

1 Minutes of the Planning Commission of the County of Henrico, Virginia, held in the  
2 Board Room of the County Administration Building, Parham and Hungary Spring Roads  
3 at 9:00 a.m., April 19, 2006.

4  
5 Members Present: Mr. C. W. Archer, C.P.C., Chairman, Fairfield  
6 Mr. Tommy Branin, Vice Chairman, Three Chopt  
7 Mr. E. Ray Jernigan, C.P.C., Varina  
8 Ms. Bonnie-Leigh Jones, Tuckahoe  
9 Mr. Ernest B. Vanarsdall, C.P.C., Brookland  
10 Ms. Patricia S. O'Bannon, Board of Supervisors  
11 Representative, Tuckahoe  
12 Mr. Randall R. Silber, Director of Planning, Secretary  
13

14 Others Present: Mr. David D. O'Kelly, Jr., Assistant Director of Planning  
15 Ms. Leslie A. News, CLA, Principal Planner  
16 Mr. James P. Strauss, CLA, County Planner  
17 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
18 Mr. E. J. "Ted" McGarry, III, County Planner  
19 Ms. Christina Goggin, AICP, County Planner  
20 Mr. Michael F. Kennedy, County Planner  
21 Mr. Anthony R. Greulich, County Planner  
22 Ms. Natalie Neaves, County Planner  
23 Ms. Diana B. Carver, Office Assistant  
24

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

28 Mr. Archer - The Planning Commission will come to order. Good morning  
29 fellow Commissioners. Good morning to the public. It is nice to see everyone. Welcome  
30 to the April 19, 2006 Subdivisions and Plans of Development meeting. We are glad to  
31 have you here this morning. I don't think there is anyone here from the press this  
32 morning, so with that we've got a pretty heavy agenda and I will turn it over to our  
33 Secretary, Mr. Silber.  
34

35 Mr. Silber - Thank you, Mr. Chairman. I appreciate that. Can you all hear in  
36 the back of the room? I am not sure that the microphone is working. Fred, can you just  
37 adjust that a little bit? Can you hear us better now? We do have all of the members of  
38 the Commission present this morning, and first on the agenda would be consideration of  
39 those items requesting deferrals or withdrawals. Ms. News.  
40

41 Ms. News - Good morning, Mr. Secretary, and members of the Commission.  
42 We do have four requests for deferrals and withdrawals on our agenda on the screen and  
43 we have had two more added this morning. The first request is on Page 2 of your agenda  
44 and it is located in the Brookland District.

45 Ms. News - The applicant is requesting a deferral until May 24, 2006 meeting.

46 **LANDSCAPE & LIGHTING PLAN**

47

LP/POD-56-04  
Aspen Park – Staples Mill  
and School Roads

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

48 Mr. Archer - Thank you, Ms. News. Is there anyone present who is opposed to the  
49 deferral of LP/POD-56-04, Aspen Park? No opposition. Mr. Vanarsdall.

50 Mr. Vanarsdall - I move that LP/POD-56-04 be deferred at the applicant's request to May  
51 24, 2006.

52 Mr. Jernigan - Second.

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

55 At the applicant's request, the Planning Commission deferred Case LP/POD-56-04, Aspen Park  
56 – Staples Mill and School Roads, to its meeting on May 24, 2006.

57 Ms. News - The next case is on page 7 of your agenda. It is in the Tuckahoe  
58 District.

59 Ms. News - The applicant has requested a deferral to May 24, 2006.

60 **PLAN OF DEVELOPMENT**

61

POD-17-06  
Wawa – Ridgefield Parkway  
and Gayton Center Drive

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

62 Mr. Archer - Is there anyone present who is opposed to deferring Case POD-17-06,  
63 Wawa – Ridgefield Parkway and Gayton Center Drive? No opposition. Mrs. Jones.

64 Mrs. Jones - I move that POD-17-06, Wawa – Ridgefield Parkway and Gayton Center  
65 Drive, be deferred to the May 24, 2006 meeting at the applicant’s request.

66 Mr. Vanarsdall - Second.

67 Mr. Archer - Motion made by Mrs. Jones and seconded by Mr. Vanarsdall. All in favor  
68 say aye. All opposed say no. The motion passes.

69 At the applicant’s request, the Planning Commission deferred POD-17-06, Wawa – Ridgefield  
70 Center and Gayton Center Drive, to its meeting on May 24, 2006.

71 Ms. News - The next case is on page 28 of your agenda. It is in the Varina District.

72 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

73

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

**Engineering Design Associates for Conley S. Booth and Peter Cole:** Request for approval of a plan of development and lighting plan as required by Chapter 24, Section, 24-106 of the Henrico County Code, to construct a one-story, 12,000 square foot office warehouse. The 14.51-acre site is located at 2010 Charles City Road on the north line of Charles City Road, approximately 1,800 feet east of Williamsburg Road (U.S. Route 60) on parcel 810-713-2102. The zoning is B-3, Business District and ASO, Airport Safety Overlay District. County water and sewer. (**Varina**)

74 Mr. Archer - Is there any opposition to the deferral of POD-23-06, Landin-Cole Office  
75 Warehouse (POD-88-98 Expired)? No opposition.

76 Mr. Jernigan - Mr. Chairman, I move for deferral of POD-23-06, Landin-Cole Office  
77 Warehouse (POD-88-98 Expired), to June 28, 2006, by request of the applicant.

78 Mr. Vanarsdall - Second.

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

81 At the applicant’s request, the Planning Commission deferred POD-23-06, Landin-Cole Office  
82 Warehouse (POD-88-98 Expired) to its meeting on June 28, 2006.

83 Ms. News - The next case is on page 30 of your agenda and located in the  
84 Varina District.

85 Ms. News - The applicant is requesting a deferral to the May 24, 2006 meeting.

86 **SUBDIVISION**

87

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

88 Mr. Archer - Is there anyone opposed to the deferral of The Ridings @ Warner Farm  
89 (April 2006 Plan)? No opposition. Mr. Jernigan.

90 Mr. Jernigan - With that I will move for deferral of subdivision The Ridings @ Warner  
91 Farm (April 2006 Plan), to May 24, 2006, at the request of the applicant.

92 Mr. Vanarsdall - Second.

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

95 At the applicant's request, the Planning Commission deferred The Ridings @ Warner Farm  
96 (April 2006 Plan) subdivision to its meeting on May 24, 2006.

97 Ms. News- We have two additional items. One is on page 4 of your agenda. It is  
98 located in the Varina District.

99 **SUBDIVISION**

100

Wilton on The James, Phase 1 – Single-Family (March 2006 Plan) **Youngblood, Tyler & Associates, P.C. for WF Hunt, LLC and HHHunt Corporation:** The 84.11-acre site proposed for a subdivision of 293 single-family homes is located on the south side of Pocahontas Parkway (State Route 895), east of the James River on part of parcel 798-683-5459. The zoning is UMUC (Urban Mixed Use) District (Conditional). County water and sewer. **(Varina) 293 Lots**

101 Ms. News - The applicant requests a deferral to the May 11, 2006 zoning meeting.

102 Mr. Archer - Is anyone present opposed to the deferment of subdivision Wilton on The  
103 James, Phase 1 – Single Family (March 2006 Plan)?

104 Mr. Silber - Is there any reason why this can't be deferred to the POD meeting?

105 Mr. Jernigan - I talked to Webb Tyler yesterday and asked if he wanted to take this 30  
106 days, and he said they are close to having it ready, and they wanted to defer it for two weeks, and  
107 I had scheduled a meeting with Kevin and his staff on the 3<sup>rd</sup> of May to see if everything is  
108 worked out.

109 Mr. Silber- It will come back up at that time whether it is worked out or not?

110 Mr. Jernigan- Yes, it will come back on the 11<sup>th</sup>, but he feels he can have it all ready by  
111 then.

112 Mr. Silber- OK. Just a warning that these two-week time periods often don't work and  
113 we end up deferring it for two more weeks.

114 Mr. Jernigan - I know. That is the reason I discussed it with him. He said he'll have it  
115 ready, and then I told him that we'd meet with Kevin to make sure everything was straight on the  
116 3<sup>rd</sup>. We will have a staff meeting with them on the 3<sup>rd</sup>.

117 Mr. Silber- OK.

118 Mr. Archer - All right.

119 Mr. Jernigan - All right. Mr. Chairman, with that I will move for deferral of subdivision  
120 Wilton on the James, Phase 1 – Single-Family (March 2006 Plan) to May 11, 2006 by request of  
121 the applicant.

122 Mr. Vanarsdall - Second.

123 Mr. Archer - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
124 favor of the motion say aye. All opposed say no. The motion passes.

125 At the applicant's request, the Planning Commission deferred Wilton on the James, Phase 1 –  
126 Single-Family (March 2006 Plan) to its meeting on May 11, 2006.

127 Ms. News - The final request is on page 5 of the agenda. It is also located in the  
128 Varina District. This is Wilton on The James – Phase 1 – Townhouses (March 2006 Plan).

129 **SUBDIVISION**

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

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

130 Mr. Archer - Is there anyone here who is opposed to this deferral? Wilton on the James  
131 - Phase 1 – Townhouses (March 2006 Plan)? No opposition. Mr. Jernigan.

132 Mr. Jernigan - Mr. Chairman, with that I move for deferral of subdivision Wilton on the  
133 James, Phase 1 – Townhouses (March 2006 Plan) to May 11, 2006, at the request of the  
134 applicant.

135 Mr. Vanarsdall- Second.

136 Mr. Archer - Motion by Jernigan and second by Vanarsdall. All in favor of the motion  
137 say aye. All opposed say no. The motion passes.

138 At the applicant’s request, the Planning Commission deferred subdivision Wilton on The James,  
139 Phase 1 – Townhouses (March 2006 Plan) to its meeting on May 11, 2006.

140 Mr. Archer - All right. Is that the end of the deferrals and withdrawals?

141 Ms. News - Yes, sir. It is.

142 Mr. Silber - Next on the agenda would be the items on the Expedited Agenda. These  
143 are items that have been placed on the agenda which are cases in which these items have been  
144 discussed with the applicant, and the applicant is agreeable to the conditions which have been  
145 recommended by staff, and staff has no outstanding issues on these plans. The Planning  
146 Commission member from the district has reviewed the plan and is comfortable with the plan as  
147 well. So, it is placed on the Expedited Agenda, whereby it doesn’t require a full presentation by  
148 staff or the applicant. If there is opposition to these on the Expedited Agenda, they would be  
149 pulled off of this agenda and placed and heard on the full agenda. I believe we have four items  
150 on the Expedited Agenda.

151 Ms. News - Yes, sir. That is correct, Mr. Secretary. The first item is on page 3 of your  
152 agenda and is located in the Fairfield District. There is an addendum item on page 1 of the  
153 addendum which includes a revised recommendation for approval with the original condition  
154 No. 12 being deleted, which required a sidewalk. That was deleted because that sidewalk is  
155 existing. It is replaced that with Condition No. 12, to incorporate a piece of property containing a  
156 driveway easement into the adjacent parcel, to be removed from the subdivision and incorporated  
157 into the adjacent parcel. Staff is recommending approval.

158 **SUBDIVISION**  
159

Clarendon Farms  
(April 2006 Plan)

**Bay Design Group, P.C. for Clarendon Associates, LLC and Atask Properties, Inc.:** The 1.84-acre site proposed for a subdivision of 5 single-family homes is located at the southeast intersection of Cedar Fork Road and Clarendon Road on parcel 812-733-5006. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Fairfield) 5 Lots**

160 Mr. Archer - All right. Is there anyone here who is in opposition to Clarendon Farms  
161 Subdivision? No opposition. Well, then I will move approval of Subdivision Clarendon Farms  
162 (April 2006 Plan) subject to the standard conditions for subdivisions served by public utilities,  
163 the annotated plan and the following additional conditions, Nos. 12 through 15 with No. 12 being  
164 the revised condition on this morning's agenda.

165 Mr. Vanarsdall - Second.

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

168 The Planning Commission granted conditional approval to subdivision Clarendon Farms (April  
169 2006 Plan), subject to the annotations on the plans, the standard conditions attached to these  
170 minutes for subdivisions served by public utilities and the following additional conditions:

- 171 12. The eastern 20 feet of Lot 5 shall be offered to the Hunnicut parcel for conveyance of  
172 their driveway.
- 173 13. The proffers approved as part of zoning case C-60C-94 shall be incorporated in this  
174 approval.
- 175 14. The detailed plant list and specifications for the landscaping to be provided within the 25-  
176 foot wide planting strip easement along Cedar Fork Road shall be submitted to the  
177 Department of Planning for review and approval prior to recordation of the plat.
- 178 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for  
179 the maintenance of the common area by a homeowners association shall be submitted to  
180 the Department of Planning for review. Such covenants and restrictions shall be in form  
181 and substance satisfactory to the County Attorney and shall be recorded prior to  
182 recordation of the subdivision plat.

