in the subdivision to provide a stub street to the
1248 vacant property to the north in order for future development to access what is the only
1249 cross over on Staples Mill Road, currently between Hungary Road and the Cross Ridge
1250 development. This resulted in a better lot design and probably actually saved the
1251 applicant a lot that they probably would have lost. On Page 7 of your Addendum there is
1252 a revised recommendation for approval. Staff recommends approval of the revised plans
1253 with the annotations on them and conditions Nos. 1 through 12. Terry Cave is here from
1254 Timmons if you have any questions of the engineer.

1255
1256 Mr. Vanarsdall - Any questions for Mr. Wilhite by Commission members? I had
1257 one question, what Christina just handed out. What is the date of that?

1258
1259 Mr. Wilhite - We received that, I believe, on the 13 of last week.

1260
1261 Mr. Vanarsdall - So that is the one we are approving, 4/13/04.

1262
1263 Mr. Wilhite - We will date it today if it is approved today.

1264
1265 Mr. Silber - But it was received on the 13th.

1266
1267 Mr. Vanarsdall - Thank you. With that I move that we approve Subdivision Staples
1268 Mill Trace (April 2004 Plan), 13 lots, and the Addendum. Mr. Wilhite says the staff is
1269 recommending it, and standard conditions for subdivisions served by public utilities and
1270 additional condition No. 12, and the annotations on the plan.

1271
1272 Mr. Jernigan - Second.

1273
1274 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan.
1275 All in favor say aye. All opposed say no. The motion passes.

1276
1277 The Planning Commission approved Subdivision Staples Mill Trace (April 2004 Plan),
1278 subject to the annotations on the plan, the standard conditions for subdivisions served by
1279 public utilities and the following additional condition:

1280
1281 12. The detailed plant list and specifications for the landscaping to be provided within
1282 the 25-foot-wide planting strip easement along Staples Mill Road (U.S. Route 33)
1283 shall be submitted to the Planning Office for review and approval prior to
1284 recordation of the plat.

1285

1286 **SUBDIVISION & SPECIAL EXCEPTION**
1287

Stone Mill
(April 2004 Plan)

Engineering Design Associates for Ida R. Jeter, Charles P. and Fannie Stout, and Mojave, LLC:
The 8.12-acre site, proposed for a subdivision of 16 single-family homes is located at the southeast corner of the intersection of Staples Mill Road (U.S. Route 33) and Old Springfield Road, on parcels 761-771-2932 and 6141. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Brookland) 16 Lots**

1288

1289 Mr. Vanarsdall - Anyone in the audience in opposition to Stone Mill in the
1290 Brookland District? April 2004 Plan. No opposition. Good morning, Ms. News.

1291 Ms. News - Good morning, Mr. Chairman and members of the Commission.

1292

1293 Mr. Vanarsdall - We have two motions on this, don't we? One special exception
1294 and one subdivision?

1295

1296 Ms. News - That is correct. This plan proposes a 16-lot subdivision at the
1297 corner of Staples Mill Road and Old Springfield Road. In accordance with the proffers
1298 for rezoning cases C-65C-03 and C-1C-04, this plan is limited to two units per acre,
1299 provides a minimum 85 ft. lot width for all lots, and restricts access to Staples Mill Road,
1300 with only the existing house located at 4165 Old Springfield Road having direct access
1301 from Old Springfield Road. There were concerns for the original plan in regard to
1302 VDOT requirements for construction within the Limited Access Fence for I-295. A
1303 drainage structure was originally proposed within the limited access area. However, the
1304 applicant's engineer has revised the plan and that revised plan was included with your
1305 Agenda to remove the drainage structure from the Limited Access limits and, therefore,
1306 VDOT is now satisfied with the plan. The revised plan also satisfies staff's concerns for
1307 Lot 3, which originally did not appear to have adequate buildable area. In general, the
1308 revised plan satisfies all of the staff's concerns at this time. However, because Lots 4, 5,
1309 6 and 9 have frontage on two minor streets with a right of way of less than 60 feet in
1310 width, a special exception is required for double frontage lots. The schematic plan
1311 submitted with the rezoning case anticipated this general layout on the site. As you are
1312 aware, staff makes no recommendations for special exceptions. Laraine Isaac with
1313 Engineering Design Associates is here today to represent the applicant. She can further
1314 discuss the special exception and answer any questions you may have. With that said,
1315 provided the Commission grants the special exception, staff recommends approval subject
1316 to the standard conditions for subdivisions served by public utilities and conditions No.
1317 12 through 16 in the Agenda.