183 Ms. News - Next on page 6 of your agenda and located in the Varina District is subdivision  
184 East Area Middle School – Road A (April 2006 Plan). This is a zero lot subdivision for a road to  
185 the new school. There is an addendum item located on page 2 of your addendum which includes  
186 a revised recommendation for approval and there is a revised plan in your packet which contains  
187 annotations. Staff is recommending approval.

188

189 **SUBDIVISION**  
190

East Area Middle School – **Timmons Group for Henrico County Public Schools:** The 1.51-acre site is proposed for public road dedication to provide access for a new middle school and is located at the intersection of Elko Road (State Route 156) and Elko Tract Road on part of parcel 851-709-0088. The zoning is A-1. Agricultural District. County water and sewer. **(Varina) 0 Lots**

191 Mr. Archer - Is there opposition to East Area Middle School – Road A? No opposition.  
192 Mr. Jernigan.

193 Mr. Jernigan - Mr. Chairman, with that I will move for approval of subdivision East Area  
194 Middle School – Road A (April 2006 Plan), conditional approval of the revised plan, subject to  
195 the standard conditions for subdivisions served by public utilities.

196 Mr. Vanarsdall - Second.

197 Mr. Archer - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
198 favor say aye. All opposed say no. There is no opposition. The motion passes.

199 The Planning Commission granted conditional approval to subdivision East Area Middle School  
200 – Road A (April 2006 Plan), subject to the revised plan and the standard conditions attached to  
201 these minutes for subdivisions served by public utilities.

202 Ms. News - Next on page 9 of your agenda and located in the Brookland District is  
203 Subdivision Wickham (March 2006 Plan). There is an addendum item located on page 2 of your  
204 addendum which includes a revised caption which changes the zoning of the parcel. It revises  
205 the caption to read that this entire parcel is zoned R-2C. There is a revised map showing that the  
206 entire parcel, which recently part of it was rezoned, is now included in the R-2C zoning. There  
207 is a revised condition No. 13 relating to the lot area showing 18,000 square feet is required and  
208 an added condition relating to the construction details for the access drive for the lots on Staples  
209 Mill Road. Staff is recommending approval.



210 **SUBDIVISION**

Wickham  
(March 2006 Plan)

**Koontz-Bryant, P.C. for Marchetti Properties, III, LLC, Atack Properties, Inc., Shelby Duncan, Elizabeth G. McLawhorn, Debra F. Tucker, Derle F. Edwards and Herbert D. Fogg, Jr.:** The 96.13-acre site proposed for a subdivision of 129 single-family homes is located on the west side of Staples Mill Road (U.S. Route 33) directly across from Meadow Pond Lane, approximately 1,500 feet north of the intersection of Staples Mill Road and Courtney Road on parcels 761-767-2889, 6317; 762-767-8633, 5793; 762-768-2433 and 3508. The zoning is ~~A-1, Agricultural District and R-2A~~, R-2C One-Family Residence District (Conditional). County water and sewer. **(Brookland) 129 Lots**

211 Mr. Archer - All right. Is there opposition to Subdivision Wickham (March 2006  
212 Plan)? I see no opposition. Mr. Vanarsdall.

213 Mr. Vanarsdall - I move that Subdivision Wickham (March 2006 Plan) be approved on the  
214 Expedited Agenda, subject to the standard conditions for subdivisions served by Public Utilities,  
215 the annotations on the plans and conditions Nos. 12, 13 on the addendum, and 14 through 20  
216 from the agenda and then 21 added.

217 Mr. Jernigan - Second.

218 Mr. Archer - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
219 favor say aye. All opposed say no. The ayes have it. The motion passes.

220 The Planning Commission granted conditional approval to subdivision Wickham (March 2006  
221 Plan), subject to the standard conditions attached to these minutes for subdivisions served by  
222 public utilities, the annotations on the plans and the following additional conditions:

- 223 12. At least 60 days prior to recordation of the plat, a draft of the covenants and deed  
224 restrictions for the maintenance of the common area shall be submitted to the Department  
225 of Planning for review. Such covenants and restrictions shall be in form and substance,  
226 satisfactory to the County Attorney, and shall be recorded prior to recordation of the plat.
- 227 13. Each lot shall contain at least 18,000 square feet exclusive of the flood plain areas.
- 228 14. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
229 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
230 floodplain as a "Variable Width Drainage & Utilities Easement."
- 231 15. The details for the landscaping to be provided within the 50-foot wide landscape buffer  
232 on the west side of Staples Mill Road (U.S. Route 33) shall be submitted to the  
233 Department of Planning for review and approval prior to recordation of the plat.
- 234 16. Any necessary offsite drainage easements must be obtained prior to final approval of the  
235 construction plan by the Department of Public Works.

- 236 17. The proffers approved as part of zoning cases C-19C-05, C-50C-05 and C-15C-06 shall  
237 be incorporated in this approval.
- 238 18. The owner shall not begin clearing of the site until the following conditions have been  
239 met:
- 240 (a) The site engineer shall conspicuously illustrate on the plan of development or  
241 subdivision construction plan and the Erosion and Sediment Control Plan, the  
242 limits of the areas to be cleared and the methods of protecting the required buffer  
243 areas. The location of utility lines, drainage structures and easements shall be  
244 shown.
- 245 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
246 clearing or grading operations on the site, the owner shall have the limits of  
247 clearing delineated with approved methods such as flagging, silt fencing, or  
248 temporary fencing.
- 249 (c) The site engineering shall certify in writing to the owner that the limits of clearing  
250 have been stakes in accordance with the approved plans. A copy of this letter  
251 shall be sent to the Department of Planning and the Department of Public Works.
- 252 (d) The owner shall be responsible for the protection of the buffer areas and for  
253 replanting and/or supplemental planting and other necessary improvements to the  
254 buffer as may be appropriate or required to correct problems. The details shall be  
255 included on the landscape plans for Planning Commission approval.
- 256 19. The plat shall contain a statement that the common area is dedicated to the common use  
257 and enjoyment of the homeowners of Wickham and is not dedicated for use by the  
258 general public. This statement shall refer to the applicable article in the covenants  
259 recorded with the plat.
- 260 20. Any future building lot containing a BMP, sediment basin or trap and located within the  
261 buildable area for a principal structure or accessory structure, may be developed with  
262 engineered fill. All material shall be deposited and compacted in accordance with the  
263 Virginia Uniform Statewide Building Coded and geotechnical guidelines established by a  
264 professional engineer. A detailed engineering report shall be submitted for the review  
265 and approval by the Building Official prior to the issuance of a building permit on the  
266 affected lot. A copy of the report and recommendations shall be furnished to the  
267 Directors of Planning and Public Works.
- 268 21. All lots fronting on Staples Mill Road (U. S. Route 33) shall face Staples Mill Road, and  
269 shall be accessed by a 20-foot access strip that shall be built to Henrico County Road  
270 Standards, including curb and gutter, except as to pavement width. Prior to the issuance  
271 of any certificates of occupancy for any homes served by the strip, the applicant shall  
272 provide the Department of Planning with a certification from a licensed engineer  
273 indicating that the access strip was designed and constructed in accordance with County  
274 standards. The pavement shall be warranted for a period of three years from the issuance  
275 of the last certificate of occupancy for any home served by the strip.

276 Ms. News - The final item is on page 11 of your agenda. It is located in the Three  
277 Chopt District. There is an addendum item on page 3 adding condition No. 34. Staff is  
278 recommending approval.

279 **PLAN OF DEVELOPMENT**  
280

POD-18-06 **Koontz-Bryant, P.C. for Trinity Lutheran Church:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two, two-story additions totaling 7,389 square feet to an existing church. The 2.60-acre site is located at 2315 N. Parham Road at the southeast corner of the intersection of Parham Road and Landsdowne Road on 756-751-3532. The zoning is R-3, One-Family Residence District. County water and sewer. **(Three Chopt)**

Trinity Lutheran Church Additions (POD-70-03 Expired)

281 Mr. Archer - Is there any opposition to POD-18-06, Trinity Lutheran Church Additions  
282 (POD-70-03 Expired)? No opposition. Mr. Branin.

283 Mr. Branin - Mr. Chairman, I would like to move for approval on the Expedited  
284 Agenda, POD-18-06, Trinity Lutheran Church Additions (POD-70-03 Expired) subject to staff's  
285 recommendations including conditions Nos. 24 through 33 and 34.

286 Mr. Vanarsdall - Second.

287 Mr. Archer - Motion by Mr. Branin and second by Mr. Vanarsdall. All in favor of the  
288 motion say aye. All opposed say no. The motion passes.

289 The Planning Commission approved POD-18-06, Trinity Lutheran Church Additions (POD-70-  
290 03 Expired), subject to the annotations on the plans, the standard conditions attached to these  
291 minutes for developments of this type, and the following additional conditions:

- 292 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
293 the County in a form acceptable to the County Attorney prior to any occupancy permits  
294 being issued. The easement plats and any other required information shall be submitted  
295 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
296 permits.
- 297 25. The developer shall provide fire hydrants as required by the Department of Public  
298 Utilities and Division of Fire.
- 299 26. A standard concrete sidewalk shall be provided along the east side of Parham Road.
- 300 27. Prior to issuance of a building permit, the developer must furnish a letter from Dominion  
301 Virginia Power stating that this proposed development does not conflict with their  
302 facilities.
- 303 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
304 form acceptable to the County Attorney prior to final approval of the construction plans.
- 305 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
306 approved by the County Engineer prior to final approval of the construction plans by the  
307 Department of Public Works.
- 308 30. Storm-water retention, based on the 50-10 concept, shall be incorporated into the  
309 drainage plans.

- 310 31. Insurance Services Office (ISO) calculations must be included with the plans and  
 311 contracts and must be approved by the Department of Public Utilities prior to the  
 312 issuance of a building permit.
- 313 32. Approval of the construction plans by the Department of Public Works does not establish  
 314 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 315 elevations will be set by Henrico County.
- 316 33. The location of all existing and proposed utility and mechanical equipment (including  
 317 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 318 shall be identified on the landscape plans. All equipment shall be screened by such  
 319 measures as determined appropriate by the Director of Planning or the Planning  
 320 Commission at the time of plan approval.
- 321 34. The applicant will complete all required road improvements along the south side of  
 322 Lansdowne Road unless waived by the Director of Public Works prior to construction  
 323 plan approval.

324 Mr. Silber- The next item is extension of subdivision conditional approvals. The two  
 325 on your agenda this morning do not require Planning Commission action. This is for  
 326 informational purposes. These can be extended administratively.

327 There are two that are listed for informational purposes, one being Bentley (April 2005 Plan) and  
 328 the second being Majestic Meadows (September 2004 Plan). Unless the Commission has any  
 329 questions, these will be handled administratively and this is for your information.

330 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**  
 331 **FOR INFORMATIONAL PURPOSES ONLY**

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended Recommended</b>
<b>Bentley (April 2005 Plan)</b>	<b>Fairfield</b>	<b>67</b>	<b>67</b>	<b>0</b>	<b>1 Year 4/25/07</b>
<b>Majestic Meadows (September 2004 Plan)</b>	<b>Varina</b>	<b>130</b>	<b>130</b>	<b>0</b>	<b>1 Year 4/25/07</b>

332

333 Mr. Archer- Any questions from the Commission? All right, Mr. Secretary, we can  
 334 move on. Turn to page 13.

335 **PLAN OF DEVELOPMENT**

POD-24-06  
The Shops @ John Rolfe  
Retail Center  
10720 Ridgefield Parkway

**Koontz-Bryant, P.C. for Beverly Hills, Inc. and The Wilton Companies:** 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, 14,740 square foot drug store and a one-story, 8,400 square foot retail building. The 3.80-acre site is located at the northeast intersection of Ridgefield Parkway and future John Rolfe Parkway on parcel 737-750-3281. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

336 Mr. Silber- I would draw your attention to the addendum and there are two additional  
337 conditions added to this plan of development. This is in the Tuckahoe District.

338 Mr. Archer - Is there anyone who is present who is opposed to this plan of  
339 development, POD-24-06, The Shops @ John Rolfe Retail Center? No opposition. Good  
340 morning.

341 Ms. Goggin - Good morning. Staff has received revised architectural elevations and  
342 floor plans that comply with the proffers. The revised annotated elevations are in your  
343 addendum packet. The elevations up here on the screen are not annotated, but the elevations in  
344 your packet are annotated that the columns will be brick, per proffers. The architect also revised  
345 the retail building. The architecturals removed the sandstone that was at the base of the retail  
346 buildings, which matches the Walgreens more. The developer has agreed to provide a pedestrian  
347 path along the western side of the internal access road for the retail center, along this side here.  
348 Due to the amount of landscaping that would be required in the area adjacent to the road, people  
349 would be forced to walk in the access road if the pedestrian path was not provided. Staff  
350 requested the path because this access drive will be shared with a church when the parcel to the  
351 east is developed and will carry a fair amount of traffic when both sides are complete. The  
352 rezoning for this property was a tough case with active citizen participation. As of this morning,  
353 staff has not been contacted concerning this development, but the Commission may wish to bring  
354 the landscape and lighting back for their review to address any citizens concerns that may arise  
355 during construction.

356 There are two additional conditions on the addendum concerning installation or escrow of the  
357 sidewalk adjacent to future John Rolfe Parkway since construction of the parkway may be  
358 happening before, after, or at the same time as this development, and the other condition restates  
359 that a changeable message sign shall not be permitted, per proffers.

360 Staff recommends approval subject to the annotations on the plans, the revised architectural  
361 elevations, the additional conditions listed in the agenda, conditions Nos. 9 and 11 Amended if  
362 the Commission wishes for the landscape and lighting plans to return, and additional conditions  
363 Nos. 40 and 41 in the handout addendum. Hunter Cockrell, representing the developer is here, as  
364 well as Paul Hinson from Koontz-Bryant, should the Commission have any questions for them,  
365 and I would be happy to answer any questions the Commission may have of me.

366 Mr. Archer- Thank you, Ms. Goggin. Are there questions from the Commission for  
367 Ms. Goggin?

368 Mrs. Jones - I have just one. I want to clarify something. The sidewalks along John  
369 Rolfe Parkway, that is addressed. How about along Ridgefield? Have you discussed those in  
370 terms of any sidewalks along Ridgefield? Tell me about Ridgefield Parkway and the sidewalk.

371 Ms. Goggin - If they are not there now, there is no reason they can't be put in with  
372 construction of this development. It is just an issue of construction and timing of John Rolfe  
373 with this development. The County has a drainage and maintenance easement right here  
374 (referring to rendering), and once the road is complete, the applicant can go back and regrade.

375 Mrs. Jones - Absolutely. I understand that for the future of John Rolfe, but for  
376 Ridgefield?

377 Ms. Goggin - I apologize. If it doesn't exist now, it will be installed with the  
378 development and there is no reason to delay that.

379 Mrs. Jones- There is no reason to wait on that? The notations on the plan. Do they  
380 take care of our pedestrian walkway?

381 Ms. Goggin - Yes, ma'am. The applicant has agreed to it, and like I said, once the  
382 adjacent site is developed, it is going to be a very active access drive.

383 Mrs. Jones - I do think it is appropriate for the landscape and lighting plan to be heard  
384 by the Commission, considering the history of this project, and making sure that this is a project  
385 that is successful on all levels.

386 Mr. Silber - Ms. Goggin, regarding the sidewalk on Ridgefield, I don't see that the  
387 plan shows any sidewalks, so we don't know if there is one there. Assuming there is not a  
388 sidewalk there, would this plan be annotated to require a sidewalk? The applicant may be able to  
389 discuss that. It looks like he is prepared to.

390 Ms. Goggin - I am trying to remember if there is a sidewalk out there, but now that I am  
391 being specifically asked, I am blank.

392 Mr. Hinson - My name is Paul Hinson with Koontz-Bryant. Good morning, members of  
393 the Commission, Mr. Chairman. There is a sidewalk proposed and it is shown on the current  
394 construction plans. It ties into the existing sidewalk on Ridgefield Parkway. Any other  
395 questions?

396 Mr. Archer- Any further questions for Mr. Hinson? Mrs. Jones, do you need to hear  
397 anything further from the applicant?

398 Mrs. Jones - No. I do not.

399 Mr. Archer - Then I suppose we are ready.

400 Mrs. Jones - I appreciate the extra work that has gone into the architecturals and I am  
401 pleased with the revised design. With that, I would like to recommend approval of POD-24-06,  
402 The Shops @ John Rolfe Retail Center, 10720 Ridgefield Parkway subject to the standard  
403 conditions for developments of this type and the following additional conditions, Nos. 24  
404 through 39, 40, 41 and Nos. 9 and 11 Amended, along with the annotations on the plan.

405 Mr. Branin - Second.

406 Mr. Archer - Motion by Mrs. Jones and seconded by Mr. Branin. All in favor say aye.  
407 All opposed say no. The ayes have it. The motion passes.

408 The Planning Commission approved POD-24-06, The Shops @ John Rolfe Retail Center, subject  
409 to the annotations on the plans, the standard conditions attached to these minutes for  
410 developments of this type, and the following additional conditions:

- 411 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
412 Planning for review and Planning Commission approval prior to the issuance of any  
413 occupancy permits.
- 414 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of  
415 the site lighting equipment, a plan including depictions of light spread and intensity  
416 diagrams, and fixture specifications and mounting height details shall be submitted for  
417 Department of Planning review and Planning Commission approval.
- 418 24. The right-of-way for widening of Ridgefield Parkway and John Rolfe Parkway as shown  
419 on approved plans shall be dedicated to the County prior to any occupancy permits being  
420 issued. The right-of-way dedication plat and any other required information shall be  
421 submitted to the County Real Property Agent at least sixty (60) days prior to requesting  
422 occupancy permits.
- 423 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
424 the County in a form acceptable to the County Attorney prior to any occupancy permits  
425 being issued. The easement plats and any other required information shall be submitted  
426 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
427 permits.
- 428 26. The developer shall provide fire hydrants as required by the Department of Public  
429 Utilities and Division of Fire.
- 430 27. A standard concrete sidewalk shall be provided along the east side of John Rolfe Parkway  
431 and the west side of the access drive.
- 432 28. Employees shall be required to use the parking spaces provided at the rear of the  
433 building(s) as shown on the approved plans.
- 434 29. Outside storage shall not be permitted.
- 435 30. The proffers approved as a part of zoning case C-25C-03 shall be incorporated in this  
436 approval.
- 437 31. The certification of building permits, occupancy permits and change of occupancy  
438 permits for individual units shall be based on the number of parking spaces required for  
439 the proposed uses and the amount of parking available according to approved plans.

- 440 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
441 form acceptable to the County Attorney prior to final approval of the construction plans.  
442 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
443 approved by the County Engineer prior to final approval of the construction plans by the  
444 Department of Public Works.  
445 34. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of  
446 the Henrico County Code.  
447 35. In the event of any traffic backup which blocks the public right-of-way as a result of  
448 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up  
449 facilities until a solution can be designed to prevent traffic backup.  
450 36. Insurance Services Office (ISO) calculations must be included with the plans and  
451 contracts and must be approved by the Department of Public Utilities prior to the  
452 issuance of a building permit.  
453 37. Approval of the construction plans by the Department of Public Works does not establish  
454 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
455 elevations will be set by Henrico County.  
456 38. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
457 Department of Planning and approved prior to issuance of a certificate of occupancy for  
458 this development.  
459 39. The location of all existing and proposed utility and mechanical equipment (including  
460 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
461 shall be identified on the landscape plans. All equipment shall be screened by such  
462 measures as determined appropriate by the Director of Planning or the Planning  
463 Commission at the time of plan approval.  
464 40. The developer will coordinate installation of the sidewalk adjacent to future John Rolfe  
465 Parkway with the Department of Public Works. The sidewalk will be built or escrowed  
466 with the County prior to issuance of a Certificate of Occupancy.  
467 41. A changeable message sign shall not be permitted as stated in proffer 4N of rezoning case  
468 C-25C-03.  
469

470 Mr. Silber - In my haste to move through the agenda, I was reminded that we do have a  
471 rezoning request on the agenda, it's on the addendum, I skipped that. So, if we can move back to  
472 that.  
473

474 **FAIRFIELD: (Deferred from the April 13, 2006 Meeting)**  
475

476 **C-21C-06 Gloria Freye for Liberty Property Trust:** Request to conditionally rezone from  
477 M-1 Light Industrial District and M-2 General Industrial to M-2C General Industrial District  
478 (Conditional), Parcels 797-741-6372, -9990, -0975, and 797-742-7054, containing 31.29 acres,  
479 located on the west line of Carolina Avenue approximately 3,000 feet north of East Laburnum  
480 Avenue. The applicant proposes a distribution and warehouse development with outside storage.  
481 The use will be controlled by zoning ordinance regulations and proffered conditions. The Land  
482 Use Plan recommends Light Industry. The site is in the Airport Safety Overlay District.  
483

484 Mr. Archer - Thank you, Mr. Secretary. I might remind everyone that when we  
485 discussed this at our last meeting, the rezoning meeting, the condition upon which we brought



486 this back was that all of the outstanding issues would have to be overcome to the point that this  
487 would actually fit on the Expedited Agenda. So, if we can make our presentation as brief as  
488 possible, I would appreciate it.

489

490 Ms. Neaves- Good morning. This site is located directly adjacent to RIR and across  
491 Carolina Avenue from the Fairgrounds Distribution Center. Again, the application was  
492 deferred at the Commission's meeting on April 13, 2006. The applicant did submit revised  
493 proffers this morning, dated April 18, and related to the following:

494

495 Permitted Uses - The only M-2 use on the property would be exterior storage for industrial  
496 materials and these materials will be stored in a neat and orderly fashion similar as shown on  
497 Exhibit B attached with the revised proffer.

498

499 Screening - Outside storage of materials and truck trailers shall be screened such that they are  
500 not visible from Carolina Avenue and the adjacent property. The screening would consist of a  
501 fence and/or existing vegetation and trees and/or evergreen trees and evergreen shrubbery. A  
502 line of sight drawing will be provided at the time of POD.

503

504 Storage Areas - Outside storage will be permitted only in the hatched areas shown here on  
505 Exhibit A. The storage of truck trailers will not be permitted in the parking area, shown here,  
506 and here is Carolina Avenue (referring to screen). Materials stored in the area behind the  
507 building, here, will be limited to 20 feet in height and in no case, taller than the building's  
508 lowest roof line. Materials stored elsewhere on the site will be restricted to the height of the  
509 fence or the screening in that location, but in no event taller than 12 feet.

510

511 Fencing - Any new fences located parallel to and visible from Carolina Avenue, will be  
512 landscaped with adjacent plantings or will be screened from view of Carolina Avenue with  
513 existing vegetation and trees and/or evergreen trees and evergreen shrubs planted adjacent to  
514 Carolina Avenue. A black, vinyl, chain link, fence a minimum of eight feet in height would  
515 be provided along the southwest property line, shown here.

516

517 Buffer - A buffer consisting of the existing vegetation, a minimum width of 50 feet, will be  
518 maintained along the western property line. A portion of this buffer along the southwest  
519 property line would be supplemented with two standard rows of evergreen trees at least eight  
520 feet in height.

521

522 Parking - Parking on Carolina Avenue would be prohibited and the applicant has proffered a  
523 landscaping plan showing fencing, landscaping and screening would be submitted for review  
524 and approval by the Planning Commission.

525

526 Staff has the following comments on these proffers:

527

528 Regarding Proffer 1. The proffer actually doesn't really place any limits on what kind of  
529 materials could be stored at this site. It's just a really broad, general, classification of  
530 industrial materials but doesn't really limit anything.

531  
532 Proffer No. 2 references a line of sight drawings but it is unclear from where on the property  
533 this drawing will be taken and how many drawings would be provided.

534  
535 Proffer No. 4 indicates a storage height of 20 feet behind the building and 12 feet elsewhere.  
536 Staff, based on the amount of storage shown on Exhibit A, believes that 12 feet in height for  
537 the entire property could be more appropriate.

538  
539 Proffer No. 5 indicates only new fencing parallel to and visible from Carolina Avenue would  
540 be landscaped and screened from view of Carolina Avenue. However, there is currently a  
541 chain-link fence along the southern property line and this proffer doesn't require that that be  
542 screened from view. Staff also thinks that the "and visible from Carolina Avenue" should be  
543 changed to "or visible from Carolina Avenue" based on if any fencing may be perpendicular to  
544 Carolina Avenue.

545  
546 Staff also recommends a serpentine style fence along Carolina Avenue with staggered  
547 evergreen plantings to create a fuller buffer effect there. The 2010 Land Use Plan does  
548 recommend light industry and the proposal is an appropriate use for the site. However, staff  
549 believes the applicant has not fully addressed the concerns related to assurances of quality for  
550 this case. Time limits will need to be waived on the proffers that were received this morning  
551 and this concludes my presentation. I'll be happy to answer any questions and I believe the  
552 applicant is here as well.

553  
554 Mr. Archer - Ms. Neaves, I don't want to put you on the spot, but based on what you  
555 have right here are you prepared to recommend approval or do you think this needs more  
556 work?

557  
558 Ms. Neaves - We think it needs more work based on kind of materials, adequate  
559 fencing and screening. Just tightening up the proffers a bit.

560  
561 Mr. Archer - Okay. Thank you.