1318

1319 Mr. Vanarsdall - Any questions by Commission members for Ms. News? I don't
1320 need to hear from the applicant unless you have something to offer.

1321
1322 Mr. Silber - I think she needs to speak to the special exception.
1323
1324 Mr. Vanarsdall - All right.
1325
1326 Ms. Isaac - We would like a special exception.
1327
1328 Mr. Marshall - I think that will satisfy Mr. Vanarsdall.
1329
1330 Mr. Jernigan - That was a long speech, Laraine.
1331
1332 Ms. Isaac - Good morning, again. Laraine Isaac. This is basically the layout
1333 that was submitted with the rezoning request. There is no access to Old Springfield.
1334 There will be a-25 foot landscaping strip, no ingress, no egress, and we would like a
1335 special exception.
1336
1337 Mr. Vanarsdall - Thank you. Any questions for Ms. Isaac? Thank you, Ms. Isaac.
1338
1339 Ms. Isaac - Thank you.
1340
1341 Mr. Vanarsdall - I move that Stone Mill (April 2004 Plan) in the Brookland District
1342 be approved. First of all, I want to approve the special exception.
1343
1344 Mr. Marshall - Mr. Chairman, I will be abstaining on this case. Can I get a
1345 second from someone out there?
1346
1347 Mr. Archer - I second the motion, Mr. Chairman.
1348
1349 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Archer. All in
1350 favor say aye. All opposed say no. The motion passes. Mr. Marshall abstained.
1351
1352 The Planning Commission approved special exception for Subdivision Stone Mill (April
1353 2004 Plan).
1354
1355 Mr. Vanarsdall - I move that Subdivision Stone Mill (April 2004 Plan) be approved,
1356 16 lots, subject to the annotations on the plans, standard conditions for subdivisions
1357 served by public utilities and conditions Nos. 12 through 16.
1358
1359 Mr. Jernigan - Second.
1360
1361 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Jernigan. All in
1362 favor say aye. All opposed say no. The motion passes. Mr. Marshall abstained.
1363

1364 The Planning Commission approved Stone Mill Subdivision (April 2004 Plan), subject to
1365 the standard conditions for subdivisions served by public utilities and the following
1366 additional conditions:

- 1367
- 1368 12. Each lot shall contain at least 13,500 square feet.
 - 1369 13. Any necessary offsite drainage easements must be obtained prior to approval of
1370 the construction plan by the Department of Public Works.
 - 1371 14. The proffers approved as part of zoning cases C-65C-03 and C-1C-04 shall be
1372 incorporated in this approval.
 - 1373 15. Any future building lot containing a BMP, sediment basin or trap and located
1374 within the buildable area for a principal structure or accessory structure, may be
1375 developed with engineered fill. All material shall be deposited and compacted in
1376 accordance with the Virginia Uniform Statewide Building Code and geotechnical
1377 guidelines established by a professional engineer. A detailed engineering report
1378 shall be submitted for the review and approval by the Building Official prior to
1379 the issuance of a building permit on the affected lot. A copy of the report and
1380 recommendations shall be furnished to the Directors of Planning and Public
1381 Works.
 - 1382 16. The detailed plant list and specifications for the landscaping to be provided within
1383 the 25-foot-wide planting strip easement along Staples Mill and Old Springfield
1384 Roads shall be submitted to the Planning Office for review and approval prior to
1385 recordation of the plat.
- 1386

1387 **SUBDIVISION**
1388

Three Notch Place (April 2004 Plan)	Balzer & Associates, Inc. for TC&P LLC: The 14.825-acre site proposed for a subdivision of 74 townhouses for sale is located at the southeast intersection of Pump Road and Three Chopt Road on part of parcel 739-759-9539. The zoning is RTHC, Residential Townhouse District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. (Three Chopt) 74 Lots
--	--

1389
1390 Mr. Vanarsdall - Is there any opposition in the audience for this case? No
1391 opposition. Mr. Wilhite.

1392
1393 Mr. Wilhite - We just handed out a plan that staff received on Wednesday of last
1394 week. We have reviewed it and it does have staff's annotations. The revised plan shows
1395 the removal of one unit from Block A and relocated to Block L in keeping with what was
1396 the proffered layout of this subdivision with the rezoning case. It also shows the
1397 dedication required along Three Chopt Road. It is not anticipated that any dedication
1398 with John Rolfe Parkway will be needed at this point. The applicant has also provided
1399 the necessary water quantity and water quality information, as well as the environmental

1400 information that was lacking. This site is located in the West Broad Street Overlay
1401 District and along Pump Road, Three Chopt Road and future John Rolfe Parkway, a 35-
1402 foot streetscape buffer is required. The applicant has submitted a written request for a
1403 deviation and actually requested that the buffer be reduced from 35 feet to 25 feet and
1404 would also allow them to encroach up to 10 feet with the lots into the buffer area. Staff
1405 has reviewed the request and actually what staff recommends is that the 35 foot buffer
1406 remain, but we would allow the lots to encroach up to 10 feet into this buffer, as long as
1407 there are no fences or other structures on these portions of the lot, and that these areas
1408 also are available to be landscaped if necessary. In talking with the applicant last night, it
1409 seems that they are agreeable to staff's recommendation on the buffer deviation. This
1410 would require a separate motion by the Planning Commission to approve the buffer
1411 deviation. If that is approved, staff is in a position to recommend approval of the revised
1412 plan with the annotations on it, as well as the conditions Nos. 1 through 13.

1413
1414 Mr. Vanarsdall - Any questions for Mr. Wilhite?

1415
1416 Mr. Silber - Mr. Wilhite, the encroachment in the 35 foot buffer is just with the
1417 lots. There is no impervious coverage in that 35 feet.

1418
1419 Mr. Wilhite - No, sir. There would be up to 10 feet of encroachment into lots
1420 and this is actually lots 1C, 2C and 3C, located along Three Chopt Road. That would
1421 require some alteration of the block arrangement, and actually we will wind up with a lot
1422 that, 3C, would be roughly 100 feet wide. Lots 1D along Pump Road may protrude into
1423 the buffer slightly. There is the ability to adjust the location of that block of lots to
1424 minimize any intrusion into it. The only other lots that would be affected are lots in
1425 Block M, 1 through 4, which may be affected by the construction of John Rolfe
1426 Parkway, but the plan is annotated to provide at least 25 feet of buffer area between the
1427 ultimate right-of-way line and the back of these lots.

1428
1429 Mr. Silber - Have you discussed with the applicant whether there will be fences
1430 kept outside of that buffer as well?

1431
1432 Mr. Wilhite - We had discussed with the engineer the fact that we would
1433 recommend that no fences or any other storage sheds be placed on these portions of the
1434 lots within the buffer and that they would be landscaped as necessary at the time of
1435 landscape plan approval.

1436
1437 Mr. Silber - OK. Thank you.

1438
1439 Mr. Marshall - Mr. Chairman, I make a motion first that we allow a deviation
1440 from the 35 foot buffer in the West Broad Street Overlay District to allow for a 25-foot
1441 buffer along Three Chopt, Pump and John Rolfe Parkway.

1442
1443 Mr. Jernigan - Second.

1444

1445 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All
1446 in favor say aye. All opposed say no. The motion passes.

1447

1448 Mr. Marshall - Mr. Chairman, I move approval of Subdivision Three Notch Place
1449 subject to the revised plan, the annotations on the plan, standard conditions for
1450 developments of this type and additional conditions Nos. 12 and 13.

1451

1452 Mr. Archer - Second.

1453

1454 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Archer. All
1455 in favor say aye. All opposed say no. The motion passes.

1456

1457 The Planning Commission approved Three Notch Place Subdivision (April 2004 Plan),
1458 subject to the revised plan, the annotations on the plan, the standard conditions for
1459 developments of this type and the following additional conditions:

1460

1461 12. The proffers approved as part of zoning case C-58C-03 shall be incorporated in
1462 this approval.

1463 13. Prior to requesting the final approval, a draft of the covenants and deed
1464 restrictions for the maintenance of the common area by a homeowners association
1465 shall be submitted to the Planning Office for review. Such covenants and
1466 restrictions shall be in form and substance satisfactory to the County Attorney and
1467 shall be recorded prior to recordation of the subdivision plat.