562  
563 Mr. Silber - Ms. Neaves, this illustration shows on the northwestern property line  
564 cross hatching all the way up to the property line, is that area now wooded?

565  
566 Ms. Neaves - Part of it is wooded along the property line and this portion here  
567 (referring to screen) it's flat with no trees on it. There is also a creek that runs along the  
568 property line.

569  
570 Mr. Silber - Do you have an aerial photograph that you can pull up?

571  
572 Ms. Neaves - Sure. Here you go.

573

574 Mr. Silber - So, they propose to clear and possibly store all in that area all the way to  
575 the property line?  
576

577 Ms. Neaves - That would be permitted based on Exhibit A.  
578

579 Mr. Silber - There's no buffer on that side?  
580 Ms. Neaves - None other than the existing, but the proffer does indicate that it will  
581 have to be screened from view from adjacent properties.  
582

583 Mr. Silber - The 50-foot buffer relates to the southwestern property line?  
584

585 Ms. Neaves - Yes, sir, this one right here (referring to screen).  
586

587 Mr. Archer - All right. Are there any further questions? Thank you, Ms. Neaves.  
588 Ms. Freye, would you come forward please.  
589

590 Ms. Freye - Good morning, my name is Gloria Freye and I am an attorney on behalf  
591 of Liberty Property Trust and on behalf of Liberty I want to thank you so very, very much for  
592 giving us this opportunity to try to get these last issues resolved and to be heard today, we  
593 really do appreciate that. We appreciate the staff working til long after hours last night and the  
594 Commission's work on this as well. All of them have been out to the property meeting with  
595 adjacent landowners and with the property owners themselves to help us work with this site. It  
596 is a unique site. The property sits below grade on Carolina Avenue and it also sits below  
597 grade of the Richmond International Raceway, which surrounds it on the northwest and the  
598 south. So, that has presented some challenges and it has also offered some opportunities. On  
599 the aerial you will see that very dark area adjacent to Carolina Avenue on the east, cannot be  
600 disturbed. Most of it is zoned C-1 and that is a drainage area and all that natural vegetation  
601 stays in place. That actually screens the east side of the storage area because that's where the  
602 loading docks are and they are not visible from Carolina Avenue. That's where the truck  
603 trailers are parked.  
604

605 On the clear area to the north, on the aerial, there is natural vegetation and that would not be  
606 disturbed along Carolina Avenue and it would only be in that cleared area where that storage  
607 will take place. The 50-foot buffer that's being provided is wooded along the western property  
608 line, that includes both the northwest and the southwest property line for that 50 feet of natural  
609 vegetation. It is on the southwestern property line that we are supplementing that with the two  
610 staggered rows of evergreens, eight feet in height, and with the fencing. And that was worked  
611 out in agreement at the request of Mr. Fritz, manager of the raceway property. As a matter of  
612 fact, every one of these proffers have been worked out with Mr. Fritz word by word after  
613 being on the site several times with the landowner and looking at the property and looking at  
614 the possible storage areas from his point of view. We discovered on the southern property  
615 line, we would not be able to meet the standard of completely screening and block from view,  
616 which is the standard that's in these proffers, unless we provided landscaping on his property.  
617 An agreement with him that's being negotiated is to put two rows of staggered evergreens on

618 his property on the southern property line and then if required, beyond that to put a fence in  
619 there as well, an opaque fence.

620

621 The reason we worded the proffer “any new fence” is because there is an existing chain-link  
622 fence that sits below grade of that southern property line and so by being, with that bank  
623 behind it, you really don’t see that from Carolina Avenue. You have to kind of look for it  
624 along that parking lot. But, there is very precious little land that would allow us to landscape  
625 on that side of the fence and it really would not be effective for blocking from view, which is  
626 the standard that we are making a commitment in the proffers and a commitment to Mr. Fritz.

627 We are proffering that the screening, the landscaping and the fencing plan would come back to  
628 the Planning Commission for review, and that we will provide line of sight drawing from  
629 every location that Mr. Fritz desires and the staff requires when we submit that to you for your  
630 review and approval. At that time, we will have a better understanding of where the screening  
631 is, where the materials are going to be stored, what’s going to be the best place and the best  
632 manner to screen that, while being held to the standard to completely block from view, not be  
633 visible, from the adjacent property or Carolina Avenue. The reason the landowner is willing  
634 to make that commitment, which is a very strong standard, is that he is the adjacent property  
635 owner across Carolina Avenue. Liberty owns all of those properties on the other side. So his  
636 interest in screening these materials are shared commitments. The concern about this property  
637 is that the proposed tenant honestly has not done a good job of storing the materials in an  
638 organized fashion or screening them at other sites that they have been located at, and that’s  
639 why we came up with eight proffers that deal with screening and fencing and landscaping of  
640 the outside materials. I’ll be glad to answer any questions that I can. As far as the comments  
641 that Ms. Neaves made, the reason that Mr. Fritz was agreeable to the 20 feet behind the  
642 building is because there is a steep bank behind the building. The building itself we think is  
643 about 35 feet, so by saying no higher than the elevation of the lowest roof line, at his elevation  
644 he would not be able to see materials even if they were stored that high, even if they had the  
645 grade come into the bank to change that grade there. So, he does not have a problem with that  
646 height in that location, and he is satisfied with 12 feet in the other location.

647

648 The serpentine fence idea is a good idea and I think it may be one that could work very well,  
649 so that when we do our landscaping plan, fencing plan and screening plan that we submit to  
650 staff and bring back to you, that’s one of the fences we would be glad to consider. We would  
651 ask that you waive the time limits and accept the proffers and recommend that this case go  
652 forward, and we will be glad to continue to work with the staff as we committed to work with  
653 Mr. Fritz between now and the Board of Supervisors to make sure that everyone is in  
654 agreement with the effectiveness of the proffers.

655

656 Mr. Archer - Thank you, Ms. Freye. Are there any questions from the Commission  
657 for Ms. Freye?

658

659 Mrs. Jones - I have a question. Ms. Freye, could you just give me four or five types  
660 of things that will be stored out here?

661

662 Ms. Freye - Yes, ma'am. And we put that in the proffers that we identify the class of  
663 materials as industrial supplies. They are distributors of industrial supplies. PVC piping is  
664 one of the big items that they have. They have other kinds of pipe, rolls and wheels of  
665 electrical wire, pallets, industrial type of materials of that nature.

666

667 Mrs. Jones - I tend to think that these are types of items that cannot be stored very  
668 neatly on an ongoing basis. It's just the nature of the items and the awkwardness in the way  
669 they are made.

670

671 Ms. Freye - On the exhibit that we submitted it does show that the PVC is stacked in  
672 racks. Wheels can be stacked in an organized way. What we don't want is odds and ends of  
673 pieces laying around not in an organized fashion, not in a neat fashion.

674

675 Mrs. Jones - That's my concern.

676

677 Ms. Freye - The standard is the facility, the photograph that I gave you is from one  
678 of their facilities in Atlanta, and that's the standard that they will be held to. The other part of  
679 the letter agreement that Liberty is negotiating with Mr. Fritz is that there will also be  
680 provision in their lease that gives the landlord the authority that if there if it is not kept neat  
681 and orderly, the landlord can go and make that change and correct the problem.

682

683 Mrs. Jones - So, it will be monitored?

684

685 Ms. Freye - Oh, yes, ma'am. And you would have the zoning enforcement under the  
686 Police powers, with the County, and you have the landlord being able to take control.

687

688 Mr. Silber - Ms. Freye, I think you indicated or you implied that there was C-1  
689 zoning on the property or adjacent to it.

690

691 Ms. Freye - Not on the property but adjacent to Carolina Avenue.

692

693 Mr. Silber - But, the C-1 zoning is on the other side of Carolina Avenue?

694

695 Ms. Freye - No, sir, it is on the west side of Carolina Avenue, according to my map.

696

697 Mr. Silber - It looks like the map that shows rezoning, it looks as though the C-1  
698 zoning line runs along... the blue line would be C-1 zoning and your property would be the red  
699 dot. So it looks like there is some M-1 between your property and Carolina Avenue.

700

701 Ms. Freye - So, from your map it looks like Carolina Avenue is in the C-1 District?

702

703 Mr. Silber - Yes. There's nothing on your side of Carolina is zoned C-1. Do you  
704 have any idea how much area that you cross hatch on this exhibit with the acreages? It looks  
705 like it's about a third of the site, about 10 acres?

706

707 Ms. Freye - No, sir, I do not have the calculation on that. I do know that one of  
708 the requirements, when we come back with POD, is to make sure there is more than  
709 adequate parking that's going to be provided, if they get into storing materials in the parking  
710 lot area. What has been expressed to me is there preference is to store first behind the  
711 building then to the north and only get into the parking lot if that becomes necessary  
712 recognizing that there will be construction and expense associated with that.

713

714 Mr. Silber- Shouldn't the cross hatch areas at least reflect the proffers relative to the  
715 buffer areas? It looks as though some of the cross hatch areas go into a proffered area.

716

717 Ms. Freye - It does and that was hastily done and we will be glad to amend that  
718 exhibit to be more accurate.

719

720 Mr. Silber - I think from staff's perspective, members of the Commission, I think that  
721 we recognize that this is primarily an industrial area, it's adjacent to the race way. It is what it  
722 is, but this particular use is seeking M-2 zoning for the purpose of outside storage. Outside  
723 storage is extensive, tall and we don't have any difficulty with M-2 to allow outside storage but  
724 we want to make sure that it doesn't become an eyesore. As you are aware, this area does  
725 have a lot of traffic that comes through here at certain times of the year when there are races.  
726 People come from all over the state and east coast to Henrico County and we want this to  
727 continue to be a site that looks good and not become an eyesore with storage that's visible from  
728 Carolina Avenue. I think Mr. Fritz has been involved from his side and we want to make sure  
729 that it still has the integrity and appearance on the Carolina Avenue side. To me it still looks  
730 like some things here that haven't been totally addressed as far as making sure that we can  
731 address the visibility of the storage areas.

732

733 Mr. Archer - If I can chime in on this, Mr. Secretary. Ms. Freye, as you recall when  
734 we had the zoning meeting, the indication was that we didn't really think that we could get this  
735 ready to go by today and you indicated that you thought you could. To be honest with you, I  
736 think you have done what you have been allowed to do, all the way up until this morning; but,  
737 we talked about having this worked to the point that it could be on the Expedited Agenda and  
738 moving right across. Based on the questions that Mr. Secretary has and the conversation I had  
739 with Ms. Neaves this morning, this was not ready to go on the Expedited Agenda and I'm  
740 having some reservations about approving the proffers. I guess there are ways that they can be  
741 worked with some more conversation to try and get them into a more workable manner, but I  
742 really don't feel comfortable in passing this along to the Board with a recommendation for  
743 approval at this stage. I think, based on what you have done and what's being required of you,  
744 there is a possibility that this can be worked to the point that it can deserve a recommendation,  
745 but I really don't think it is ready to recommend right now with the questions the staff has with  
746 the proffers. And, again, with the constraints that you have on you, I don't know of anything  
747 else that you could have done. Perhaps the owner and Mr. Fritz can get together and iron out  
748 the negotiations that they are working on, which are ongoing, but I think we need to see the  
749 finished product before we can make a recommendation to the Board. And one reason being,

750 they may look at it in a much more sensitive manner than we look at it at this level. If we are  
751 going to go forward with it then I think we would rather have it in a position where we don't  
752 have to have so many reservations for them to go by. So, at this point, and I understand that  
753 you had time constraints, but I don't think we should rush through this to satisfy time  
754 constraints and not get it in a workable manner. I would suggest that you defer this until the  
755 next zoning meeting to try to get some of these problems worked out.  
756

757 Ms. Freye- My client was unable to be here today. I think he would be respectful of  
758 your wishes and the concerns that you have. He has a shared concern that this is done well.  
759 He has an investment to protect as well, so in recognition of that, the client would be  
760 agreeable, I think, to a deferral.  
761

762 Mr. Archer - And, again, I hope you don't feel like you could have done anymore than  
763 you did. I know how hard you worked on this because you made me work hard on it too.  
764

765 Ms. Freye - And I appreciate that very much.  
766

767 Mr. Archer - But I just think that it is not ready to go. Certainly, not to the point that  
768 we could have had it on the Expedited Agenda today and that's what our agreement was. I  
769 think you approached that as hard as you could but you couldn't just quite get there with the  
770 constraints that were placed on you. So with that, I will go on and defer this to our next  
771 zoning meeting. You don't want to go any farther than that?  
772

773 Ms. Freye- No, sir. We would like to get this resolved as soon as we can.  
774

775 Mr. Silber - At the Commission's request.  
776

777 Mr. Archer - Okay, then I will move for deferral of this at the request of the  
778 Commission to the May 11, 2006 meeting.  
779

780 Ms. Freye- Thank you, sir.  
781

782 Mr. Vanarsdall - Second.  
783

784 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
785 The motion passes.  
786

787 The Planning Commission deferred C-21C-06, Liberty Property Trust, to its Rezoning meeting  
788 on May 11, 2006.  
789

790 **PLAN OF DEVELOPMENT & MASTER PLAN**  
791

POD-25-06 **Koontz-Bryant, P.C. for Wilton Development:** Request for  
Riverview Green, Phase One - approval for Phase One of a plan of development and a master  
Greenwood Road plan for future phases as required by Chapter 24, Section, 24-

106 of the Henrico County Code, to construct an age restricted gated community with condominium units in four styles: townhouse, duplex, sixplex and cottages. Phase I consists of 49 units, a community building and associated site work. The 18.08-acre site is located at the intersection of Greenwood Road and Forest Trace Way on parcel 777-773-0724. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Brookland)**

792

793 Mr. Archer - Is there anyone in the audience in opposition to POD-25-06, Riverview  
794 Green, Phase One, in the Brookland District? No opposition. Good morning, Mr. Strauss.