1468

1469 **SUBDIVISION**

1470

Villages @ The Crossings
(April 2004 Plan)

**Bay Design Group, P.C. for Sauer Properties, Inc.
and Wilton Real Estate & Development
Corporation:** The 118.39 acre site is proposed for a
subdivision of 175 residential townhouses located on
the east side of I-95, residential townhouses extending
north from Virginia Center Parkway approximately
2000 feet on part of parcel 788-771-3457. The zoning
is RTHC, Residential Townhouse District
(Conditional). County water and sewer. **(Fairfield)**
180 Lots

1471

1472 Mr. Vanarsdall - Anyone in the audience in opposition on behalf of the Villages @
1473 The Crossings, residential townhouses, in the Fairfield District? No opposition. Mr.
1474 McGarry.

1475

1476 Mr. McGarry - Good morning, Mr. Chairman. There is a revised plan that is
1477 being handed out to you. This plan is for a full 180 lots, the maximum lots under the

1478 proffers. It was redesigned to respect the RPA, movement of the proffered berm out of
1479 the utility easement the County has, and provide calculations for the required recreation
1480 area. Staff is satisfied this plan meets all of the standards for the residential townhouse
1481 development and the proffers. Staff recommends approval, subject to the standard
1482 conditions for subdivisions served by public utilities, conditions 13 and 14 on your
1483 Agenda and on the Addendum Condition 15 which relates to the use of engineered fill
1484 and to address the concerns of the Department of Public Utilities, a substitute condition
1485 for Addendum item No. 16 is proposed. Essentially, Public Works wanted a little bit
1486 stronger wording than what I had. They asked that it read as “The applicant agrees to
1487 meet the four concerns for the Department of Public Utilities regarding the Pump Station
1488 access as outlined in the Bay Design letter dated April 20,2004. That is the language
1489 they wanted, not what I put together. With that, staff can recommend approval and I
1490 would be happy to answer any questions.

1491
1492 Mr. Vanarsdall - Any questions for Mr. McGarry from Commission members? No
1493 questions.

1494
1495 Mr. Archer - Mr. McGarry, that pumping station. Is that right at the edge of the
1496 County line?

1497
1498 Mr. McGarry - It is at the top of your screen outside of the colored area.

1499
1500 Mr. Archer - I know where it is. I have been there many times.

1501
1502 Mr. McGarry - The County line is just immediately beyond that. The river there
1503 is your boundary.

1504
1505 Mr. Archer - All right. Mr. Chairman, I recommend for approval Subdivision
1506 Villages @ The Crossings (April 2004 Plan), subject to the standard conditions for
1507 subdivisions served by public utilities, additional conditions Nos. 13,14, and 15 and 16
1508 on the Addendum.

1509
1510 Mr. Marshall - Second.

1511
1512 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All
1513 in favor say aye. All opposed say no. The motion passes.

1514
1515 The Planning Commission approved Subdivision Villages @ The Crossings (April 2004
1516 Plan), subject to the standard conditions for subdivisions served by public utilities and the
1517 following additional conditions:

1518
1519 13. The proffers approved as part of zoning case C-3C-04 shall be incorporated in
1520 this approval.

- 1521 14. The limits and elevation of the 100-year frequency flood shall be conspicuously
1522 noted on the plat and construction plans and labeled "Limits of 100 year
1523 floodplain." Dedicate floodplain as a "Variable Width Drainage & Utilities
1524 Easement."
- 1525 15. **ADDED** - Any future building lot containing a BMP, sediment basin or trap and
1526 located within the buildable area for a principal structure or accessory structure,
1527 may be developed with engineered fill. All material shall be deposited and
1528 compacted in accordance with the Virginia Uniform Statewide Building Code and
1529 geotechnical guidelines established by a professional engineer. A detailed
1530 engineering report shall be submitted for the review and approval by the Building
1531 Official prior to the issuance of a building permit on the affected lot. A copy of
1532 the report and recommendations shall be furnished to the Directors of Planning
1533 and Public Works.
- 1534 16. **ADDED** - The applicant agrees to meet the 4 concerns of the Department of
1535 Public Utilities regarding the Pump Station access as outlined in the Bay Design
1536 letter dated April 20, 2004.
1537