795

796 Mr. Strauss - Good morning, Mr. Chairman, members of the Commission. This is a  
797 request for the approval of a Phase 1, of an age-restricted, gated community, which will  
798 ultimately have up to 361 units. There are 400 maximum units permitted in accordance with the  
799 zoning case that was approved last fall. Phase 1 consists of 49 units only and it is representative  
800 of the various housing types to be constructed throughout the balance of the site, which the  
801 master plan has been submitted for informational purposes. But, after review by staff, we will  
802 not be proceeding to approval of the master plan at this time. Staff has reviewed the architectural  
803 plans for the single-family cottages and these were included in your original packet. At that time  
804 we did not have the architectural plans for the two other units, the plex units, called the Hill units  
805 and the Sixplex units. These architectural plans were received last week after the packets went  
806 out so we are handing them out this morning. We are also handing out a revised plan for Phase  
807 1. This phase includes a clubhouse with an indoor pool. And the revised plan also addresses  
808 several issues that the staff was concerned about, notably the classification or the clarification of  
809 the road width. This road width, this particular 30-foot back to curb, back to curb, should be 36-  
810 foot, back to curb, back to curb and that correction has been made on the revised plan.

811

812 Staff also had a question about the proposed location of an emergency access which by proffer is  
813 required to be located at the time of POD review. The plan we have handed out this morning  
814 indicates an emergency access which will also double as a construction access which is through  
815 the former Duvall property to the west. This property was conveyed to Henrico County's  
816 Department of Recreation & Parks in compliance with the proffers in the rezoning case. There is  
817 also a future emergency access for later phases which will connect to Winfrey Road. This will  
818 be an emergency access only.

819

820 In conclusion, this is the first phase of a project which has many quality assurance proffers  
821 relating to architectural, landscaping, fencing, open space and an amenity in the form of passive  
822 recreation on the Chickahominy River to the north. Staff is recommending approval as stated in  
823 this morning's addendum with the additional conditions and revised plan. Since the revised staff  
824 plan was received last night, a waiver of time is in order for this case, and I'll be happy to answer  
825 any questions you may have. We have representatives from Wilton here and we have several  
826 folks that showed up. It is my understanding that they are not in opposition. We have a couple  
827 who are actually interested in moving there, and we have a neighbor who lives on Forest Trace  
828 Way, he was concerned about construction traffic. I showed him the plan and I don't think he



829 has the same problem he had when he walked in this morning. He has seen the plan and sees  
830 that the construction traffic has been consigned to the west.

831

832 Mr. Archer - Thank you, Mr. Strauss. Are there any questions of Mr. Strauss from  
833 Commission members?

834

835 Mr. Vanarsdall - I don't have any. We worked hard on this until about three o'clock  
836 yesterday afternoon. Thank you for your help on it, Jim.

837

838 Mr. Strauss - Okay.

839

840 Mr. Archer- Are there any further questions? All right, Mr. Vanarsdall.

841

842 Mr. Vanarsdall - I recommend the time limit be waived on POD-25-06, River Green, Phase  
843 One.

844

845 Mr. Branin - Second.

846

847 Mr. Archer- The motion was made by Mr. Vanarsdall and seconded by Mr. Branin to  
848 waive the time limit on this case. All in favor say aye...all opposed say nay. The motion carries.

849

850 Mr. Vanarsdall - And I recommend that POD-25-06, and this is for Phase One only, it does  
851 not include the master plan, Riverview Green, Phase One, be approved with No. 9 amended,  
852 Nos. 24 through 36, Nos. 29 and 32 revised as stated on the addendum and No. 37 added from  
853 the addendum.

854

855 Mr. Branin - Second.

856

857 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.  
858 All in favor say aye...all opposed say nay. The motion passes.

859

860 The Planning Commission approved POD-25-07, Riverview Green, Phase One, subject to the  
861 standard conditions attached to these minutes for developments of this type, the annotations on  
862 the plans and the following additional conditions:

863

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

867 40. The right-of-way for widening of Greenwood Road as shown on approved plans shall be  
868 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
869 dedication plat and any other required information shall be submitted to the County Real  
870 Property Agent at least sixty (60) days prior to requesting occupancy permits.

871 41. The easements for drainage and utilities as shown on approved plans shall be granted to  
872 the County in a form acceptable to the County Attorney prior to any occupancy permits  
873 being issued. The easement plats and any other required information shall be submitted

- 874 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
875 permits.
- 876 42. The developer shall provide fire hydrants as required by the Department of Public  
877 Utilities and Division of Fire.
- 878 43. Prior to issuance of a certificate of occupancy for any building in this development, the  
879 engineer of record shall certify that the site has been graded in accordance with the  
880 approved grading plans.
- 881 44. A standard concrete sidewalk shall be provided along the north side of Greenwood Road.
- 882 45. The proffers approved as a part of zoning case C-37C-05 shall be incorporated in this  
883 approval.
- 884 46. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
885 form acceptable to the County Attorney prior to final approval of the construction plans.
- 886 47. Deviations from County standards for pavement, curb or curb and gutter design shall be  
887 approved by the County Engineer prior to final approval of the construction plans by the  
888 Department of Public Works.
- 889 48. The applicant shall provide a construction phasing and operations plan for approval by  
890 the Director of Planning prior to approval of construction plans.
- 891 49. Insurance Services Office (ISO) calculations must be included with the plans and  
892 contracts and must be approved by the Department of Public Utilities prior to the  
893 issuance of a building permit.
- 894 50. Approval of the construction plans by the Department of Public Works does not establish  
895 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
896 elevations will be set by Henrico County.
- 897 51. The conceptual master plan, as submitted with this application, is for planning and  
898 information purposes only. All subsequent detailed plans of development needed to  
899 implement this conceptual plan shall be submitted for staff review and Planning  
900 Commission approval, and shall be subject to all regulations in effect at the time such  
901 subsequent plans are submitted for review/approval.
- 902 52. The location of all existing and proposed utility and mechanical equipment (including  
903 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
904 shall be identified on the landscape plans. All equipment shall be screened by such  
905 measures as determined appropriate by the Director of Planning or the Planning  
906 Commission at the time of plan approval.
- 907 53. Details for the gate and locking device at the entrance road and emergency access road  
908 shall be submitted for review by the Traffic Engineer, Police and approved by the County  
909 Fire Marshall. The owner or owner's contractor shall contact the County Fire Marshall  
910 prior to completion of the fence installation to test and inspect the operations of the gates.  
911 Evidence of the Fire Marshall's approval shall be provided to the Department of Planning  
912 by the owner prior to issuance of occupancy permits.

913  
914 **PLAN OF DEVELOPMENT**  
915

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

**RK&K Engineers, LLP for Marchetti Properties V, LLC  
and Staples Mill Development Company:** 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-

Staples Mill Road

story, 181,700 square foot community shopping center. The 36.71-acre site is located along the north line of Staples Mill Road (U.S. Route 33) and the west line of Old Staples Mill Road, approximately 340 feet north of their intersection on parcels 768-758-8513 (pt.), 4701, 768-757-2542 (pt.), 769-757-3204, 3723, 5051, 5168, 769-756-3391, 5278 and 6190. The zoning is B-2C, Business District (Conditional) and R-3, One-Family Residence District. County water and sewer. **(Brookland)**

916

917 Mr. Archer - Is there anyone in the audience in opposition to POD-9-06, Staples Mill  
918 Square Shopping Center, in the Brookland District? No opposition. Good morning, Mr. Wilhite.  
919 Mr. Wilhite - Good morning. Staff has had an opportunity to complete its review of the  
920 plan in the packet that you received this morning. Staff annotations appear on the reduced copy,  
921 and also on the addendum on page 5, there is a revised condition and added conditions as well.  
922 This proposed development is adjacent to the existing Staples Mill Plaza Shopping Center.  
923 There will be a connection to the existing shopping center into this development. It's being  
924 anchored by the Target Store which is over 125,000 square feet  
925

926

926 However, regarding staff's comments, we were able to meet with the applicant last week to  
927 discuss them. The portion of the building, the retail store adjacent to the existing Staples Mill  
928 Plaza, does not show the 50-foot setback that's required. The applicant has agreed to either  
929 adjust the building footprint itself or the property line. He is leasing some property to the  
930 adjacent shopping center and by combination of changing building footprint or the property line  
931 he will meet the 50-foot setback requirements. There was a 50-foot buffered proffered under the  
932 rezoning case adjacent to the townhouse development to the north that required a 40-foot natural  
933 buffer, plus a 10-foot landscaped buffer. Staff will need to point out that there is an existing  
934 sanitary sewer line that runs parallel through the buffer and to the extent that additional  
935 landscaping would be necessary, we may be limited in the future to what can be planted in that  
936 area. It is currently overgrown with trees and vegetation. How much we can supplement it, we  
937 are not sure at this point. If access is needed for the utility lines, we could be limited in what  
938 could be planted there.  
939

940

940 The original plan showed six outparcels along Staples Mill Road. The proffers of the zoning  
941 case limited the number to five and one has been eliminated at the very eastern entrance. They  
942 are limited to no more than one outparcel for every 300 feet of frontage along Staples Mill Road.  
943 The applicant is in agreement at this time to eliminating the sixth outparcel. There is a condition  
944 on page 5 of your addendum that deals with an existing sanitary sewer line that's running  
945 through the footprint of where the Target Store would be. This condition requires that the  
946 easement be vacated prior to the issuance of building permits for that building.  
947

948

948 Also, there is a proposed access point to Old Staples Mill Road that is running through land that  
949 the applicant owns but it is currently zoned residential. The applicant intends to file tomorrow a  
950 rezoning case to rezone that property to business zoning and that would allow for the entrance.  
951 Condition No. 40 on your addendum addresses the entrance to be approved administratively if

952 the rezoning is approved and that it will be constructed and completed before any occupancy  
953 permits are issued on this development.

954

955 Condition No. 41 on your addendum addresses a traffic analysis study that is still being reviewed  
956 by both the traffic engineer and the VDOT. At this point, the traffic engineer believes that any  
957 comments coming out of that review are going to be minor as far as impacts to Old Staples Mill  
958 Road, and the applicant has agreed to incorporate any comments the traffic engineer makes into  
959 the plans for signature.

960

961 Condition No. 42 addresses the installation of radio equipment within the Target Store to help  
962 facilitate the County's Emergency Communication System. Comments on the architectural  
963 plans, as shown in the packet, have been submitted to the applicant as well. There are still issues  
964 to be worked out with the architectural plans and the applicant is agreeable to deferring that  
965 portion of the approval for 30 days. Staff is in a position to recommend approval of the site plan  
966 with the added conditions that appear on the addendum. However, we cannot recommend  
967 approval of the architectural plans at this time. I'll be happy to answer any questions you may  
968 have.

969

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

972

973 Mr. Vanarsdall - I don't have any. Kevin was asked to run this through as a fast track and  
974 he has done a good job. Anybody wants to hear from the applicant? All right. I move....

975

976 Mr. Archer - Hold on one second, there's a gentleman in the audience who wants to  
977 speak.

978

979 Man from The Aud. - (Unintelligible)

980

981 Mr. Silber - Staples Mill and Old Staples Mill. It's on the east side of Staples Mill  
982 about a quarter of a mile north of Parham Road.

983

984 Mr. Vanarsdall - It's right beside the Staples Mill Shopping Center that's there now, and the  
985 ice cream place. With that, I will move approval of POD-9-06, Staples Mill Square Shopping  
986 Center, with the revised map, the revised plans and revised condition 29 and added conditions  
987 Nos. 38, 39, 40, 41 and 42 on the addendum. Number 9 amended and Nos. 24 through 38. Last  
988 night.... Number 40 speaks of the Old Staples Mill entrance, and it's in the proffers of the case  
989 that it can have one back there. This piece of property is the only piece not rezoned on there to  
990 do that. I spoke with Bill Axselle last night, he called me, and said he was filing to have that  
991 done this coming Thursday. And we see no reason why that wouldn't go through since the rest  
992 of it is the same thing. So with that, the annotations on the plans, and the standard conditions.  
993 That's my motion. Oh, I have one more motion.