1537 **LANDSCAPE & LIGHTING PLAN**
1538

LP/POD-38-03 **Purvis & Associates Inc., L.D. for Retlaw 100,**
Retail Shops at the Town **LLC:** Request for approval of a landscape and lighting
Center @ Twin Hickory plan, as required by Chapter 24, Sections 24-106 and
24-106.2 of the Henrico County Code. The 0.67-acre
site is located approximately 800 feet north of the
intersection of Nuckols Road and Twin Hickory Road
on parcel 746-773-1046. The zoning is B-2C, Business
District (Conditional). **(Three Chopt)**

1539
1540 Mr. Vanarsdall - Is there any opposition to this case, which is POD-38-03, Retail
1541 Shops @ Twin Hickory in the Three Chopt District? No opposition. Good morning, Mr.
1542 Strauss.

1543
1544 Mr. Strauss - Good morning, Mr. Chairman, and members of the Commission.
1545 This application is for approval of both a landscape and lighting plan, for the proposed
1546 Bottoms Up Pizza and Brewster's Ice Cream establishment at the Town Center at Twin
1547 Hickory. The Town Center is subject to proffers and this particular portion of the town
1548 center was also the subject of a Provisional Use Permit for an outdoor dining area, which
1549 was approved by the Board last September. As you can see from the agenda, staff has
1550 several issues with this application. Last week we received a revised plan, which we
1551 have handed out this morning. The revised plan addresses most of the issues. The
1552 revised plan now shows planters in the approved outdoor dining area as originally
1553 indicated in the Provisional Use Permit. The revised plan also has 100 watt decorative
1554 light fixtures for the outdoor dining area instead of the 400 watt fixtures as originally
1555 proposed. The revised plan also has reduced the intensity of the remaining lighting on
1556 the building, as staff felt the lighting was excessive. The revised plan does have a
1557 remaining issue to resolve, as there are now two decorative light fixtures that were placed
1558 in the County sanitary sewer easement within the outdoor dining area. We have had a
1559 meeting with the Department of Public Utilities this morning and we have agreed to
1560 relocate those two light poles. So with that, staff is now recommending approval subject
1561 to the standard conditions for landscape and lighting plans and the annotated plan, which
1562 was dated April 21, 2004.

1563
1564 Mr. Vanarsdall - Any questions for Mr. Strauss? No questions. Mr. Marshall. Do
1565 you want to hear from Ms. Purvis?

1566
1567 Mr. Marshall - No, sir. I have talked to Mr. Strauss numerous times about this
1568 case and he was able to secure it from an applicant to reduce lighting that he was looking
1569 for, so I am comfortable with this and with that I will move approval of LP/POD-38-03,
1570 subject to the April 21, 2004 plan that has been submitted, and any conditions on that
1571 plan.
1572

1573 Mr. Jernigan - Second.
1574 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All
1575 in favor say aye. All opposed say no. The ayes have it.

1576
1577 The Planning Commission approved the Landscape and Lighting Plan for LP/POD-38-
1578 03, Retail shops at the Town Center @ Twin Hickory, subject to the revised plan
1579 submitted on April 21, 2004 and any conditions on that plan.

1580
1581 **PLAN OF DEVELOPMENT & MASTER PLAN**
1582

POD-19-04 Coca-Cola Bottling Facility Expansion (POD-67-88 Revised)	Prime Engineering for Coca-Cola Enterprises, Inc.: Request for approval of a revised plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a Phase I, one-story, 102,408 square foot warehouse, a one-story, 4,440 square foot rail car offloading facility, relocation of a rail spur and a Phase II, 36,350 square foot warehouse expansion, a 16,154 square foot sales center and an auto and truck parking area. The 57.99-acre site is located at 500 Eastpark Court on parcels 819-719-0442 and 820-719-3552. The zoning is M-1C, Light Industrial District (Conditional), M-1, Light Industrial District and ASO (Airport Safety Overlay) District. County water and sewer. (Varina)
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1583
1584 Mr. Vanarsdall - Is anyone in the audience in opposition to POD-19-04, Coca-Cola
1585 Bottling Facility Expansion in the Varina District? No opposition. Mr. McGarry.