994

995 Mr. Branin - Second.

996

997 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.  
998 All in favor say aye...all opposed say nay. The motion carries. Carry on, Mr. Vanarsdall.  
999

1000 Mr. Vanarsdall - Now, I want to move to defer the architectural plans to the May 24, 2006  
1001 meeting.  
1002

1003 Mr. Branin - Second.  
1004

1005 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin to  
1006 defer the architectural plan for 30 days. All in favor say aye...all opposed say nay. The motion  
1007 carries.  
1008

1009 Mr. Vanarsdall - I have one more comment, and people will be glad to know this,  
1010 particularly people who work over here at the County, the largest building that's going to be in  
1011 this shopping center is the Target.  
1012

1013 The Planning Commission approved POD-9-06, Staples Mill Square Shopping Center, subject to  
1014 the standard conditions attached to these minutes for developments of this type, the annotations  
1015 on the plans and the following additional conditions. The architectural plan was deferred to the  
1016 May 24, 2006 meeting.  
1017

- 1018 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1019 Planning for review and Planning Commission approval prior to the issuance of any  
1020 occupancy permits.
- 1021 24. The right-of-way for widening of Old Staples Mill Road as shown on approved plans  
1022 shall be dedicated to the County prior to any occupancy permits being issued. The right-  
1023 of-way dedication plat and any other required information shall be submitted to the  
1024 County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1025 permits.
- 1026 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
1027 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1028 being issued. The easement plats and any other required information shall be submitted  
1029 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1030 permits.
- 1031 26. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) shall be  
1032 approved by the Virginia Department of Transportation and the County.
- 1033 27. A notice of completion form, certifying that the requirements of the Virginia Department  
1034 of Transportation entrances permit have been completed, shall be submitted to the  
1035 Department of Planning prior to any occupancy permits being issued.
- 1036 28. The developer shall provide fire hydrants as required by the Department of Public  
1037 Utilities and Division of Fire.
- 1038 29. A standard concrete sidewalk shall be provided along the north side of Staples Mill Road  
1039 and the west side of Old Staples Mill Road where the installation of curb and gutter is  
1040 required.
- 1041 30. Outside storage shall not be permitted.

- 1042 31. The proffers approved as a part of zoning cases C-77C-94 and C-35C-97 shall be  
1043 incorporated in this approval.
- 1044 32. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1045 approved by the County Engineer prior to final approval of the construction plans by the  
1046 Department of Public Works.
- 1047 33. Approval of the construction plans by the Department of Public Works does not establish  
1048 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1049 elevations will be set by Henrico County.
- 1050 34. Approval of the construction plans by the Department of Public Works does not  
1051 establish the curb and gutter elevations along the Virginia Department of  
1052 Transportation maintained right-of-way. The elevations will be set by the  
1053 contractor and approved by the Virginia Department of Transportation.
- 1054 35. Evidence of a joint ingress/egress and maintenance agreement must be submitted  
1055 to the Department of Planning and approved prior to issuance of a certificate of  
1056 occupancy for this development.
- 1057 36. The location of all existing and proposed utility and mechanical equipment  
1058 (including HVAC units, electric meters, junction and accessory boxes,  
1059 transformers, and generators) shall be identified on the landscape plans. All  
1060 equipment shall be screened by such measures as determined appropriate by the  
1061 Director of Planning or the Planning Commission at the time of plan approval.
- 1062 37. The ground area covered by all the buildings shall not exceed in the aggregate 25  
1063 percent of the total site area.
- 1064 38. No merchandise shall be displayed or stored outside of the building(s) or on  
1065 sidewalk(s).
- 1066 39. The existing sanitary sewer easement located within the footprint of the proposed  
1067 Target building shall be vacated prior to the approval of a building permit for the  
1068 said building.
- 1069 40. The proposed access drive to Old Staples Mill Road shall not be constructed  
1070 unless rezoning of that portion of the site to a business classification is approved  
1071 by the Board of Supervisors. If the rezoning is approved, construction plans for  
1072 the access drive may be approved administratively and the construction of the said  
1073 drive shall be completed prior to the issuance of any Certificates of Occupancy  
1074 for this development.
- 1075 41. The applicant shall incorporate into the construction plans for signature any  
1076 comments generated by the County's Traffic Engineer from his review of the  
1077 Traffic Impact Study for this development.
- 1078 42. In order to maintain the effectiveness of the County's public safety radio  
1079 communications system within buildings, the owner will install radio equipment  
1080 that would allow for adequate radio coverage within the Target building and  
1081 compliance with the County's emergency communication system shall be  
1082 certified to the County by a communications consultant within ninety (90) days of  
1083 obtaining a certificate of occupancy for any major building or tenant space. The  
1084 County will be permitted to perform communication testing in the building at any  
1085 time.

1086  
1087 **PLAN OF DEVELOPMENT**

1088

POD-19-06  
Bank of America Villa Park  
Operations Center –  
Data Center Expansion

**Draper Aden Associates for Bank of America:** Request for approval of a plan of development as required by Chapter 24, Section, 24-106 of the Henrico County Code, to construct a two-story, 126,033 square foot building addition to the existing bank operations center and associated site work. The 64.507-acre site is located at 8001 Villa Park Drive on parcel 782-754-7981. The zoning is O/SC, Office/Service District (Conditional). County water and sewer. **(Fairfield)**

1089

1090 Mr. Archer - Is there anyone in the audience in opposition to POD-19-06, Bank of  
1091 America Villa Park Operations Center? There's no opposition. Good morning, Mr. Kennedy.

1092 Mr. Kennedy - Good morning, members of the Commission. The applicant has submitted  
1093 revised elevations and site plans indicating they would provide additional screening for loading,  
1094 HVAC and utility equipment in accordance with requirements in the O/S District to satisfy staff's  
1095 concerns about meeting that requirement. The plan details, as I have explained it, will be subject to  
1096 approval by the Director pursuant to the added condition on the addendum, No. 31. Basically, this  
1097 facility is being designed and built concurrently. It is an operation center for Bank of America to  
1098 occupy part of Villa Park's excess parking area. The building itself would be primarily occupied  
1099 by computers and it will have approximately five employees. It will be a very secured building.  
1100 The interest is securing their HVAC and electrical equipment and the loading area is a part of their  
1101 security plan. They are worried more about their data more than we are, and the site is designed  
1102 for 36 hours worth of fuel for the generators. It is a very intricate plan that they are proposing, so  
1103 staff is satisfied that the design will be satisfactory to the Director and to the Planning Commission.  
1104 With that we can recommend approval of the plan, with the other additional condition No. 32,  
1105 having to do with a radio system within the building because it is a secured building and its  
1106 computer equipment would interfere with Police and Fire's radio equipment, and they want to  
1107 make sure that emergency personnel will be able to communicate with each other within the  
1108 building and find anybody should there be a fire. With that we can recommend approval.

1109

1110 Mr. Archer - Thank you, Mr. Kennedy. Is there a need to waive the time limit on the  
1111 revised site plan?

1112

1113 Mr. Kennedy - No, there isn't.

1114

1115 Mr. Archer - Okay. Are there any questions for Mr. Kennedy? Does anyone needs to see  
1116 the applicant, I don't? All right. Thank you, Mr. Kennedy. With that, I will move for approval of  
1117 POD-19-06, Bank of America Villa Park Operations Center, subject to the standard conditions for  
1118 developments of this type, additional conditions Nos. 24 through 30 on the original agenda and  
1119 added conditions Nos. 31 and 32 on the addendum.

1120

1121 Mr. Vanarsdall - Second.

1122

1123 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All  
1124 in favor say aye...all opposed say nay. The motion carries.

1125 The Planning Commission approved POD-19-06, Bank of America Villa Park – Operations Center  
1126 – Data Center Expansion, subject to the standard conditions attached to these minutes for  
1127 developments of this type, the annotations on the plans and the following additional conditions:  
1128

- 1129 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1130 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1131 being issued. The easement plats and any other required information shall be submitted  
1132 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1133 permits.
- 1134 25. The developer shall provide fire hydrants as required by the Department of Public  
1135 Utilities and Division of Fire.
- 1136 26. The proffers approved as a part of zoning case C-87C-86 shall be incorporated in this  
1137 approval.
- 1138 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1139 approved by the County Engineer prior to final approval of the construction plans by the  
1140 Department of Public Works.
- 1141 28. Insurance Services Office (ISO) calculations must be included with the plans and  
1142 contracts and must be approved by the Department of Public Utilities prior to the  
1143 issuance of a building permit.
- 1144 29. Approval of the construction plans by the Department of Public Works does not establish  
1145 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1146 elevations will be set by Henrico County.
- 1147 30. The location of all existing and proposed utility and mechanical equipment (including  
1148 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1149 shall be identified on the landscape plans. All equipment shall be screened by such  
1150 measures as determined appropriate by the Director of Planning or the Planning  
1151 Commission at the time of plan approval.
- 1152 31. The final architectural details for additional screening around loading areas and utility  
1153 and HVAC structures, shall be architecturally compatible with the main structure and  
1154 shall be submitted for review and approval by the Director of Planning, prior to the  
1155 issuance of a building permit.
- 1156 32. In order to maintain the effectiveness of the County’s public safety radio system within  
1157 buildings, the owner will install radio equipment that would allow for adequate radio  
1158 coverage within the building and compliance with the County’s emergency  
1159 communications system shall be certified to the County by a communications consultant  
1160 within ninety (90) days of obtaining a certificate of occupancy for any major building or  
1161 tenant space. The County will be permitted to perform communications testing in the  
1162 building at any time.

1164 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & ALTERNATIVE FENCE**  
1165 **HEIGHT**  
1166

POD-20-06	<b>E. D. Lewis &amp; Associates, P.C. for Keswick, LLC and</b>
Monument Square	<b>Monument Avenue LLC:</b> Request for approval of a plan of
Condominiums – Monument	development, special exception and alternative fence height as
Avenue and Willow Lawn	required by Chapter 24, Sections, 24-2, 24-94(b), 24-95(1)(7)



Drive

and 24-106 of the Henrico County Code, to construct 27, four-story buildings containing 238 condominium units, a clubhouse and pool. The special exception would authorize buildings exceeding 2 ½ stories in height. The alternative fence height would authorize a fence exceeding 42 inches in height in a front yard. The 12.9-acre site is located on the southwest corner of Monument Avenue and Willow Lawn Drive on part of parcel 771-735-5182. The zoning is R-6, General Residence District. County water and sewer. (**Brookland**)

1167

1168 Mr. Archer - Is there anyone in the audience in opposition to POD-20-06, Monument  
1169 Square Condominiums, in the Brookland District? We do have opposition. Sir, can you come  
1170 down to the microphone. Please state your name for the record, sir.

1171 Mr. Lamond - Sure. Bill Lamond. It may not really be anything. I remember they used  
1172 halon to put out fires for computers because unlike other materials it doesn't mess them up, but it  
1173 is very toxic. It is probably not enough to matter, it would probably just vent harmlessly but it  
1174 might be something you might want to look into. It's a big building with five people stuck in it,  
1175 and the last person out the door is going to pull the handle and it is going to dump halon into the  
1176 building to put out the fire.

1177

1178 Mr. Branin - Are you referring to the previous case?

1179

1180 Mr. Lamond - Yes. The bank, the bank site.

1181

1182 Mr. Branin - Okay, got you.

1183

1184 Mr. Jernigan - I thought they weren't using halon any more.

1185

1186 Mr. Lamond - Oh, really. That's cool.

1187

1188 Mr. Jernigan - I know there was some discussion about that but we can ask somebody  
1189 from Fire and find out. But, I don't think we have anyone here from Fire at this time.

1190

1191 Mr. Vanarsdall - Do you know anything about that, Mr. Theobald?

1192

1193 Mr. Theobald - No, sir. That was the last case.

1194

1195 Mr. Lamond - Oh, sorry about that.

1196

1197 Mr. Silber - What we can do...thank you for your comments. We will pass this on to  
1198 our Division of Fire and have them look into that.

1199

1200 Mr. Lamond - Okay. Thank you.

1201

1202 Mr. Vanarsdall - We will find out for you. Thank you.

1203

1204 Mr. Archer - Okay. We were asking for opposition for POD-20-06, Monument Square  
1205 Condominiums, and I don't there wasn't any. Go ahead, Mr. Kennedy.

1206  
1207 Mr. Kennedy - Monument Square Condominiums is a proposed 238-unit condominium  
1208 project occupying the majority of the block bounded by Monument Avenue, Byrd Street, Wythe  
1209 Avenue, and Willow Lawn Drive. Ninety-five of the units would be four story townhouse style  
1210 units and the remaining 143 units would be flats with 13 units in each of the 11 four-story  
1211 mansion style buildings. The Project would have a two-story, 4800 square foot clubhouse with  
1212 an outdoor pool. The subject property is zoned R-6, General Residence District and was  
1213 previously occupied by the Keswick Apartment Complex, which was demolished by the  
1214 developer in contemplation of this project. The proposed development would result in the  
1215 construction of 19.51 units per acre. The R-6 District permits the construction of a maximum of  
1216 19.8 dwelling units per acre. Since the property was previously occupied by multi-family  
1217 housing it is exempt from the multi-family design standards. The proposed development is of  
1218 high quality. There are a lot of elevations contained in the packet and floor plans. I could go  
1219 through them but I think you have seen them but they are very high quality for what they are  
1220 doing. Each townhouse unit would have two individual garage spaces, there would be 162  
1221 additional garage spaces associated with the mansion style flat units in the mansion buildings and  
1222 there would be 140 surface parking spaces provided. If you will recall, Keswick Gardens didn't  
1223 much parking on site so this would be in excess of that and they would have the availability of  
1224 on street parking for that as well, since this is a kind of urban type of development.

1225  
1226 Monument Avenue is designated as a major arterial and Willow Lawn Drive is designated as a  
1227 major collector on the 2010 Major Thoroughfare Plan. Both streets have been constructed to  
1228 their ultimate widths. Major thoroughfare setbacks have been provided, and sidewalks will be  
1229 maintained along all four street frontages and they will provide street trees as well. It will be a  
1230 nice development.

1231  
1232 The plan satisfies the applicable zoning requirements and multi-family design standards and  
1233 guidelines. The project has high quality architectural design, recreational amenities, underground  
1234 utilities, sidewalks adjacent to all buildings and the site will be secured by a combination of brick  
1235 walls, brick retaining walls and decorative metal picket fences. The developer has indicated that  
1236 the landscaping would be of similar high quality and has indicated that street trees will be  
1237 provided along the abutting streets. The facades of the buildings would be primarily masonry  
1238 excluding openings or features. Facades facing public streets would be brick excluding openings  
1239 or features

1240  
1241 Due to the flood plain along Willow Lawn Drive, a retaining wall would be constructed to  
1242 protect the units fronting along Willow Lawn Drive. The retaining wall would be approximately  
1243 6.7 feet above grade with a 3.75-foot high decorative metal picket safety fence on top of it.  
1244 Since the safety fence would exceed 42 inches above the upper grade, an alternative fence height  
1245 would be required. That is actually recommended by staff. It is actually only a couple of inches  
1246 higher, but it does exceed the 42 inches requirement in the front yard of that section of the street.

1247  
1248 A special exception is required to permit construction of a building in excess of 2½ stories. Due  
1249 to the proposed high quality redevelopment of this property, staff has no objection to the

1250 proposed exception request. We do recommend the conditions that we typically recommend  
1251 with exceptions, those being fire sprinkler systems, to meet Fire Safety requirements and the 50-  
1252 year roofs because we want to make sure that they are maintained. Once you get over two and a  
1253 half stories it's hard to maintain those roofs, and the developers agree to those two conditions.  
1254 With that, we can recommend approval of the POD, the ultimate fence height and the special  
1255 exception. Mr. Theobald is here to represent the developer and the engineer is here to answer  
1256 any questions should you have any.

1257  
1258 Mr. Archer - Thank you, Mr. Kennedy. Are there any questions for Mr. Kennedy by  
1259 Commission members?  
1260

1261 Mr. Vanarsdall - I don't know if there is anything else I can ask him. But, I would like for  
1262 you to tell the rest of the Commissioners about the last three emails you got.

1263 Mr. Kennedy - My last three emails were people requesting information on how to  
1264 purchase these units.  
1265

1266 Mr. Vanarsdall - They have 238 units and have 500 and some people already signed up for  
1267 them. If there are no questions, I'm ready for a motion.  
1268

1269 Mr. Archer - Okay. I think we will need three separate motions, is that right, Mr.  
1270 Secretary?  
1271

1272 Mr. Silber - Either that or you can mention in the motion each of these three items.  
1273

1274 Mr. Archer - Nobody wants to ask Mr. Theobald anything?  
1275

1276 Mr. Vanarsdall - I'm going to start with the motion for the alternative fence height. I  
1277 recommend the alternative fence height be approved.  
1278

1279 Mr. Jernigan - Second.  
1280

1281 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan to  
1282 approve the alternative fence height. All in favor say aye...all opposed say nay. The motion  
1283 carries.  
1284

1285 Mr. Vanarsdall - That fence says metal, picket fence, which it is. It's aluminum, wrought  
1286 iron type with brick columns and I move that the special exception for the building height be  
1287 approved.  
1288

1289 Mrs. Jones - Second.  
1290

1291 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Jones to  
1292 approve the Special Exception for building height. All in favor say aye...all opposed say nay.  
1293 The motion carries.  
1294

1295 Mr. Vanarsdall - Now for the plan of development. I move POD-20-06, Monument Square  
1296 Condominiums, be approved with the annotations on the plans, the standard conditions for  
1297 developments of this type, additional conditions Nos. 24 through 35 and on the addendum, No.  
1298 36 being added. Mr. Kennedy did a good job on this and he said he thought the 50-year roof  
1299 would be good on it. Thank you.

1300

1301 Mrs. Jones - Second.

1302

1303 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Jones to  
1304 approve POD-20-06, Monument Square Condominiums. All in favor say aye...all opposed say  
1305 nay. The motion carries.

1306

1307 Mr. Vanarsdall - I would also like to say that this is one of the brightest spots that has come  
1308 down Monument Avenue lately. This used to be the Keswick Gardens, a lot of people will  
1309 remember, and it went down, down, down, and now it's gone and they are going to put  
1310 something back there that's really terrific. Thank you, Mr. Theobald, for not having to speak.

1311

1312 The Planning Commission approved POD-20-06, Monument Square Condominiums, subject to  
1313 the standard conditions attached to these minutes for developments of this type, the annotations  
1314 on the plans and the following additional conditions:

1315

1316 24. The right-of-way for widening of Wythe Avenue as shown on approved plans shall be  
1317 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1318 dedication plat and any other required information shall be submitted to the County Real  
1319 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1320 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
1321 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1322 being issued. The easement plats and any other required information shall be submitted  
1323 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1324 permits.

1325 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1326 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
1327 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
1328 easement shall be granted to the County prior to the issuance of any occupancy permits.

1329 27. The developer shall provide fire hydrants as required by the Department of Public  
1330 Utilities and Division of Fire.

1331 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1332 form acceptable to the County Attorney prior to final approval of the construction plans.

1333 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1334 approved by the County Engineer prior to final approval of the construction plans by the  
1335 Department of Public Works.

1336 30. Insurance Services Office (ISO) calculations must be included with the plans and  
1337 contracts and must be approved by the Department of Public Utilities prior to the  
1338 issuance of a building permit.

- 1339 31. Approval of the construction plans by the Department of Public Works does not establish  
 1340 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 1341 elevations will be set by Henrico County.
- 1342 32. The location of all existing and proposed utility and mechanical equipment (including  
 1343 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 1344 shall be identified on the landscape plans. All equipment shall be screened by such  
 1345 measures as determined appropriate by the Director of Planning or the Planning  
 1346 Commission at the time of plan approval.
- 1347 33. The unit house numbers shall be visible from the parking areas and drives.
- 1348 34. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
 1349 Regional Planning District Commission and such names shall be included on the  
 1350 construction plans prior to their approval. The standard street name signs shall be ordered  
 1351 from the County and installed prior to any occupancy permit approval.
- 1352 35. All residential buildings shall have fire sprinkler systems in accordance with the  
 1353 requirements of the Fire Marshall.
- 1354 36. All residential building roofs shall be finished with shingles having a 50-year and 110-  
 1355 MPH warranty.

1356  
 1357 **PLAN OF DEVELOPMENT**  
 1358

POD-21-06 **Timothy L. Rohmoser for Gibson M. Wright:** Request for  
 Townsend Subdivision - approval of a plan of development as required by Chapter 24,  
 Zero Lot Lines Section, 24-106 of the Henrico County Code, to construct 43 single-  
 family homes with zero lot lines. The 23.7-acre site is located on the  
 west line of Francistown Road to the rear of 5180 Francistown Road  
 abutting the south side of Echo Lake Elementary School on parcels  
 759-767-5161, 2638, 6934, 6516; 758-767-8413 and on part of 759-  
 768-2312. The zoning is R-5A, General Residence District. County  
 water and sewer. **(Brookland)**

1359  
 1360 Mr. Archer - Is there anyone in the audience in opposition to POD-21-06, Townsend  
 1361 Subdivision – Zero Lot Lines, in the Brookland District? No opposition. Good morning, Mr.  
 1362 McGarry.

1363  
 1364 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. There were  
 1365 three outstanding issues including the review of a revised site plan, the landscape plan and  
 1366 architectural drawings for a dwelling with a rear entry garage. Copies of each of these were included in  
 1367 your packet, however you are being handed a revised plan with staff's annotations. All the proffers  
 1368 relating to the site layout are met. Revisions include provision of relocation of proffered internal  
 1369 sidewalks and a four-foot raised boardwalk within the common area along with a pedestrian path,  
 1370 that's an annotation. Lot No. 11 has been revised to provide a continuous common area as  
 1371 contemplated in the proffered layout. That's the only change of significance on the revised plan.

1372  
 1373 The landscape plan is a copy of the landscape plan that was submitted with the rezoning case. The  
 1374 plan does not show utility easements, so the Department of Utilities was unable to complete its  
 1375 review. Staff recommends that the landscape plan be submitted with the fence details, required by

1376 proffers for the Planning Commission's review and approval prior to construction plan approval.  
1377 That would be number 9 amended. Finally, sheet No. 9 in your packet, contains the floor plan for  
1378 a dwelling with a rear entry garage, which is required. Staff recommends the revised plan in your  
1379 handout be approved subject to the annotations on the plan, the standard conditions for  
1380 developments of this type, the additional conditions listed on the agenda, Nos. 24 thru 31 and the  
1381 following additional conditions on the addendum which include No. 9 amended and revised and  
1382 Nos. 32 through 36. I'll be happy to answer any questions.

1383  
1384 Mr. Archer - Thank you, Mr. McGarry. Are there any questions by the Commission?

1385  
1386 Mr. Vanarsdall - What were the added conditions?

1387  
1388 Mr. McGarry - They were Nos. 32 through 36, on the addendum.

1389  
1390 Mr. Vanarsdall - Thank you. Are there any questions by Commission members, Mr.  
1391 Chairman?

1392  
1393 Mr. Archer - I asked and nobody responded, Mr. Vanarsdall.

1394  
1395 Mr. Vanarsdall- I like the way you wrote this out, and I would also like to compliment  
1396 Mike Kennedy, the way he wrote it out, it is less confusing the way he wrote it out.

1397  
1398 Mr. McGarry - Thank you.

1399  
1400 Mr. Vanarsdall - I move POD-21-06, Townsend Subdivision – Zero Lot lines be approved,  
1401 with the annotations on the plans, the standard conditions for developments of this type, the  
1402 following conditions on the addendum No. 9 amended and revised, Nos. 32 through 36 and Nos.  
1403 24, 25, 26, 27, 28, 29, 30 and 31. Do I have to waive the time limit?

1404  
1405 Mr. McGarry - No, you do not.

1406  
1407 Mr. Vanarsdall - All right. That is the end of my motion.

1408  
1409 Mr. Jernigan - Second.

1410  
1411 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.  
1412 All in favor say aye...all opposed say nay. The motion carries.

1413  
1414 The Planning Commission approved POD-21-06, Townsend Subdivision – Zero Lot Lines, subject  
1415 to the standard conditions attached to these minutes for developments of this type, the annotations  
1416 on the plans and the following additional conditions:

1417  
1418 9. **AMENDED & REVISED-** A detailed landscaping plan shall be submitted to the  
1419 Department of Planning for review and approval prior to **construction plan approval**.

1420 24. The developer shall provide fire hydrants as required by the Department of Public  
1421 Utilities and Division of Fire.