1586
1587 Mr. McGarry - Staff has completed its review of the revised plan and all agencies
1588 can recommend approval. Staff recommends this plan be approved subject to the
1589 standard conditions for developments of this type and additional conditions Nos.23
1590 through 30. I will be happy to answer any questions.

1591
1592 Mr. Vanarsdall - Any questions for Mr. McGarry by Commission members? Mr.
1593 Secretary?

1594
1595 Mr. Jernigan - Ted, do we have to waive the time limits?

1596
1597 Mr. McGarry - No, sir.

1598
1599 Mr. Jernigan - So, when you got the OK yesterday afternoon that was on a plan
1600 previously filed.
1601

1602 Mr. McGarry - Yes. The plan was filed several weeks ago.
1603
1604 Mr. Jernigan - So we just need a motion?
1605
1606 Mr. McGarry - Correct.
1607
1608 Mr. Jernigan - Mr. Vanarsdall, I don't think I need to hear from the applicant.
1609 Coca-Cola has an existing processing plant there now, and this is just a large addition to
1610 it. With that I will move for approval of POD-19-04, Coca-Cola Bottling Facility
1611 Expansion, in the Varina District, subject to the standard conditions for developments of
1612 this type and the following additional conditions, Nos. 23 through 30.
1613
1614 Mr. Archer - Second.
1615
1616 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All
1617 in favor say aye. All opposed say no. The motion passes.
1618
1619 The Planning Commission approved POD-19-04, Plan of Development and Master Plan,
1620 for Coca-Cola Bottling Facility Expansion (POD-67-88), subject to the standard
1621 conditions for developments of this type and the following additional conditions:
1622
1623
1624 23. The developer shall provide fire hydrants as required by the Department of
1625 Public Utilities and Division of Fire.
1626 24. The proffers approved as a part of zoning case C-92C-96 shall be incorporated
1627 in this approval.
1628 25. Any necessary off-site drainage and/or water and sewer easements must be
1629 obtained in a form acceptable to the County Attorney prior to final approval of the
1630 construction plans
1631 26. Deviations from County standards for pavement, curb or curb and gutter design
1632 shall be approved by the County Engineer prior to final approval of the
1633 construction plans by the Department of Public Works.
1634 27. Insurance Services Office (ISO) calculations must be included with the plans and
1635 contracts and must be approved by the Department of Public Utilities prior to
1636 the issuance of a building permit.
1637 28. Approval of the construction plans by the Department of Public Works does not
1638 establish the curb and gutter elevations along the Henrico County maintained
1639 right-of-way. The elevations will be set by Henrico County.
1640 29. The conceptual master plan, as submitted with this application, is for planning
1641 and information purposes only. All subsequent detailed plans of development
1642 and construction plans needed to implement this conceptual plan may be
1643 administratively reviewed and approved and shall be subject to all regulations in
1644 effect at the time such subsequent plans are submitted for review/approval.
1645 30. The new storage area north of the existing building must be enclosed.
1646
1647 **APPROVAL OF MINUTES: March 24, 2004, Minutes**

1648
1649 Mr. Vanarsdall - I will entertain a motion.
1650 Mr. Archer - I move approval.
1651
1652 Mr. Marshall - Second.
1653
1654 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall to
1655 approve the minutes of March 24, 2004. All in favor say aye. All opposed say no. The
1656 minutes are approved.
1657
1658 Mr. Silber - Let me make a couple of announcements and then we will need to
1659 go into a closed meeting. Let me just remind the Commission that the Board of
1660 Supervisors has scheduled a retreat on Growth Management. I think we have mentioned
1661 this to you before, but we want to make sure that you have this on your calendars to
1662 block off some time for this. The retreat has been scheduled for multiple days. At this
1663 point it has been scheduled for June 17, June 18, June 24. I understand that the July 1
1664 date that had been set now is being changed and we don't have that fourth date at this
1665 time, but if you could mark off your calendars the 17th, 18th, and 24th of June for a joint
1666 retreat involving the Board of Supervisors and the Planning Commission, we would
1667 greatly appreciate that.
1668
1669 Mr. Vanarsdall - Mr. Secretary, I understand the 17th and 18th will be at the Cultural
1670 Arts Center and the 24th will be at the Sheraton West.
1671
1672 Mr. Silber - That is correct. At this time we don't know the exact time of the
1673 retreat. I would suggest that you reserve the entire day. I think there is discussion about
1674 possibly starting this around 8:30 or 9:00 in the morning and running through to at least
1675 2:00 p.m., but discussions could feasibly go beyond that, so I would suggest if at all
1676 possible that you reserve the entire days.
1677
1678 Mr. Jernigan - The meeting lasts a half a day?
1679
1680 Mr. Vanarsdall - The last time I remember we started at 8:30 and everybody got
1681 there about 8:00 a.m. or a little after and had coffee and donuts and maybe this time we
1682 will have sandwiches or something. Egg sandwich or something like that and coffee.
1683
1684 Mr. Silber - At this point we would like to go into a closed meeting to discuss
1685 legal matters regarding Camp Holly Springs, Inc. v. Henrico County Planning
1686 Commission. We will need a motion to go into the closed meeting.
1687
1688 Mr. Jernigan - Mr. Chairman, I move we go into a closed meeting for
1689 consultation with the County Attorney regarding specific legal matters requiring the
1690 provision of legal advice pertaining to the proposed Camp Hill Subdivision pursuant to
1691 Section 2.2-3711 (a) 7 of the Code of Virginia, 1950, as amended.

1692
1693 Mr. Marshall - Second.
1694
1695 Mr. Vanarsdall - Motion has been made by Mr. Jernigan and seconded by Mr.
1696 Marshall. All in favor say aye. All opposed say no. The motion carries and we will go
1697 into a closed session.
1698
1699 Mr. Silber - I have a certification to read.
1700
1701 WHEREAS, The Henrico County Planning Commission has convened a closed meeting
1702 on this date pursuant to an affirmative recorded vote and in accordance with the
1703 provisions of The Virginia Freedom of Information Act; and
1704
1705 WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this
1706 Commission that such executive meeting was conducted in conformity with Virginia law;
1707
1708 NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission certifies that,
1709 to the best of each member's knowledge, only public business matters lawfully exempted
1710 from the open meeting requirements by Virginia law were discussed in the closed
1711 meeting to which this certification resolution applies, and only such public business
1712 matters as were identified in the motion convening the closed meeting were heard,
1713 discussed and considered by the Planning Commission.
1714
1715 We need a motion and a second on that certification.
1716
1717 Mr. Jernigan - I make a motion to accept the certification.
1718
1719 Mr. Archer - I second it.
1720
1721 Mr. Vanarsdall - Motion was made by Mr. Jernigan and seconded by Mr. Archer.
1722 All in favor say aye. All opposed say no. The ayes have it. The motion passes.
1723
1724 VOTE BY MEMBERS:
1725
1726 AYES: Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland
1727 Mr. C. W. Archer, C.P.C., Fairfield
1728 Mr. E. Ray Jernigan, C.P.C., (Varina)
1729 Mr. John Marshall, Three Chopt
1730
1731 ABSENT DURING VOTE: Mrs. Lisa D. Ware, C.P.C., Chairperson,
1732 Tuckahoe
1733 James B. Donati, Jr., Board of Supervisors
1734 Representative (Varina)
1735

1736 ABSENT DURING MEETING: Mrs. Lisa D. Ware, C.P.C., Chairperson,
1737 Tuckahoe
1738 James B. Donati, Jr., Board of Supervisors
1739 Representative (Varina)
1740 Mr. Silber - I have one announcement to make just as a formality and that is
1741 that the County Manager has sent a memo to the Board of Supervisors a letter indicating
1742 that we will have a new Director of Planning and new Director of Community
1743 Revitalization starting May 5, 2004. That is the effective date.
1744
1745 Also we have a conference coming up in Washington and I understand that Mr. Jernigan,
1746 Mrs. Ware and Mr. Vanarsdall will be there.
1747
1748 Mr. Marshall - When is it?
1749
1750 Mr. Silber - The 23rd through the 28th. All right do we have a motion to
1751 adjourn?
1752
1753 Mr. Jernigan - So move.
1754
1755 Mr. Marshall - Second.
1756
1757 On a motion by Mr. Jernigan and seconded by Mr. Marshall, the Planning Commission
1758 adjourned its meeting at 10:47 a.m.
1759
1760
1761
1762
1763

Ernest B. Vanarsdall, C.P.C., Vice Chairman
1764
1765
1766
1767
1768

Randall R. Silber, Secretary