- 1422 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1423 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1424 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1425 approved by the County Engineer prior to final approval of the construction plans by the  
1426 Department of Public Works.
- 1427 27. Insurance Services Office (ISO) calculations must be included with the plans and  
1428 contracts and must be approved by the Department of Public Utilities prior to the  
1429 issuance of a building permit.
- 1430 28. Approval of the construction plans by the Department of Public Works does not establish  
1431 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1432 elevations will be set by Henrico County.
- 1433 29. Prior to issuance of a certificate of occupancy for any building in this development, the  
1434 engineer of record shall certify that the site has been graded in accordance with the  
1435 approved grading plans.
- 1436 30. A standard concrete sidewalk shall be provided along the west side of Francistown Road  
1437 and all interior roads.
- 1438 31. The proffers approved as a part of zoning cases C-61C-04 and C-82C-05 shall be  
1439 incorporated in this approval.
- 1440 32. Roof edge ornamental features that extend over the zero lot line, and which are permitted  
1441 by Section 24-95(i)(1), must be authorized in the covenants.
- 1442 33. Eight-foot easements for construction, drainage, and maintenance access for abutting lots  
1443 shall be provided and shown on the POD plans.
- 1444 34. Building permit requests for individual dwellings shall each include two (2) copies of a  
1445 layout plan sheet as approved with the plan of development. The developer may utilize  
1446 alternate building types providing that each may be located within the building footprint  
1447 shown on the approved plan. Any deviation in building footprint or infrastructure shall  
1448 require submission and approval of an administrative site plan.
- 1449 35. Windows on the zero lot line side of the dwelling can only be approved with an exception  
1450 granted by the Building Official and the Director of Planning during the building permit  
1451 application process.
- 1452 36. All lots fronting Francistown Road shall be accessed by a twenty-foot access strip that  
1453 shall be built to Henrico County public roads standards, including curb and gutter, except  
1454 pavement width. County road standards shall include proper compaction of the sub-base  
1455 soils, utility trenches, base stone and asphalt surface. Prior to the issuance of any  
1456 certificates of occupancy for any homes served by the strip, the applicant shall provide  
1457 the Planning Department with a certification from a licensed engineer indication that the  
1458 access strip was designed and constructed in accordance with County standards. The  
1459 pavement shall be warranted for a period of three years from the issuance of the last  
1460 certificate of occupancy for any home served by the strip.

1461  
1462 **PLAN OF DEVELOPMENT**  
1463

POD-22-06  
The Shops @ Twin Hickory  
Shopping Center  
11350 Nuckols Road

**Jordan Consulting Engineers and Ukrop's Super Markets, Inc.:** Request for approval of a plan of development as required by Chapter 24, Section, 24-106 of the Henrico County Code, to construct a two phase shopping center. Phase I consists of two, one-story retail buildings at 22,950 square feet and 10,800 square feet and a two-story, 59,287 square foot grocery store. Phase II consists of a 8,100 square foot retail building. The 14.94-acre site is located on the east line of Nuckols Road between Twin Hickory Road and Wyndham Forest Drive on parcel 746-773-8345. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

1464

1465 Mr. Archer - Is there anyone in the audience in opposition to POD-22-06, The Shops @  
1466 Twin Hickory Shopping Center, in the Three Chopt District? No opposition. Ms. Goggin, good  
1467 morning, again.

1468

1469 Ms. Goggin - Staff has received revised architectural elevations, which are being handed  
1470 out to you, that provide additional architectural details along the rear of both the Ukrop's and  
1471 retail buildings.

1472

1473 The view of the rear of the shopping center has been a concern for both the area's residents and  
1474 staff. To help screen the rear of the Ukrop's, the applicant proffered to build a 6' berm with  
1475 landscaping on the eastern property line.

1476

1477 The applicant also proffered a 100' setback from both the southern and eastern property lines. In  
1478 addition to that 100-foot setback, on the southern property line, they also proffered 8 to 10 foot  
1479 Leyland Cypress or equivalent evergreen screen tree that would be planted 8' to 10' on center  
1480 along Twin Hickory Road and the berm. The evergreen screening is in addition to the required  
1481 transitional buffers which are annotated on your staff plans.

1482

1483 Staff requested and the applicant has provided additional architectural features along the rear  
1484 building elevations including solid courses and raised pilasters carried from the existing  
1485 Walgreens that's located southwest of the site. The applicant has also agreed to copy the gable  
1486 detail along the front and side of the buildings to the ends of elevations E & F where the retail  
1487 buildings are separated. Staff would like to see the feature shifted towards the openings between  
1488 the buildings. You will have to look at the plan, it's hard to explain. Right now they are offered  
1489 at the rear, inside elevations E and F that back away from the opening. But, as of this morning,  
1490 the applicant has agreed to shift them toward the opening as annotated on the plan.

1491

1492 Should the commission choose to approve this plan, staff recommends approval of the annotated  
1493 plans, the revised annotated architectural and conditions 24-42 in the agenda.

1494 Jack Shady, the project's architect, is here to answer any architectural questions the Commission  
1495 may have and John Jordan from Jordan Engineering is here as well, and I will be happy to  
1496 answer any questions as well.

1497



1498 Mr. Archer - Thank you, Ms. Goggin. Are there any questions of Ms. Goggin by  
1499 Commission members? All right. Mr. Branin, would you like to hear from the applicant?

1500  
1501 Mr. Branin - I don't, but if any of the other Commissioners would like too? Well then,  
1502 I would like to make my motion, Mr. Chairman. Mr. Chairman, I would like to move POD-22-  
1503 06, The Shops @ Twin Hickory Shopping Center, be approved per staff's recommendation with  
1504 the annotations on the plans and the annotations on the architectural plans including added  
1505 conditions Nos. 24 thru 42.

1506  
1507 Mr. Vanarsdall - Second.

1508  
1509 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.  
1510 All in favor say aye...all opposed say nay. The motion carries.

1511  
1512 The Planning Commission approved POD-22-06, The Shops @ Twin Hickory Shopping Center,  
1513 subject to the standard conditions attached to these minutes for developments of this type, the  
1514 annotations on the plans, and the following additional conditions:

- 1515  
1516 24. The right-of-way for widening of Nuckols Road as shown on approved plans shall be  
1517 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1518 dedication plat and any other required information shall be submitted to the County Real  
1519 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1520 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
1521 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1522 being issued. The easement plats and any other required information shall be submitted  
1523 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1524 permits.
- 1525 26. The developer shall provide fire hydrants as required by the Department of Public  
1526 Utilities and Division of Fire.
- 1527 27. A standard concrete sidewalk shall be provided along the north side of Twin Hickory  
1528 Road and the south side of Wyndham Forest Drive.
- 1529 28. Employees shall be required to use the parking spaces provided at the rear of the  
1530 building(s) as shown on the approved plans.
- 1531 29. Outside storage shall not be permitted.
- 1532 30. The proffers approved as a part of zoning case C-10C-04 shall be incorporated in this  
1533 approval.
- 1534 31. The developer shall install an adequate restaurant ventilating and exhaust system to  
1535 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
1536 included with the building permit application for review and approval. If, in the opinion  
1537 of the County, the type system provided is not effective, the Commission retains the  
1538 rights to review and direct the type of system to be used.
- 1539 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1540 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1541 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1542 approved by the County Engineer prior to final approval of the construction plans by the  
1543 Department of Public Works.

- 1544 34. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of  
1545 the Henrico County Code.
- 1546 35. In the event of any traffic backup which blocks the public right-of-way as a result of  
1547 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up  
1548 facilities until a solution can be designed to prevent traffic backup.
- 1549 36. Insurance Services Office (ISO) calculations must be included with the plans and  
1550 contracts and must be approved by the Department of Public Utilities prior to the  
1551 issuance of a building permit.
- 1552 37. Approval of the construction plans by the Department of Public Works does not establish  
1553 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1554 elevations will be set by Henrico County.
- 1555 38. The conceptual master plan, as submitted with this application, is for planning and  
1556 information purposes only. All subsequent detailed plans of development and  
1557 construction plans needed to implement this conceptual plan may be administratively  
1558 reviewed and approved and shall be subject to all regulations in effect at the time such  
1559 subsequent plans are submitted for review/approval.
- 1560 39. The location of all existing and proposed utility and mechanical equipment (including  
1561 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1562 shall be identified on the landscape plans. All equipment shall be screened by such  
1563 measures as determined appropriate by the Director of Planning or the Planning  
1564 Commission at the time of plan approval.
- 1565 40. Only retail business establishments permitted in a B-2 zone may be located in this center.
- 1566 41. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent  
1567 of the total site area.
- 1568 42. No merchandise shall be displayed or stored outside of the building(s) or on the  
1569 sidewalk(s).

1570

1571 Mr. Silber - That concludes the plans on the agenda. We do have one discussion item  
1572 and we have the approval of the minutes. We will take action on the minutes first and these  
1573 would be the minutes from the March 22, 2006 meeting.

1574

1575 Mr. Archer - I do have one correction and it's on the first page. Mr. Vanarsdall was  
1576 identified as Chairman and I was identified as Vice-Chairman and Mr. Branin has no standing at  
1577 all. I'm quite sure it was just an oversight. That's all I have.

1578

1579 Mrs. Jones - I previously submitted some changes.

1580

1581 Mr. Silber - Okay. Thank you.

1582

1583 Mr. Archer - Is there a motion for approval?

1584

1585 Mrs. Jones - So moved.

1586

1587 Mr. Jernigan - Second.

1588

1589 Mr. Archer - The motion was made by Mrs. Jones and seconded by Mr. Jernigan to  
1590 approve the minutes for the March 22, 2006, meeting with the noted changes. All in favor say  
1591 aye...all opposed say nay. The motion carries.

1592  
1593 The Planning Commission approved the March 22, 2006 meeting minutes as corrected.

1594  
1595 Mr. Silber - The last item on your agenda, it was added, as listed on your addendum, is  
1596 a discussion item to consider a work session to discuss several Chapters of the Comprehensive  
1597 Plan Update. This is Comprehensive Plan 2026. We would like to have a few minutes to review  
1598 with you Chapters 1 through 5 and Chapters 8 and 11. We are recommending this be done prior  
1599 to your Rezoning Hearing on May 11. We believe we can start the work session at 5:45 p.m.,  
1600 feed you dinner, and still have you down here by 7:00 p.m. for the public hearing.

1601  
1602 **DISCUSSION ITEM: 2026 COMPREHENSIVE PLAN:** The Commission will discuss  
1603 scheduling a work session to review the drafts of Chapters 1-5, 8 and 11 of the comprehensive  
1604 plan update on May 11, 2006 at 5:45 p.m.

1605  
1606 Mr. Archer - All right, Commission members, what is your pleasure?

1607  
1608 Mr. Vanarsdall - I for one have no problems with that.

1609  
1610 Mrs. Jones - I have no problems with it, and I am questioning if it is long enough to go  
1611 over what we need to discuss.

1612  
1613 Mr. Silber - Yes.

1614  
1615 Mr. Archer - That gives us an hour and fifteen minutes.

1616  
1617 Mr. Silber - Now, if you are concerned about that, we could start it at 5:30 p.m. to  
1618 make sure you have plenty of time to review it. We believe that the staff will need about 15  
1619 minutes to present this information and if you have questions or comments it may take a few  
1620 minutes and that will give you about 45 minutes to eat and come down here.

1621  
1622 Mrs. Jones - Okay.

1623  
1624 Mr. Silber - If you are concerned about more time, we will be glad to start it at 5:30  
1625 p.m., or whatever times you want.

1626  
1627 Mrs. Jones - I tend to be wordy so I felt 5:30 p.m. might work, but we'll see.

1628  
1629 Mr. Silber - Do any of the other Commissioners have any comments on the time?

1630  
1631 Mr. Jernigan - What time is it starting, now?

1632  
1633 Mr. Silber - We are proposing 5:45 p.m. but Mrs. Jones felt we should start earlier.

1634

1635 Mr. Jernigan - Five thirty is fine with me.  
1636  
1637 Mr. Vanarsdall - Five thirty is fine with me. You can make it 5:00 p.m. if you want too.  
1638  
1639 Mr. Silber - Okay. We can make it 5:30 p.m. That may provide time for you to  
1640 leisurely eat your dinner and finish your desserts.  
1641  
1642 Mr. Archer - Then 5:30 p.m. it is.  
1643  
1644 Mr. Silber - We will need a motion to set a work session.  
1645  
1646 Mr. Vanarsdall - I move to set the work session on May 11, 2006, at 5:30 p.m.  
1647  
1648 Mr. Jernigan - Second.  
1649  
1650 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan to  
1651 set the work session for the 2026 Comprehensive Plan on May 11, 2006 at 5:30 p.m. All in favor  
1652 say aye...all opposed say nay. The motion carries.  
1653  
1654 Mr. Vanarsdall - It will be held in the Manager's Conference Room on the third floor,  
1655 right?  
1656  
1657 Mr. Silber - Yes, sir.  
1658  
1659 Mr. Archer - All right, is there any further business to bring before the Commission?  
1660 Hearing none, this meeting is adjourned.  
1661  
1662 Mr. Jernigan - Second.  
1663  
1664 On a motion by Mr. Archer and seconded by Mr. Jernigan, the Planning Commission adjourned  
1665 its April 19, 2006 meeting at 10:33 a.m.  
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C. W. Archer, C.P.C., Chairman  
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Randall R. Silber, Secretary  
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